

An Act

ENROLLED HOUSE
BILL NO. 1059

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Hader, Roberts (Eric),
Sims, Caldwell (Trey),
Patzkowsky, Roe, Burns and
Ford of the House

and

Garvin and Bergstrom of the
Senate

An Act relating to motor vehicles; amending 47 O.S. 2011, Section 6-101, as last amended by Section 2, Chapter 314, O.S.L. 2019 (47 O.S. Supp. 2020, Section 6-101), which relates to class requirements for motor vehicles; deleting provision allowing certain permit holders to take certain skills examination without training; allowing motor license agents to process certain voluntary license downgrade; deleting language disallowing motor license agents to perform document recognition and other requirements for certain licenses; amending 47 O.S. 2011, Section 6-105.3, as last amended by Section 2, Chapter 1, O.S.L. 2017 (47 O.S. Supp. 2020, Section 6-105.3), which relates to the issuance of identification cards; allowing motor license agents to issue certain identification cards; requiring licensee comply with certain documentation requirements; restricting the number of application and possession for certain identification card; amending 47 O.S. 2011, Section 6-110, as last amended by Section 1, Chapter 395, O.S.L. 2019 (47 O.S. Supp. 2020, Section 6-110), which relates to the examination of applicants; modifying certain fee; requiring certain applicants, examiners and instructors to submit to a nationwide criminal history check; requiring fees for criminal

history check be borne by certain applicants, examiners and instructors; and declaring an emergency.

SUBJECT: Motor vehicles

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-101, as last amended by Section 2, Chapter 314, O.S.L. 2019 (47 O.S. Supp. 2020, Section 6-101), is amended to read as follows:

Section 6-101. A. No person, except those hereinafter expressly exempted in Sections 6-102 and 6-102.1 of this title, shall operate any motor vehicle upon a highway in this state unless the person has a valid Oklahoma driver license for the class of vehicle being operated under the provisions of this title. No person shall be permitted to possess more than one valid license at any time, except as provided in paragraph 4 of subsection F of this section.

B. 1. No person shall operate a Class A commercial motor vehicle unless the person is eighteen (18) years of age or older and holds a valid Class A commercial license, except as provided in paragraph 5 of this subsection and subsection F of this section. Any person holding a valid Class A commercial license shall be permitted to operate motor vehicles in Classes A, B, C and D, except as provided for in paragraph 4 of this subsection.

2. No person shall operate a Class B commercial motor vehicle unless the person is eighteen (18) years of age or older and holds a valid Class B commercial license, except as provided in paragraph 5 of subsection F of this section. Any person holding a valid Class B commercial license shall be permitted to operate motor vehicles in Classes B, C and D, except as provided for in paragraph 4 of this subsection.

3. No person shall operate a Class C commercial motor vehicle unless the person is eighteen (18) years of age or older and holds a valid Class C commercial license, except as provided in subsection F of this section. Any person holding a valid Class C commercial license shall be permitted to operate motor vehicles in Classes C and D, except as provided for in paragraph 4 of this subsection.

4. No person under twenty-one (21) years of age shall be licensed to operate any motor vehicle which is required to be placarded for hazardous materials pursuant to 49 C.F.R., Part 172, subpart F, except as provided in subsection F of this section; provided, a person eighteen (18) years of age or older may be licensed to operate a farm vehicle which is required to be placarded for hazardous materials pursuant to 49 C.F.R., Part 172, subpart F, except as provided in subsection F of this section.

5. A person at least seventeen (17) years of age who successfully completes all examinations required by law may be issued by the Department:

- a. a restricted Class A commercial license which shall grant to the licensee the privilege to operate a Class A or Class B commercial motor vehicle for harvest purposes or a Class D motor vehicle, or
- b. a restricted Class B commercial license which shall grant to the licensee the privilege to operate a Class B commercial motor vehicle for harvest purposes or a Class D motor vehicle.

6. No person shall operate a Class D motor vehicle unless the person is sixteen (16) years of age or older and holds a valid Class D license, except as provided for in Section 6-102 or 6-105 of this title. Any person holding a valid Class D license shall be permitted to operate motor vehicles in Class D only.

C. Any person issued a driver license pursuant to this section may exercise the privilege thereby granted upon all streets and highways in this state.

