

1 **SENATE FLOOR VERSION**

2 April 7, 2016

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 2554

By: Wright and Russ of the
House

and

Schulz of the Senate

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9 An Act relating to commercial driver licenses;
10 amending 47 O.S. 2011, Section 6-111, as last amended
11 by Section 4, Chapter 266, O.S.L. 2015 (47 O.S. Supp.
12 2015, Section 6-111), which relates to commercial
13 driver licenses; authorizing certain driver licenses
14 to be issued; stating requirements; allowing rules
15 for implementation; providing an effective date; and
16 declaring an emergency.

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

18 SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-111, as
19 last amended by Section 4, Chapter 266, O.S.L. 2015 (47 O.S. Supp.
20 2015, Section 6-111), is amended to read as follows:

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

1 the license or card, the full name, signature or computerized
2 signature, date of birth, residence address, sex, a color photograph
3 or computerized image of the licensee or cardholder and security
4 features as determined by the Department. The photograph or image
5 shall depict a full front unobstructed view of the entire face of
6 the licensee or cardholder; provided, a commercial learner permit
7 shall not bear the photograph or image of the licensee. When any
8 person is issued both a driver license and an identification card,
9 the Department shall ensure the information on both the license and
10 the card are the same, unless otherwise 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~~7~~ or other attachment. Any law enforcement officer is
2 authorized to remove and dispose of any unlawful decal, sticker,
3 label~~7~~ 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~~7~~ and the State of Oklahoma shall be
6 immune from any liability for any loss suffered by the licensee,
7 cardholder~~7~~ or the owner of the decal, sticker, label~~7~~ or other
8 attachment caused by the removal and destruction of the decal,
9 sticker, label~~7~~ or other attachment.

10 6. The Department of Public Safety may develop by rule an
11 alternative procedure whereby a person may apply for a renewal or
12 replacement Oklahoma Class D license or Oklahoma identification
13 card.

14 B. The Department may issue a temporary permit to an applicant
15 for a driver license permitting such applicant to operate a motor
16 vehicle while the Department is completing its investigation and
17 determination of all facts relative to such applicant's privilege to
18 receive a license. Such permit must be in the immediate possession
19 of the driver while operating a motor vehicle, and it shall be
20 invalid when the applicant's driver license has been issued or for
21 good cause has been refused.

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

- 1 a. farm retail outlets and suppliers,
- 2 b. agri-chemical businesses,
- 3 c. custom harvesters, and
- 4 d. livestock feeders.

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

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

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

- 15 a. diesel fuel in quantities of one thousand (1,000)
16 gallons or less,
- 17 b. liquid fertilizers in vehicles with total capacities
18 of three thousand (3,000) gallons or less, and
- 19 c. solid fertilizers that are not mixed with any organic
20 substance.

21 No other placarded hazardous materials shall be transported by
22 holders of such licenses.

23 D. The Department may issue a nondomiciled commercial learner
24 permit or a nondomiciled commercial driver license to:

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

5 2. A J-1 Exchange Visitor Program participant lawfully present
6 in the United States as indicated on a valid and unexpired J-1
7 Visitor Visa issued by the United States Customs and Immigration
8 Service and who is enrolled in an agricultural education training
9 program.

10 A person applying for such permit or license must comply with
11 all testing and licensing requirements in accordance with applicable
12 federal regulations, state laws and Department rules. The issued
13 license shall be valid until the expiration of the visa for the
14 nondomiciled worker. The Department may promulgate rules for the
15 implementation of the process to carry out the provisions of this
16 section.

17 E. 1. The Department shall develop a procedure whereby a
18 person applying for an original, renewal or replacement Class A, B,
19 C or D driver license or identification card who is required to
20 register as a convicted sex offender with the Department of
21 Corrections pursuant to the provisions of the Sex Offenders
22 Registration Act and who the Department of Corrections designates as
23 an aggravated or habitual offender pursuant to subsection J of
24

1 Section 584 of Title 57 of the Oklahoma Statutes shall be issued a
2 license or card bearing the words "Sex Offender".

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

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

13 4. Failure to comply with the requirements set forth in such
14 notice shall result in cancellation of the person's license or card.
15 Such cancellation shall be in effect for one (1) year, after which
16 time the person may make application with the Department for a new
17 license or card bearing the words "Sex Offender". Continued use of
18 a canceled license or card shall constitute a misdemeanor and shall,
19 upon conviction thereof, be punishable by a fine of not less than
20 Twenty-five Dollars (\$25.00), nor more than Two Hundred Dollars
21 (\$200.00). When an individual is no longer required to register as
22 a convicted sex offender with the Department of Corrections pursuant
23 to the provisions of the Sex Offenders Registration Act, the
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1 individual shall be eligible to receive a driver license or
2 identification card which does not bear the words "Sex Offender".

3 ~~E.~~ F. Nothing in subsection ~~D~~ E of this section shall be deemed
4 to impose any liability upon or give rise to a cause of action
5 against any employee, agent or official of the Department of
6 Corrections for failing to designate a sex offender as an aggravated
7 or habitual offender pursuant to subsection J of Section 584 of
8 Title 57 of the Oklahoma Statutes.

9 ~~F.~~ G. The Department shall develop a procedure whereby a person
10 subject to an order for the installation of an ignition interlock
11 device shall be required by the Department to submit their driver
12 license for a replacement. The replacement driver license shall
13 bear the words "Interlock Required" and such designation shall
14 remain on the driver license for the duration of the order requiring
15 the ignition interlock device. The replacement license shall be
16 subject to the same expiration and renewal procedures provided by
17 law. Upon completion of the requirements for the interlock device,
18 a person may apply for a replacement driver license.

19 ~~G.~~ H. The Department shall develop a procedure whereby a person
20 applying for an original, renewal or replacement Class D driver
21 license who has been granted modified driving privileges under this
22 title shall be issued a Class D driver license which identifies the
23 license as a modified license.

24 SECTION 2. This act shall become effective July 1, 2016.

1 SECTION 3. It being immediately necessary for the preservation
2 of the public peace, health and safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

5 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
6 April 7, 2016 - DO PASS AS AMENDED
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