

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 57th Legislature (2019)

4 HOUSE BILL 2036

                                  By: Davis

7                                   AS INTRODUCED

8                   An Act relating to motor vehicles; amending 47 O.S.  
9                   2011, Section 6-111, as last amended by Section 5,  
10                  Chapter 1, O.S.L. 2017 (47 O.S. Supp. 2018, Section  
11                  6-111), which relates to the issuance of driver  
12                  licenses; directing the promulgation of rules and  
13                  procedures for obtaining replacement commercial  
14                  driver license from tag agent; and providing an  
15                  effective date.

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

15           SECTION 1.           AMENDATORY           47 O.S. 2011, Section 6-111, as  
16           last amended by Section 5, Chapter 1, O.S.L. 2017 (47 O.S. Supp.  
17           2018, Section 6-111), is amended to read as follows:

18           Section 6-111. A. 1. The Department of Public Safety shall,  
19           upon payment of the required fee, issue to every applicant  
20           qualifying therefor a Class A, B, C or D driver license or  
21           identification card as applied for, which license or card shall bear  
22           thereon a distinguishing alphanumeric identification assigned to the  
23           licensee or cardholder, date of issuance and date of expiration of  
24           the license or card, the full legal name, signature or computerized

1 signature, date of birth, residence address, unless specified as an  
2 exception in the Code of Federal Regulations per 6 C.F.R., Section  
3 37.17, sex, a computerized color image of the licensee or cardholder  
4 taken in accordance with Department rules and security features as  
5 determined by the Department. The image shall depict a full front  
6 unobstructed view of the entire face of the licensee or cardholder;  
7 provided, a commercial learner permit shall not bear the image of  
8 the licensee. When any person is issued both a driver license and  
9 an identification card, the Department shall ensure the information  
10 on both the license and the card are the same, unless otherwise  
11 provided by law.

12 2. A driver license or identification card issued by the  
13 Department on or after March 1, 2004, shall bear thereon the county  
14 of residence of the licensee or cardholder.

15 3. The Department may cancel the distinguishing number, when  
16 that distinguishing number is another person's Social Security  
17 number, assign a new distinguishing alphanumeric identification, and  
18 issue a new license or identification card without charge to the  
19 licensee or cardholder.

20 4. The Department may promulgate rules for inclusion of the  
21 height and a brief description of the licensee or cardholder on the  
22 face of the card or license identifying the licensee or cardholder  
23 as deaf or hard-of-hearing.

24

1           5. It is unlawful for any person to apply, adhere, or otherwise  
2 attach to a driver license or identification card any decal,  
3 sticker, label, or other attachment. Any law enforcement officer is  
4 authorized to remove and dispose of any unlawful decal, sticker,  
5 label, or other attachment from the driver license of a person. The  
6 law enforcement officer, the employing agency of the officer, the  
7 Department of Public Safety, and the State of Oklahoma shall be  
8 immune from any liability for any loss suffered by the licensee,  
9 cardholder, or the owner of the decal, sticker, label, or other  
10 attachment caused by the removal and destruction of the decal,  
11 sticker, label, or other attachment.

12           6. The Department of Public Safety may develop by rule a  
13 procedure which complies with the provisions of subsection G of  
14 Section 6-101 of this title whereby a person may apply for a renewal  
15 or replacement Oklahoma Class D license or Oklahoma identification  
16 card.

17           7. The Department of Public Safety shall develop by rule a  
18 procedure whereby a person may apply for a replacement Oklahoma  
19 commercial driver license through a tag agency.

20           B. 1. The Department may issue or authorize the issuance of a  
21 temporary permit or license to an applicant for a driver license  
22 permitting such applicant to operate a motor vehicle while the  
23 Department is completing its investigation and determination of all  
24 facts relative to such applicant's privilege to receive a license,

1 or while a permanent driver license is being produced and delivered  
2 to the applicant. Such permit or license must be in the immediate  
3 possession of the driver while operating a motor vehicle, and it  
4 shall be invalid when the applicant's permanent driver license has  
5 been issued and delivered or for good cause has been refused.

6 2. The Department may issue or authorize the issuance of a  
7 temporary identification card to an applicant, permitting the holder  
8 the privileges otherwise granted by identification cards, while a  
9 permanent driver license is being provided and delivered to the  
10 applicant. Such card shall be invalid when the applicant's  
11 permanent identification card has been issued and delivered, or for  
12 good cause has been refused.

13 C. 1. The Department may issue a restricted commercial driver  
14 license to drivers eighteen (18) years of age or older for any of  
15 the following specific farm-related service industries:

- 16 a. farm retail outlets and suppliers,
- 17 b. agri-chemical businesses,
- 18 c. custom harvesters, and
- 19 d. livestock feeders.