D. No person shall operate a motorcycle or motor-driven cycle without having a valid Class A, B, C or D license with a motorcycle endorsement. Except as otherwise provided by law, any new applicant for an original driver license shall be required to successfully complete a written examination, vision examination, and driving examination for a motorcycle as prescribed by the Department of Public Safety, and a certified state-approved motorcycle basic rider course approved by the Department if the applicant is seventeen (17) years of age or younger to be eligible for a motorcycle endorsement thereon. The written examination and driving examination for a motorcycle shall be waived by the Department of Public Safety upon verification that the person has successfully completed a certified

Motorcycle Safety Foundation rider course approved by the Department.

E. Except as otherwise provided by law, any person who lawfully possesses a valid Oklahoma driver license which is eligible for renewal shall be required to successfully complete a written examination, vision examination, and driving examination for a motorcycle as prescribed by the Department, and a certified state-approved motorcycle basic rider course approved by the Department if the person is seventeen (17) years of age or younger to be eligible for a motorcycle endorsement. The written examination and driving examination for a motorcycle shall be waived by the Department of Public Safety upon verification that the person has successfully completed a certified Motorcycle Safety Foundation rider course approved by the Department.

F. 1. Any person eighteen (18) years of age or older may apply for a restricted Class A, B or C commercial learner permit. The Department, after the applicant has passed all parts of the examination for a Class D license and has successfully passed all parts of the examination for a Class A, B or C commercial license other than the driving examination, may issue to the applicant a commercial learner permit which shall entitle the person having immediate lawful possession of the commercial learner permit and a valid Oklahoma driver license or provisional driver license pursuant to Section 6-212 of this title to operate a Class A, B or C commercial motor vehicle upon the public highways solely for the purpose of behind-the-wheel training in accordance with rules promulgated by the Department.

2. This commercial learner permit shall be issued for a period as provided in Section 6-115 of this title of one hundred eighty (180) days, which may be renewed one time for an additional one hundred eighty (180) days; provided, such commercial learner permit may be suspended, revoked, canceled, denied or disqualified at the discretion of the Department for violation of the restrictions, for failing to give the required or correct information on the application, or for violation of any traffic laws of this state pertaining to the operation of a motor vehicle. Except as otherwise provided, the lawful possessor of a commercial learner permit who has been issued a commercial learner permit for a minimum of fourteen (14) days may have the restriction requiring an accompanying driver removed by satisfactorily completing a driver's examination; provided, the removal of a restriction shall not

authorize the operation of a Class A, B or C commercial motor vehicle if such operation is otherwise prohibited by law.

3. No person shall apply for and the Department shall not issue an original Class A, B or C driver license until the person has been issued a commercial learner permit and held the permit for at least fourteen (14) days. Any person who currently holds a Class B or C license and who wishes to apply for another class of commercial driver license shall be required to apply for a commercial learner permit and to hold the permit for at least fourteen (14) days before applying for the Class A or B license, as applicable. Any person who currently holds a Class A, B or C license and who wishes to add an endorsement or remove a restriction for which a skills examination is required shall be required to apply for a commercial learner permit and to hold the permit for at least fourteen (14) days before applying for the endorsement.

4. A commercial learner permit shall be issued by the Department as a separate and unique document which shall be valid only in conjunction with a valid Oklahoma driver license or provisional driver license pursuant to Section 6-212 of this title, both of which shall be in the possession of the person to whom they have been issued whenever that person is operating a commercial motor vehicle as provided in this subsection.

5. After one renewal of a commercial learner permit, as provided in paragraph 2 of this subsection, a commercial permit shall not be renewed again. Any person who has held a commercial learner permit for the initial issuance period and one renewal period shall not be eligible for and the Department shall not issue another renewal of the permit; provided, the person may reapply for a new commercial learner permit, as provided for in this subsection.

