

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 HOUSE BILL 2989

By: Bennett

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5
6 AS INTRODUCED

7 An Act relating to driver licenses; defining term;
8 requiring issuance of certain driver licenses and
9 identification cards; listing certain required
10 documentation; exempting commercial driver licenses;
11 disallowing certain use; amending 21 O.S. 2011,
12 Section 1550.42, which relates to agencies allowed to
13 print identification documents; modifying list of
14 residents allowed to receive identification
15 documents; making certain exemption; eliminating
16 disallowance of certain license renewal; amending 47
17 O.S. 2011, Section 6-103, which relates to persons
18 not to be licensed; modifying persons ineligible to
19 be licensed; amending 47 O.S. 2011, Section 6-106, as
20 last amended by Section 1, Chapter 302, O.S.L. 2019
21 (47 O.S. Supp. 2019, Section 6-106), which relates to
22 application for license; modifying information
23 required for application; providing for codification;
24 and providing an effective date.

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

19 SECTION 1. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 6-106.5 of Title 47, unless
21 there is created a duplication in numbering, reads as follows:

22 A. As used in this section, "undocumented immigrant" refers to
23 foreign nationals residing in the United States without legal
24 immigration status. It includes persons who enter the United States

1 without inspection and proper permission from the United States
2 government, and those who enter with legal visas that are no longer
3 valid. Undocumented immigrants are also known as unauthorized or
4 illegal immigrants.

5 B. The Department of Public Safety shall issue a REAL ID
6 Noncompliant Driver License or REAL ID Noncompliant Identification
7 Card to an undocumented immigrant who satisfies all requirements
8 listed in Section 6-106 of Title 47 of the Oklahoma Statutes. In
9 lieu of producing documentation required by Department rule, an
10 undocumented immigrant resident may prove his or her identity and
11 age to the Department by producing reliable official documentation
12 of two (2) forms of identification, including at least one
13 containing a photograph of the resident, with a certified English
14 translation if the original is in a language other than English,
15 such as:

16 1. An original or certified copy of the resident's birth
17 certificate;

18 2. The resident's medical insurance card, or documentation of
19 medical insurance coverage or eligibility that contains an
20 identification number;

21 3. The resident's current or expired alien registration card,
22 employment authorization card, temporary resident card, or any other
23 document issued by the United States Citizenship and Immigration
24 Service;

1 4. A valid passport issued by the resident's country of birth;

2 5. An identification card issued by the consulate or embassy of
3 the applicant's country of birth;

4 6. A completed and approved Form I-246 Application for a Stay
5 of Deportation or Removal issued by the United States Immigration
6 and Customs Enforcement; or

7 7. A consular report of birth abroad issued by the United
8 States Department of State Form FS-240, DS-1350 or FS-545.

9 C. This section shall not apply to the issuance of commercial
10 driver licenses.

11 D. Any driver license or identification card issued under this
12 section shall not be considered evidence of any individual's
13 immigration status in the United States.

14 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1550.42, is
15 amended to read as follows:

16 Section 1550.42 A. The following entities may create, publish
17 or otherwise manufacture an identification document, identification
18 card, or identification certificate and may possess an engraved
19 plate or other such device for the printing of such identification;
20 provided, the name of the issuing entity shall be clearly printed
21 upon the face of the identification:

22 1. Businesses, companies, corporations, service organizations
23 and federal, state and local governmental agencies for employee
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1 identification which is designed to identify the bearer as an
2 employee;

3 2. Businesses, companies, corporations and service
4 organizations for customer identification which is designed to
5 identify the bearer as a customer or member;

6 3. Federal, state and local government agencies for purposes
7 authorized or required by law or any legitimate purpose consistent
8 with the duties of such an agency, including, but not limited to,
9 voter identification cards, driver licenses, nondriver
10 identification cards, passports, birth certificates and ~~social~~
11 ~~security~~ Social Security cards;

12 4. Any public school or state or private educational
13 institution, as defined by Sections 1-106, 21-101 or 3102 of Title
14 70 of the Oklahoma Statutes, to identify the bearer as an
15 administrator, faculty member, student or employee;

16 5. Any professional organization or labor union to identify the
17 bearer as a member of the professional organization or labor union;
18 and

19 6. Businesses, companies or corporations which manufacture
20 medical-alert identification for the wearer thereof.

21 B. All identification documents as provided for in paragraph 3
22 or 4 of subsection A of this section shall be issued only to United
23 States citizens, nationals ~~an~~, legal permanent resident aliens and

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1 undocumented immigrants that are residents of this state in
2 accordance with Section 1 of this act.

3 C. The provisions of subsection B of this section shall not
4 apply when an applicant presents, in person, valid documentary
5 evidence of:

6 1. A valid, unexpired immigrant or nonimmigrant visa status for
7 admission into the United States;

8 2. A pending or approved application for asylum in the United
9 States;

10 3. Admission into the United States in refugee status;

11 4. A pending or approved application for temporary protected
12 status in the United States;

13 5. Approved deferred action status; ~~or~~

14 6. A pending application for adjustment of status to legal
15 permanent residence status or conditional resident status.

