

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 2036

By: Davis

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5  
6 AS INTRODUCED

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

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

16 SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-111, as  
17 last amended by Section 5, Chapter 1, O.S.L. 2017 (47 O.S. Supp.  
18 2018, Section 6-111), is amended to read as follows:

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

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

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

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

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

23 5. It is unlawful for any person to apply, adhere, or otherwise  
24 attach to a driver license or identification card any decal,

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

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

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

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

1 possession of the driver while operating a motor vehicle, and it  
2 shall be invalid when the applicant's permanent driver license has  
3 been issued and delivered or for good cause has been refused.

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

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

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

18 The applicant shall hold a valid Oklahoma driver license and  
19 shall meet all the requirements for a commercial driver license.

20 The restricted commercial driver license shall not exceed a total of  
21 one hundred eighty (180) days within any twelve-month period.

22 2. The restricted commercial driver license shall not be valid  
23 for operators of commercial motor vehicles beyond one hundred fifty  
24 (150) miles from the place of business or the farm currently being

1 served. Such license shall be limited to Class B vehicles. Holders  
2 of such licenses who transport hazardous materials which are  
3 required to be placarded shall be limited to the following:

- 4 a. diesel fuel in quantities of one thousand (1,000)  
5 gallons or less,
- 6 b. liquid fertilizers in vehicles with total capacities  
7 of three thousand (3,000) gallons or less, and
- 8 c. solid fertilizers that are not mixed with any organic  
9 substance.

10 No other placarded hazardous materials shall be transported by  
11 holders of such licenses.

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

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

18 2. A J-1 Exchange Visitor Program participant lawfully present  
19 in the United States as indicated on a valid and unexpired J-1  
20 Visitor Visa issued by the United States Customs and Immigration  
21 Service and who is enrolled in an agricultural education training  
22 program.

23 A person applying for such permit or license must comply with  
24 all testing and licensing requirements in accordance with applicable

1 federal regulations, state laws and Department rules. The issued  
2 license shall be valid until the expiration of the visa for the non-  
3 domiciled worker. The Department may promulgate rules for the  
4 implementation of the process to carry out the provisions of this  
5 section.

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

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

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

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

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

20       G. A person subject to an order for the installation of an  
21 ignition interlock device shall be required by the Department to  
22 submit their driver license for a replacement. The replacement  
23 driver license shall bear the words "Interlock Required" and such  
24 designation shall remain on the driver license for the duration of

1 the order requiring the ignition interlock device. The replacement  
2 license shall be subject to the same expiration and renewal  
3 procedures provided by law. Upon completion of the requirements for  
4 the interlock device, a person may apply for a replacement driver  
5 license.

6 H. The Department shall develop a procedure whereby a person  
7 applying for an original, renewal or replacement Class D driver  
8 license who has been granted modified driving privileges under this  
9 title shall be issued a Class D driver license which identifies the  
10 license as a modified license.

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

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13 57-1-6986 JBH 01/14/19

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