20 The applicant shall hold a valid Oklahoma driver license and  
21 shall meet all the requirements for a commercial driver license.  
22 The restricted commercial driver license shall not exceed a total of  
23 one hundred eighty (180) days within any twelve-month period.

1        2. The restricted commercial driver license shall not be valid  
2 for operators of commercial motor vehicles beyond one hundred fifty  
3 (150) miles from the place of business or the farm currently being  
4 served. Such license shall be limited to Class B vehicles. Holders  
5 of such licenses who transport hazardous materials which are  
6 required to be placarded shall be limited to the following:

7            a. diesel fuel in quantities of one thousand (1,000)  
8            gallons or less,

9            b. liquid fertilizers in vehicles with total capacities  
10            of three thousand (3,000) gallons or less, and

11            c. solid fertilizers that are not mixed with any organic  
12            substance.

13        No other placarded hazardous materials shall be transported by  
14 holders of such licenses.

15        D. The Department may issue a non-domiciled commercial learner  
16 permit or a non-domiciled commercial driver license to:

17            1. An H2A-Temporary Agricultural worker lawfully present in the  
18 United States as indicated on an original, valid and unexpired I-94  
19 immigration status document issued by the United States Customs and  
20 Immigration Service; and

21            2. A J-1 Exchange Visitor Program participant lawfully present  
22 in the United States as indicated on a valid and unexpired J-1  
23 Visitor Visa issued by the United States Customs and Immigration  
24

1 Service and who is enrolled in an agricultural education training  
2 program.

3 A person applying for such permit or license must comply with  
4 all testing and licensing requirements in accordance with applicable  
5 federal regulations, state laws and Department rules. The issued  
6 license shall be valid until the expiration of the visa for the non-  
7 domiciled worker. The Department may promulgate rules for the  
8 implementation of the process to carry out the provisions of this  
9 section.

10 E. 1. The Department shall develop a procedure whereby a  
11 person applying for an original, renewal or replacement Class A, B,  
12 C or D driver license or identification card who is required to  
13 register as a convicted sex offender with the Department of  
14 Corrections pursuant to the provisions of the Sex Offenders  
15 Registration Act and who the Department of Corrections designates as  
16 an aggravated or habitual offender pursuant to subsection J of  
17 Section 584 of Title 57 of the Oklahoma Statutes shall be issued a  
18 license or card bearing the words "Sex Offender".

19 2. The Department shall notify every person subject to  
20 registration under the provisions of Section 1-101 et seq. of this  
21 title who holds a current Class A, B, C or D driver license or  
22 identification card that such person is required to surrender the  
23 license or card to the Department within one hundred eighty (180)  
24 days from the date of the notice.

1           3. Upon surrendering the license or card for the reason set  
2 forth in this subsection, application may be made with the  
3 Department for a replacement license or card bearing the words "Sex  
4 Offender".

5           4. Failure to comply with the requirements set forth in such  
6 notice shall result in cancellation of the person's license or card.  
7 Such cancellation shall be in effect for one (1) year, after which  
8 time the person may make application with the Department for a new  
9 license or card bearing the words "Sex Offender". Continued use of  
10 a canceled license or card shall constitute a misdemeanor and shall,  
11 upon conviction thereof, be punishable by a fine of not less than  
12 Twenty-five Dollars (\$25.00), nor more than Two Hundred Dollars  
13 (\$200.00). When an individual is no longer required to register as  
14 a convicted sex offender with the Department of Corrections pursuant  
15 to the provisions of the Sex Offenders Registration Act, the  
16 individual shall be eligible to receive a driver license or  
17 identification card which does not bear the words "Sex Offender".

18           F. Nothing in subsection E of this section shall be deemed to  
19 impose any liability upon or give rise to a cause of action against  
20 any employee, agent or official of the Department of Corrections for  
21 failing to designate a sex offender as an aggravated or habitual  
22 offender pursuant to subsection J of Section 584 of Title 57 of the  
23 Oklahoma Statutes.

1 G. A person subject to an order for the installation of an  
2 ignition interlock device shall be required by the Department to  
3 submit their driver license for a replacement. The replacement  
4 driver license shall bear the words "Interlock Required" and such  
5 designation shall remain on the driver license for the duration of  
6 the order requiring the ignition interlock device. The replacement  
7 license shall be subject to the same expiration and renewal  
8 procedures provided by law. Upon completion of the requirements for  
9 the interlock device, a person may apply for a replacement driver  
10 license.

11 H. The Department shall develop a procedure whereby a person  
12 applying for an original, renewal or replacement Class D driver  
13 license who has been granted modified driving privileges under this  
14 title shall be issued a Class D driver license which identifies the  
15 license as a modified license.

16 SECTION 2. This act shall become effective November 1, 2019.

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18 COMMITTEE REPORT BY: COMMITTEE ON ADMINISTRATIVE RULES, dated  
19 02/12/2019 - DO PASS.  
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