

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 HOUSE BILL 1258

By: Nichols

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6 AS INTRODUCED

7 An Act relating to driver licenses; amending 47 O.S.
8 2011, Section 2-110, as last amended by Section 1,
Chapter 266, O.S.L. 2014 (47 O.S. Supp. 2016, Section
9 2-110), which relates to the release of records
maintained by the Department of Public Safety;
10 modifying certain definition; prohibiting the release
of certain information; defining term; amending 47
11 O.S. 2011, Section 6-110, as last amended by Section
29, Chapter 210, O.S.L. 2016 (47 O.S. Supp. 2016,
12 Section 6-110), which relates to driver license
examinations; requiring an alternative method of
13 testing for certain Spanish-speaking applicants;
providing for the issuance of driver authorization
14 cards; establishing application requirements for
driver authorization cards; providing for the
15 expiration and renewal of driver authorization cards;
prohibiting the use of driver authorization cards to
16 determine eligibility for state benefits, licenses or
services; declaring all driver-license-related
17 statutes be applicable to driver authorization cards;
directing the Department of Public Safety to
18 promulgate certain rules; providing for codification;
and providing an effective date.

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

22 SECTION 1. AMENDATORY 47 O.S. 2011, Section 2-110, as
23 last amended by Section 1, Chapter 266, O.S.L. 2014 (47 O.S. Supp.
24 2016, Section 2-110), is amended to read as follows:

1 Section 2-110. A. Officers and employees of the Department of
2 Public Safety designated by the Commissioner, for the purpose of
3 administering the motor vehicle laws, are authorized to administer
4 oaths and acknowledge signatures and shall do so without fee.

5 B. The Commissioner and such officers of the Department as the
6 Commissioner may designate are hereby authorized to prepare under
7 the seal of the Department and deliver upon request a certified copy
8 of any record of the Department, charging a fee of Three Dollars
9 (\$3.00) for each record so certified, and every such certified copy
10 shall be admissible in any proceeding in any court in like manner as
11 the original thereof. A certification fee shall be charged:

12 1. Only if the person requesting the record specifically
13 requests that the record be certified; and

14 2. In addition to the copying and reproduction fees provided by
15 the Oklahoma Open Records Act or any other applicable law.

16 C. The Commissioner and any other officers of the Department as
17 the Commissioner may designate are hereby authorized to provide a
18 copy of any record required to be maintained by the Department at no
19 charge to any of the following government agencies when requested in
20 the performance of official governmental duties:

21 1. The driver license agency of any other state;

22 2. Any court, district attorney or municipal prosecutor in this
23 state or any other state;

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1 3. Any law enforcement agency in this state or any other state
2 or any federal agency empowered by law to make arrests for public
3 offenses;

4 4. Any public school district in this state for purposes of
5 providing the Motor Vehicle Report of a currently employed school
6 bus driver or person making application for employment as a school
7 bus driver;

8 5. The Department of Human Services for the purpose of
9 providing the Motor Vehicle Report to ascertain the suitability of
10 any person being considered by the Department of Human Services for
11 placement of a child in foster care or for adoption of the child;

12 6. The Office of Juvenile Affairs for the purpose of providing
13 the Motor Vehicle Report to ascertain the suitability of any person
14 being considered by the Office of Juvenile Affairs for placement of
15 a child in foster care;

16 7. Any nonprofit provider exempt from federal income tax
17 pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986
18 and contracted by the Developmental Disabilities Services Division
19 of the Oklahoma Department of Human Services; or

20 8. Any state agency in this state.

21 D. Any record required to be maintained by the Department may
22 be released to any other entity free of charge when the release of
23 the record would be for the benefit of the public, as determined by
24 the Commissioner or a designee of the Commissioner.

1 E. The following records shall be provided by the Department to
2 any authorized recipient, pursuant to the provisions of the Driver's
3 Privacy Protection Act, 18 United States Code, Sections 2721 through
4 2725, upon payment of the appropriate fees for the records:

5 1. A Motor Vehicle Report, as defined in Section 6-117 of this
6 title; and

7 2. A copy of any driving record related to the Motor Vehicle
8 Report.

9 F. 1. The provisions of subsections B, D, and E of this
10 section and the Oklahoma Open Records Act shall not apply to the
11 release of personal information from any driving record of any
12 person. Such personal information shall be confidential except as
13 provided for in this subsection or in the provisions of the Driver's
14 Privacy Protection Act, 18 United States Code, Sections 2721 through
15 2725. Upon written request to the Commissioner of Public Safety by
16 a law enforcement agency or another state's or country's driver
17 licensing agency for personal information on a specific individual,
18 as named or otherwise identified in the written request, to be used
19 in the official capacity of the agency, the Commissioner may release
20 such personal information to the agency pursuant to the provisions
21 of the Driver's Privacy Protection Act, 18 United States Code,
22 Sections 2721 through 2725. Provided, the provisions of this
23 subsection or any other provision of this title shall not be
24 construed to keep audio or video recordings of the Department of

1 Public Safety confidential beyond any exceptions provided for in the
2 Oklahoma Open Records Act.

3 2. For the purposes of this subsection, "personal information"
4 means information which identifies a person, including but not
5 limited to a photograph or image in computerized format of the
6 person, fingerprint image in computerized format, signature or
7 signature in computerized format, Social Security number, Individual
8 Taxpayer Identification Number, residence address, mailing address,
9 and medical or disability information.