~~6. Enrollment in or successful completion of a commercial driver training school shall not be required for any commercial learner permit applicant who requests a skills examination for a Class A, B or C license, nor shall any student enrolled in a commercial driver training school be prohibited from taking a skills examination for a Class A, B or C license upon request with a Department of Public Safety examiner regardless of whether the person has completed the course, is still enrolled in the course to be completed or has voluntarily withdrawn from the course.~~

G. 1. For purposes of this title:

- a. "REAL ID Compliant Driver License" or "Identification Card" means a driver license or identification card issued by the State of Oklahoma that has been certified by the United States Department of Homeland Security (USDHS) as compliant with the requirements of the REAL ID Act of 2005, Public Law No. 109-13. A REAL ID Compliant Driver License or Identification Card and the process through which it is issued incorporate a variety of security measures designed to protect the integrity and trustworthiness of the license or card. A REAL ID Compliant Driver License or Identification Card will be clearly marked on the face indicating that it is a compliant document, and
- b. "REAL ID Noncompliant Driver License" or "Identification Card" means a driver license or identification card issued by the State of Oklahoma that has not been certified by the United States Department of Homeland Security (USDHS) as being compliant with the requirements of the REAL ID Act. A REAL ID Noncompliant Driver License or Identification Card will be clearly marked on the face indicating that it is not compliant with the federal REAL ID Act and is not acceptable for official federal purposes. The driver license or identification card will have a unique design or color indicator that clearly distinguishes it from a compliant license or card.

2. Original Driver License and Identification Card Issuance:

- a. Application for an original REAL ID Compliant or REAL ID Noncompliant Driver License or Identification Card shall be made to the Department of Public Safety.
- b. Department of Public Safety employees shall perform all document recognition and other requirements needed for approval of an original REAL ID Compliant or REAL ID Noncompliant Driver License or Identification Card application.
- c. Upon approval of an original REAL ID Compliant or REAL ID Noncompliant Driver License or Identification Card application, the applicant may take the approved application document to a motor license agent to

receive a temporary driver license or identification card.

- d. The motor license agent shall process the approved REAL ID Compliant or REAL ID Noncompliant Driver License or Identification Card application and upon payment shall provide the applicant a temporary driver license or identification card. A temporary driver license or identification card shall afford the holder the privileges otherwise granted by the specific class of driver license or identification card for the period of time listed on the temporary driver license or identification card or the period of time prior to the applicant receiving a REAL ID Compliant or REAL ID Noncompliant Driver License or Identification Card, whichever time period is shorter.

3. REAL ID Compliant Driver License and Identification Card Renewal and Replacement:

- a. Application for renewal or replacement of a REAL ID Compliant Driver License or Identification Card may be made to the Department of Public Safety or to a motor license agent~~;~~ provided such motor license agent is authorized to process application for REAL ID Compliant Driver Licenses and Identification Cards~~;~~ and further provided, no motor license agent shall process an application for a Class A, B or C commercial license. A motor license agent may process the voluntary downgrade of a REAL ID Compliant Commercial Driver License to any lower class license upon request of the licensee; provided, no additional endorsements or restrictions are placed on the license.
- b. Department of Public Safety employees or authorized motor license agents shall perform all document recognition and other requirements needed for approval of a renewal or replacement REAL ID Compliant Driver License or Identification Card application~~;~~ provided, no motor license agent shall perform such document recognition and other requirements needed for approval of an application for a Class A, B or C commercial license.

- c. Upon approval of a renewal or replacement REAL ID Compliant Driver License or Identification Card application, the applicant may receive a temporary driver license or identification card from the Department of Public Safety or an authorized motor license agent.
- d. A temporary driver license or identification card acquired under the provisions of this paragraph shall afford the holder the privileges otherwise granted by the specific class of driver license or identification card being renewed or replaced for the period of time listed on the temporary driver license or identification card or the period of time prior to the applicant receiving a REAL ID Compliant Driver License or Identification Card, whichever time period is shorter.
- e. For purposes of this title, an application for a REAL ID Compliant Driver License or Identification Card by an individual with a valid Oklahoma-issued driver license or identification card shall be considered a renewal of a REAL ID Compliant Driver License or Identification Card.

4. REAL ID Noncompliant Driver License and Identification Card Renewal and Replacement:

- a. Application for renewal or replacement of a REAL ID Noncompliant Driver License or Identification Card may be made to the Department of Public Safety or to a motor license agent; ~~provided, no motor license agent shall process an application for a Class A, B or C commercial license.~~ A motor license agent may process the voluntary downgrade of a REAL ID Noncompliant Commercial Driver License to any lower class license upon request of the licensee; provided, no additional endorsements or restrictions are added to the license.
- b. Department of Public Safety employees or motor license agents shall perform all document recognition and other requirements needed for approval of a renewal or replacement REAL ID Noncompliant Driver License or Identification Card application; ~~provided, no motor license agent shall perform such document recognition~~

~~and other requirements needed for approval of an application for a Class A, B or C commercial license.~~

- c. Upon approval of a renewal or replacement REAL ID Noncompliant Driver License or Identification Card application, the applicant may receive a temporary driver license or identification card from the Department of Public Safety or a motor license agent.
- d. A temporary driver license or identification card acquired under the provisions of this paragraph shall afford the holder the privileges otherwise granted by the specific class of driver license or identification card being renewed or replaced for the period of time listed on the temporary driver license or identification card or the period of time prior to the applicant receiving a REAL ID Noncompliant Driver License or Identification Card, whichever time period is shorter.

H. 1. The fee charged for an approved application for an original Oklahoma REAL ID Compliant or REAL ID Noncompliant Driver License or an approved application for the addition of an endorsement to a current valid Oklahoma REAL ID Compliant or REAL ID Noncompliant Driver License shall be assessed in accordance with the following schedule:

Class A Commercial Learner Permit	\$25.00
Class A Commercial License	\$25.00
Class B Commercial Learner Permit	\$15.00
Class B Commercial License	\$15.00
Class C Commercial Learner Permit	\$15.00
Class C Commercial License	\$15.00
Class D License	\$ 4.00
Motorcycle Endorsement	\$ 4.00

2. Notwithstanding the provisions of Section 1104 of this title, all monies collected from the fees charged for Class A, B and

C commercial licenses pursuant to the provisions of this subsection shall be deposited in the General Revenue Fund of this state.

I. The fee charged for any failed examination shall be Four Dollars (\$4.00) for any license classification. Notwithstanding the provisions of Section 1104 of this title, all monies collected from such examination fees pursuant to the provisions of this subsection shall be deposited in the General Revenue Fund of this state.

J. In addition to any fee charged pursuant to the provisions of subsection H of this section, the fee charged for the issuance or renewal of a REAL ID Noncompliant Driver License shall be in accordance with the following schedule; provided, that any applicant who has a CDL Learner Permit shall be charged only the replacement fee for the issuance of the license:

Class A Commercial Learner Permit	\$56.50
Class A Commercial License	\$56.50
Class B Commercial Learner Permit	\$56.50
Class B Commercial License	\$56.50
Class C Commercial License	\$46.50
Class D License	\$38.50

K. In addition to any fee charged pursuant to the provisions of subsection H of this section, the fee charged for the issuance or renewal of a REAL ID Compliant Driver License shall be in accordance with the following schedule; provided, that any applicant who has a CDL Learner Permit shall be charged only the replacement fee for the issuance of the license:

REAL ID Compliant Class A Commercial Learner Permit	\$56.50
REAL ID Compliant Class A Commercial License	\$56.50
REAL ID Compliant Class B Commercial Learner Permit	\$56.50
REAL ID Compliant Class B Commercial License	\$56.50
REAL ID Compliant Class C Commercial License	\$46.50

REAL ID Compliant Class D License

\$38.50

L. A commercial learner permit may be renewed one time for a period of one hundred eighty (180) days. The cost for the renewed permit shall be the same as for the original permit.

M. Notwithstanding the provisions of Section 1104 of this title, of each fee charged pursuant to the provisions of subsections J, K and L of this section:

1. Five Dollars and fifty cents (\$5.50) shall be deposited to the Trauma Care Assistance Revolving Fund created in Section 1-2530.9 of Title 63 of the Oklahoma Statutes;

2. Six Dollars and seventy-five cents (\$6.75) shall be deposited to the Department of Public Safety Computer Imaging System Revolving Fund to be used solely for the purpose of administration and maintenance of the computerized imaging system of the Department;

3. Ten Dollars (\$10.00) shall be deposited to the Department of Public Safety Revolving Fund for all original or renewal issuances of licenses;

4. Three Dollars (\$3.00) shall be deposited to the State Public Safety Fund created in Section 2-147 of this title; and

5. Two Dollars (\$2.00) of the fee provided for in subsection J of this section related to the issuance or renewal of a driver license by a motor license agent that does not process approved applications or renewals for REAL ID Compliant Driver Licenses and Identification Cards shall be deposited, in addition to the amount authorized by paragraph 4 of this subsection, to the State Public Safety Fund created in Section 2-147 of this title.