10 G. 1. The Commissioner shall not release any information
11 relating to legal presence or any other information relating to or
12 describing immigration status, nationality or citizenship from a
13 file or record relating to a request for or the issuance of a driver
14 license, identification card or title or registration of a vehicle
15 to any person or to any federal, state or local governmental entity
16 for any purpose relating to the enforcement of immigration laws.

17 2. As used in this subsection, "information relating to legal
18 presence" means information that may reveal whether a person is
19 legally present in the United States including, without limitation,
20 whether the driver license that a person possesses is a driver
21 authorization card, whether the person applied for a driver license
22 pursuant to Section 6-106 of this title or Section 2 of this act,
23 and the documentation used to prove name, age and residence that was
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1 provided by the person with his or her application for a driver
2 license.

3 SECTION 2. AMENDATORY 47 O.S. 2011, Section 6-110, as
4 last amended by Section 29, Chapter 210, O.S.L. 2016 (47 O.S. Supp.
5 2016, Section 6-110), is amended to read as follows:

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

- 12 a. eyesight,
- 13 b. ability to read and understand highway signs
14 regulating, warning and directing traffic,
- 15 c. knowledge of the traffic laws of this state, including
16 a portion on bicycle and motorcycle safety, and
- 17 d. ability, by actual demonstration, to exercise ordinary
18 and reasonable control in the operation of a motor
19 vehicle. The actual demonstration shall be conducted
20 in the type of motor vehicle for the class of driver
21 license being applied for.

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

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

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

9 a. a valid unexpired driver license issued by any state
10 or country for the same type or types of vehicles, or

11 b. an expired driver license that:

12 (1) is not expired more than six (6) months past the
13 expiration date listed on the driver license, and

14 (2) is not a Class A, B or C commercial driver
15 license or commercial driver license permit.

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

3 4. All applicants requiring a hazardous materials endorsement
4 shall be required, for the renewal of the endorsement, to
5 successfully complete the examination and to submit to a security
6 threat assessment performed by the Transportation Security
7 Administration of the Department of Homeland Security as required by
8 and pursuant to 49 C.F.R., Part 1572, which shall be used to
9 determine whether the applicant is eligible for renewal of the
10 endorsement pursuant to federal law and regulation.

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

21 6. The Department of Public Safety shall provide an alternative
22 method of testing for an applicant for a Class D driver license who
23 is eighteen (18) years of age or older and who can only understand
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1 Spanish. The Department may limit the number of testing sites where
2 the examination in Spanish may be administered.

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

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

21 D. 1. Any certified driver education instructor who is
22 currently an operator or an employee of a commercial driver training
23 school in this state or any driver education instructor employed by
24 any school district in this state shall be eligible to apply to be a

1 designated examiner of the Department of Public Safety for the
2 purposes of administering the Class D driving skills portion of the
3 Oklahoma driving examination to any person who has not previously
4 been a student of the instructor.

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

10 3. Each person applying to be a designated examiner shall be
11 required to pay an initial designated examiner certification fee of
12 One Thousand Dollars (\$1,000.00). Upon successful completion of
13 training prescribed by paragraph 2 of this subsection, the person
14 shall be required to pay an annual designated examiner certification
15 fee of Five Hundred Dollars (\$500.00). If an applicant for the
16 designated examiner program is employed by an Oklahoma public school
17 system that offers driver education, and he or she administers the
18 skills test only to students enrolled in a public school driver
19 education program, the certification fee may be waived by the
20 Department. Each designated examiner certification shall expire on
21 the last day of the calendar year and may be renewed upon
22 application to the Department of Public Safety. The designated
23 examiner certification fees collected by the Department pursuant to
24 this subsection shall be deposited to the credit of the Department

1 of Public Safety Restricted Revolving Fund to be used for the
2 purposes of this subsection. No designated examiner certification
3 fee shall be refunded in the event that certification is denied,
4 suspended or revoked.

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

9 5. The Department shall conduct an annual complete nationwide
10 criminal history background check on each designated examiner and a
11 complete nationwide criminal history background check on each
12 designated examiner applicant. The fees for the background check
13 shall be borne by the designated examiner or designated examiner
14 applicant.