N. All original and renewal driver licenses shall expire as provided in Section 6-115 of this title.

O. Any person sixty-two (62) years of age or older during the calendar year of issuance of a Class D license or motorcycle endorsement shall be charged the following prorated fee:

Age 62	\$21.25
Age 63	\$17.50

Age 64 \$13.75

Age 65 -0-

P. No person who has been honorably discharged from active service in any branch of the Armed Forces of the United States or Oklahoma National Guard and who has been certified by the United States Department of Veterans Affairs, its successor, or the Armed Forces of the United States to be a disabled veteran in receipt of compensation at the one-hundred-percent rate for a permanent disability sustained through military action or accident resulting from disease contracted while in such active service and registered with the veterans registry created by the Oklahoma Department of Veterans Affairs shall be charged a fee for the issuance or renewal of an Oklahoma driver license; provided, that if a veteran has been previously exempt from a fee pursuant to this subsection, no registration with the veterans registry shall be required.

Q. In accordance with the provisions of subsection G of this section, the Department of Public Safety and the Oklahoma Tax Commission are authorized to promulgate rules for the issuance and renewal of driver licenses authorized pursuant to the provisions of Sections 6-101 through 6-309 of this title; provided, that no such rules applicable to the issuance or renewal of REAL ID Noncompliant Driver Licenses shall create more stringent standards than such rules applicable as of January 1, 2017, unless directly related to a specific change in statutory law concerning standards for REAL ID Noncompliant Driver Licenses. Applications, upon forms approved by the Department of Public Safety, for such licenses shall be handled, in accordance with the provisions of subsection G of this section, by the motor license agents; provided, the Department of Public Safety is authorized to assume these duties in any county of this state. Each motor license agent accepting applications for driver licenses shall receive Four Dollars (\$4.00) to be deducted from the total collected for each license or renewal application accepted; in addition to such amount, each motor license agent that processes approved applications or renewals for REAL ID Compliant Driver Licenses shall receive Two Dollars (\$2.00) to be deducted from the total fee collected under the provisions of subsections J and K of this section for each license or renewal application accepted. The fees received by the motor license agent, authorized by this subsection, shall be used for operating expenses.

R. Notwithstanding the provisions of Section 1104 of this title and subsection Q of this section and except as provided in subsections H and M of this section, the first Sixty Thousand Dollars (\$60,000.00) of all monies collected pursuant to this section shall be paid by the Oklahoma Tax Commission to the State Treasurer to be deposited in the General Revenue Fund of the State Treasury.

The next Five Hundred Thousand Dollars (\$500,000.00) of monies collected pursuant to this section shall be paid by the Tax Commission to the State Treasurer to be deposited each fiscal year under the provisions of this section to the credit of the Department of Public Safety Restricted Revolving Fund for the purpose of the Statewide Law Enforcement Communications System. All other monies collected in excess of Five Hundred Sixty Thousand Dollars (\$560,000.00) each fiscal year shall be apportioned as provided in Section 1104 of this title, except as otherwise provided in this section.

S. The Department of Public Safety shall retain the images displayed on licenses and identification cards issued pursuant to the provisions of Sections 6-101 through 6-309 of this title which may be used only:

1. By a law enforcement agency for purposes of criminal investigations, missing person investigations, or any law enforcement purpose which is deemed necessary by the Commissioner of Public Safety;

2. By the driver licensing agency of another state for its official purpose; and

3. As provided in Section 2-110 of this title.

All agencies approved by the Oklahoma Law Enforcement Telecommunications System (OLETS) or the National Law Enforcement Telecommunications System (NLETS) to receive photographs or computerized images may obtain them through OLETS or through NLETS. Photographs or computerized images may be obtained by law enforcement one inquiry at a time.

The computer system and related equipment acquired for this purpose must conform to industry standards for interoperability and open architecture. The Department of Public Safety may promulgate rules to implement the provisions of this subsection.

T. No person may hold more than one state-issued or territory-issued REAL ID Compliant Driver License or REAL ID Compliant Identification Card from Oklahoma or any other state or territory. The Department shall not issue a REAL ID Compliant Driver License to a person who has been previously issued a REAL ID Compliant Driver License or REAL ID Compliant Identification Card until such license or identification card has been surrendered to the Department by the applicant. The Department may promulgate rules related to the issuance of replacement REAL ID Compliant Driver Licenses in the event of loss or theft.

SECTION 2. AMENDATORY 47 O.S. 2011, Section 6-105.3, as last amended by Section 2, Chapter 1, O.S.L. 2017 (47 O.S. Supp. 2020, Section 6-105.3), is amended to read as follows:

Section 6-105.3 A. In addition to the licenses to operate motor vehicles, the Department of Public Safety may issue cards to Oklahoma residents for purposes of identification only. The identification cards shall be issued, renewed, replaced, canceled and denied in the same manner as driver licenses in this state. A licensee whose record reflects a notation of the person's proof of legal presence, verified by the U.S. Department of Homeland Security, or proof of U.S. citizenship, may obtain a REAL ID Compliant Identification Card or a Noncompliant Identification Card from a motor license agent or the Department of Public Safety, regardless of the status of the license held by the licensee. Provided, the licensee must comply with all REAL ID documentation requirements to obtain a REAL ID Compliant Identification Card. A person shall not apply for or possess more than one state-issued or territory-issued REAL ID Compliant Identification Card pursuant to the provisions of Section 6-101 of this title.

The application for an identification card by any person under the age of eighteen (18) years shall be signed and verified by a custodial legal parent or legal guardian, either in person before a person authorized to administer oaths or electronically if completing an online application, or a notarized affidavit signed by a custodial legal parent or legal guardian submitted before a person authorized to administer oaths by the person under the age of eighteen (18) years with the application. Except as otherwise provided in this section, the identification cards shall be valid for a period of four (4) years from the month of issuance; however, the identification cards issued to persons sixty-five (65) years of age or older shall be valid indefinitely from the month of issuance.

B. No person shall hold more than one state-issued or territory-issued REAL ID Compliant Driver License or REAL ID Compliant Identification Card, as defined in subsection G of Section 6-101 of this title. The Department shall not issue a REAL ID Compliant Identification Card to any applicant who has been previously issued a REAL ID Compliant Driver License or REAL ID Compliant Identification Card unless such license or identification card has been surrendered to the Department by the applicant. The Department may promulgate rules related to the issuance of replacement REAL ID Compliant Identification Cards in the event of loss or theft.

C. The fee charged for the issuance, renewal, or replacement of a REAL ID Compliant Identification Card shall be Twenty-five Dollars (\$25.00). The fee charged for the issuance, renewal or replacement of a REAL ID Noncompliant Identification Card pursuant to this section shall be Twenty-five Dollars (\$25.00); however, no person sixty-five (65) years of age or older shall be charged a fee for an identification card. Of each fee charged pursuant to the provisions of this subsection:

1. Seven Dollars (\$7.00) shall be apportioned as provided in Section 1104 of this title;

2. Three Dollars (\$3.00) shall be credited to the Department of Public Safety Computer Imaging System Revolving Fund to be used solely for the purpose of the administration and maintenance of the computerized imaging system of the Department;

3. Ten Dollars (\$10.00) shall be deposited in the Department of Public Safety Revolving Fund;

4. Three Dollars (\$3.00) shall be deposited to the State Public Safety Fund created in Section 2-147 of this title; and

5. a. Two Dollars (\$2.00) of the fee authorized by this subsection related to the issuance, renewal or replacement of an identification card by a motor license agent that does not process approved applications or renewals for REAL ID Compliant Driver Licenses or Identification Cards shall be deposited, in addition to the amount authorized by paragraph 4 of this subsection, to the State Public Safety Fund created in Section 2-147 of this title, or

- b. Two Dollars (\$2.00) of the fee authorized by this subsection related to the issuance, renewal or replacement of an identification card by a motor license agent that does process approved applications or renewals for REAL ID Compliant Driver Licenses or Identification Cards shall be retained by the motor license agent.