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

17 SECTION 3. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 6-106.5 of Title 47, unless
19 there is created a duplication in numbering, reads as follows:

20 A. An application for a driver authorization card must:

21 1. Be made upon a form furnished by the Department of Public
22 Safety;

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1 2. Be verified by the applicant before a person authorized to
2 administer oaths. Officers and employees of the Department may
3 administer those oaths without charge;

4 3. Be accompanied by the required fee;

5 4. State the name, date of birth, sex and residence address of
6 the applicant and briefly describe the applicant;

7 5. State whether the applicant has theretofore been licensed as
8 a driver and, if so, when and by what state or country, and whether
9 any such driver license has ever been suspended or revoked, or
10 whether an application has ever been refused and, if so, the date of
11 and reason for the suspension, revocation or refusal; and

12 6. Include such other information as the Department may require
13 to determine the competency and eligibility of the applicant.

14 B. Every applicant must furnish proof of his or her name and
15 age by displaying an original or certified copy of:

16 1. Any one of the following documents:

17 a. a birth certificate issued by a state, a political
18 subdivision of a state, the District of Columbia or
19 any territory of the United States,

20 b. a driver license issued by another state, the District
21 of Columbia or any territory of the United States
22 which is issued pursuant to the standards established
23 by 6 C.F.R., Part 37, Subparts A to E, inclusive, and
24 which contains a security mark approved by the United

1 States Department of Homeland Security in accordance
2 with 6 C.F.R., Section 37.17,

3 c. a passport issued by the United States government,

4 d. a military identification card or military dependent
5 identification card issued by any branch of the Armed
6 Forces of the United States,

7 e. for persons who served in any branch of the Armed
8 Forces of the United States, a Report of Separation,

9 f. a Certificate of Degree of Indian Blood issued by the
10 United States government,

11 g. a Certificate of Citizenship, Certificate of
12 Naturalization, Permanent Resident Card or Temporary
13 Resident Card issued by the United States Citizenship
14 and Immigration Services of the Department of Homeland
15 Security,

16 h. a Consular Report of Birth Abroad issued by the
17 Department of State, or

18 i. such other documentation as specified by the
19 Department by regulation; or

20 2. Any two of the following documents:

21 a. a driver license issued by another state, the District
22 of Columbia or any territory of the United States
23 other than such a driver license described in
24 subparagraph b of paragraph 1 of this subsection,

- 1 b. a passport issued by a foreign government,
2 c. a birth certificate issued by a foreign government,
3 d. a consular identification card issued by the
4 Government of Mexico or a document issued by another
5 government that the Department determines is
6 substantially similar, or
7 e. any other proof acceptable to the Department.

8 C. No document which is written in a language other than
9 English may be accepted by the Department pursuant to this section
10 unless it is accompanied by a verified translation of the document
11 in the English language.

12 D. Every applicant must prove his or her residence in the State
13 of Oklahoma by displaying an original or certified copy of any two
14 of the following documents:

15 1. A receipt from the rent or lease of a residence located in
16 this state;

17 2. A record from a public utility for a service address located
18 in this state which is dated within the previous sixty (60) days;

19 3. A bank or credit card statement indicating a residential
20 address located in this state which is dated within the previous
21 sixty (60) days;

22 4. A stub from an employment check indicating a residential
23 address located in this state;

1 5. A document issued by an insurance company or its agent,
2 including, without limitation, an insurance card, binder or bill,
3 indicating a residential address located in this state;

4 6. A record or receipt of bill from a medical provider
5 indicating a residential address located in this state; or

6 7. Any other document as prescribed by the Department by
7 regulation.

8 E. A driver authorization card obtained in accordance with this
9 section must:

10 1. Contain the same information as prescribed for a driver
11 license pursuant to Section 6-111 of Title 47 of the Oklahoma
12 Statutes and any regulations adopted pursuant thereto;

13 2. Be of the same design as an Oklahoma driver license; and

14 3. Be numbered from the same sequence of numbers as an Oklahoma
15 driver license.

16 F. Notwithstanding the provisions of Section 6-115 of Title 47
17 of the Oklahoma Statutes, every driver authorization card expires on
18 the anniversary of its issuance or renewal. Every driver
19 authorization card is renewable at any time before its expiration
20 upon application and payment of the required fee. The Department
21 may, by regulation, defer the expiration of the driver authorization
22 card of a person who is on active duty in the Armed Forces of the
23 United States upon such terms and conditions as it may prescribe.
24 The Department may similarly defer the expiration of the driver

1 authorization card of the spouse or dependent son or daughter of
2 that person if the spouse or child is residing with the person.

3 G. A driver authorization card shall not be used to determine
4 eligibility for any benefits, licenses or services issued or
5 provided by the State of Oklahoma or its political subdivisions.

6 H. Except as otherwise provided in this section or by specific
7 statute, any provision of this title that applies to driver licenses
8 shall be deemed to apply to a driver authorization card obtained in
9 accordance with the provisions of this section.

10 I. The provisions of this section shall apply only with respect
11 to the issuance of noncommercial driver licenses.

12 J. The Department of Public Safety shall promulgate rules as
13 may be necessary to implement and administer the provisions of this
14 section.

15 SECTION 4. This act shall become effective November 1, 2017.

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