D. The Oklahoma Tax Commission is hereby authorized to reimburse, from funds available to that agency, each motor license agent issuing an identification card to a person sixty-five (65) years of age or older, an amount not to exceed One Dollar (\$1.00) for each card or driver license so issued. The Tax Commission shall develop procedures for claims for reimbursement.

E. When a person makes application for a new identification card, or makes application to renew an identification card, and the person has been convicted of, or received a deferred judgment for, any offense required to register pursuant to the Sex Offenders Registration Act, the identification card shall be valid for a period of one (1) year from the month of issuance, but may be renewed yearly during the time the person is subject to registration on the Sex Offender Registry. The cost for such identification card shall be the same as for other identification cards and renewals.

SECTION 3. AMENDATORY 47 O.S. 2011, Section 6-110, as last amended by Section 1, Chapter 395, O.S.L. 2019 (47 O.S. Supp. 2020, Section 6-110), is amended to read as follows:

Section 6-110. A. 1. The Department of Public Safety shall examine every applicant for an original Class A, B, C or D license and for any endorsements thereon, except as otherwise provided in Section 6-101 et seq. of this title or as provided in paragraph 2 of this subsection or in subsections D and E of this section. The examination shall include a test of the applicant's:

- a. eyesight,
- b. ability to read and understand highway signs regulating, warning and directing traffic,
- c. knowledge of the traffic laws of this state, including a portion on bicycle and motorcycle safety, and

- d. ability, by actual demonstration, to exercise ordinary and reasonable control in the operation of a motor vehicle. The actual demonstration shall be conducted in the type of motor vehicle for the class of driver license being applied for.

The Department may create a knowledge test that may be taken on the Internet by an applicant applying for a Class D license.

Any licensee seeking to apply for a driver license of another class which is not covered by the licensee's current driver license shall be considered an applicant for an original license for that class.

2. The Department of Public Safety shall have the authority to waive the requirement of any part of the examination required in paragraph 1 of this subsection for those applicants whose driving record meets the standards set by the Department of Public Safety and surrenders either of the following:

- a. a valid unexpired driver license issued by any state or country for the same type or types of vehicles, or
- b. an expired driver license that:
 - (1) is not expired more than six (6) months past the expiration date listed on the driver license, and
 - (2) is not a Class A, B or C commercial driver license or commercial driver license permit.

3. The Department shall accept skills test results from another state for Class A, B or C license applicants who have successfully completed commercial motor vehicle driver training in that state and successfully passed the skills test in that state; provided, the Department shall not accept skills test results from another state when the applicant has not successfully completed commercial motor vehicle driver training in that state. Nothing in this section shall be construed to prohibit the Department from administering the skills test to any applicant who has successfully completed commercial vehicle driver training in another state.

4. All applicants requiring a hazardous materials endorsement shall be required, for the renewal of the endorsement, to successfully complete the examination and to submit to a security threat assessment performed by the Transportation Security

Administration of the Department of Homeland Security as required by and pursuant to 49 C.F.R., Part 1572, which shall be used to determine whether the applicant is eligible for renewal of the endorsement pursuant to federal law and regulation.

5. The Department of Public Safety shall give the complete examination as provided for in this section within thirty (30) days from the date the application is received, and the examination shall be given at a location within one hundred (100) miles of the residence of the applicant. The Department shall make every effort to make the examination locations and times convenient for applicants. The Department shall consider giving the examination at various school sites if the district board of education for the district in which the site is located agrees and if economically feasible and practicable.

B. Any person holding a valid Oklahoma Class D license or provisional driver license pursuant to Section 6-212 of this title and applying for a Class A, B or C commercial license shall be required to successfully complete all examinations as required for the specified class. Failure to submit to the Department federally required medical certification information pursuant to 49 C.F.R., Part 391.41 et seq. shall result in an automatic downgrade of a commercial license to a Class D license. Provided, however, once the required medical certification information has been received by the Department, the license shall be reinstated to the classification of the commercial license prior to the downgrade and the holder of such a license shall not be required to reapply.

C. Except as provided in subsection E of Section 6-101 of this title, any person holding a valid Oklahoma Class A, B or C commercial license shall, upon time for renewal thereof, be entitled to a Class D license without any type of testing or examination, except for any endorsements thereon as otherwise provided for by Section 6-110.1 of this title.

D. 1. Any certified driver education instructor who is currently an operator or an employee of a commercial driver training school in this state or any driver education instructor employed by any school district in this state shall be eligible to apply to be a designated examiner of the Department of Public Safety for the purposes of administering the Class D driving skills portion of the Oklahoma driving examination to any person who has not previously been a student of the instructor.

2. The Department of Public Safety shall adopt a curriculum of required courses and training to be offered to applicants who are qualified to apply to be a designated examiner. The courses and training for certification shall meet the same standards as required for driver examiners of the Department of Public Safety.

3. Each person applying to be a designated examiner shall be required to pay an initial designated examiner certification fee of One Thousand Dollars (\$1,000.00). Upon successful completion of training prescribed by paragraph 2 of this subsection, the person shall be required to pay an annual designated examiner certification fee of Five Hundred Dollars (\$500.00). If an applicant for the designated examiner program is employed by an Oklahoma public school system that offers driver education, and he or she administers the skills test only to students enrolled in a public school driver education program, the certification fee may be waived by the Department. Each designated examiner certification shall expire on the last day of the calendar year and may be renewed upon application to the Department of Public Safety. The designated examiner certification fees collected by the Department pursuant to this subsection shall be deposited to the credit of the Department of Public Safety Restricted Revolving Fund to be used for the purposes of this subsection. No designated examiner certification fee shall be refunded in the event that certification is denied, suspended or revoked.

4. A designated examiner may charge a fee ~~of no more than Twenty five Dollars (\$25.00)~~ for each Class D driving skills examination given, whether the person being examined passes or fails the examination.

5. The Department shall ~~conduct an annual complete nationwide~~ require each designated examiner applicant and driver education instructor applicant to submit to an electronic national criminal history background record check on each designated examiner and a complete nationwide criminal history background check on each designated examiner applicant pursuant to Section 150.9 of Title 74 of the Oklahoma Statutes. On or before December 1, 2022, the Department shall require each designated examiner and driver education instructor to submit to an electronic national criminal history record check pursuant to Section 150.9 of Title 74 of the Oklahoma Statutes. The fees for the background check shall be borne by the designated examiner ~~or,~~ designated examiner applicant, driver education instructor or driver education instructor applicant.

6. The Department of Public Safety shall promulgate rules to implement and administer the provisions of this subsection.

E. 1. Upon application and approval of the Commissioner of the Department of Public Safety, any public or private commercial truck driving school that has or maintains a program instructing students for a Class A, B or C license in the State of Oklahoma shall be authorized to hire or employ designated examiners approved by the Department of Public Safety to be third-party examiners of the Class A, B or C driving skills portion of the Oklahoma driving examination. All designated examiners must successfully have completed the courses and training as outlined in paragraph 2 of this subsection.

2. The Department of Public Safety shall adopt a curriculum of required courses and training to be offered to third-party examiners. The courses and training for certification shall meet the same standards as required for commercial driver examiners of the Department of Public Safety.

3. ~~The Department shall conduct on an annual basis a complete nationwide~~ require each third-party examiner applicant and commercial school driver education instructor applicant to submit to an electronic national criminal history background record check on each third-party examiner and a complete nationwide criminal history background check on each third-party examiner applicant pursuant to Section 150.9 of Title 74 of the Oklahoma Statutes. On or before December 1, 2022, the Department shall require each third-party examiner or commercial school driver education instructor to submit to an electronic national criminal history record check pursuant to Section 150.9 of Title 74 of the Oklahoma Statutes. The fees for the background check shall be borne by the third-party examiner or, ~~third-party examiner applicant, commercial school driver education instructor or commercial school driver education instructor applicant.~~

F. The Department of Public Safety shall promulgate rules no later than December 15, 2019, to:

1. Implement and administer the provisions of this section based on requirements set forth in Section 383.75 of Title 49 of the Code of Federal Regulations;

2. Establish a process to inform any school or examiner, who has been denied, within forty-five (45) days from the denial;

3. Create an appeal process for any school or examiner denied;
and

4. If the initial application for approval was denied, limit the number of times an individual school or individual examiner applicant may reapply in a calendar year to two reapplications.

SECTION 4. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 23rd day of February, 2021.

Presiding Officer of the House
of Representatives

Passed the Senate the 12th day of April, 2021.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____