16 Upon approval, the applicant may be issued an identification
17 document provided for in paragraph 3 or 4 of subsection A of this
18 section. Such identification document shall be valid only during
19 the period of time of the authorized stay of the applicant in the
20 United States or, if there is no definite end to the period of
21 authorized stay, a period of one (1) year. Any identification
22 document issued pursuant to the provisions of this subsection shall
23 clearly indicate that it is temporary and shall state the date that
24 the identification document expires. Such identification document

1 may be renewed only upon presentation of valid documentary evidence
2 that the status by which the applicant qualified for the
3 identification document has been extended by the United States
4 Citizenship and Immigration Services or other authorized agency of
5 the United States Department of Homeland Security; or

6 7. Undocumented immigrant resident status providing the
7 necessary documents listed in Section 1 of this act.

8 D. The provisions of subsection B of this section shall not
9 apply to an identification document described in paragraph 4 of
10 subsection A of this section that is only valid for use on the
11 campus or facility of that educational institution and includes a
12 statement of such restricted validity clearly and conspicuously
13 printed upon the face of the identification document.

14 ~~E. Any driver license issued to a person who is not a United~~
15 ~~States citizen, national or legal permanent resident alien for which~~
16 ~~an application has been made for renewal, duplication or reissuance~~
17 ~~shall be presumed to have been issued in accordance with the~~
18 ~~provisions of subsection C of this section; provided that, at the~~
19 ~~time the application is made, the driver license has not expired, or~~
20 ~~been cancelled, suspended or revoked. The requirements of~~
21 ~~subsection C of this section shall apply, however, to a renewal,~~
22 ~~duplication or reissuance if the Department of Public Safety is~~
23 ~~notified by a local, state or federal government agency of~~
24 ~~information in the possession of the agency indicating a reasonable~~

1 ~~suspicion that the individual seeking such renewal, duplication or~~
2 ~~reissuance is present in the United States in violation of law. The~~
3 ~~provisions of this subsection shall not apply to United States~~
4 ~~citizens, nationals or legal permanent resident aliens.~~

5 SECTION 3. AMENDATORY 47 O.S. 2011, Section 6-103, is
6 amended to read as follows:

7 Section 6-103. A. Except as otherwise provided by law, the
8 Department of Public Safety shall not issue a driver license to:

9 1. Any person who is under eighteen (18) years of age, except
10 that the Department may issue a Class D license to any person who
11 attains sixteen (16) years of age on or after August 15, 2000, and
12 meets the requirements of Sections 6-105 and 6-107.3 of this title;

13 2. Any unemancipated person who is under eighteen (18) years of
14 age and whose custodial legal parent or legal guardian does not
15 approve the issuance of a license as required by Section 6-110.2 of
16 this title or objects to the issuance of a license or permit by
17 filing an objection pursuant to Section 6-103.1 of this title;

18 3. Any person whose driving privilege has been suspended,
19 revoked, canceled or denied in this state or any other state or
20 country until the driving privilege has been reinstated by the state
21 or country withdrawing the privilege;

22 4. Any person who is classified as an excessive user of
23 alcohol, any other intoxicating substance, or a combination of
24 alcohol and any other intoxicating substance, and inimical to public

1 safety, in accordance with rules promulgated by the Department,
2 until all requirements granting or reinstating driving privileges
3 are met, including, but not limited to, abstinence from the use of
4 alcohol, any other intoxicating substance, or any combination of
5 alcohol and any other intoxicating substance for a minimum of either
6 twelve (12) months or eighteen (18) months, as determined by OAC
7 595:10-5, immediately preceding application for or application for
8 reinstatement of driving privileges;

9 5. Any person who is required by Section 6-101 et seq. of this
10 title to take an examination, unless the person shall have
11 successfully passed the examination;

12 6. Any person who is required under the laws of this state to
13 deposit proof of financial responsibility and who has not deposited
14 such proof;

15 7. Any person who is physically deformed or who is afflicted
16 with any mental disease or physical condition that would impair the
17 driving ability of the person or when the Commissioner of Public
18 Safety, from information concerning the person or from the records
19 and reports on file in the Department of Public Safety, determines
20 that the operation of a motor vehicle by such person on the highways
21 would be inimical to public safety or welfare;

22 8. Any person who is a nonresident, as defined in Section 1-137
23 of this title;

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1 9. ~~Any alien unless such person presents valid documentation of~~
2 ~~identity and authorization for presence in the United States issued~~
3 ~~pursuant to the laws of the United States; provided, no license~~
4 ~~shall be issued to any alien whose documentation indicates the alien~~
5 ~~is a visitor or is not eligible to establish residency; or~~

6 10. Any person who possesses a valid license to operate a motor
7 vehicle issued by another state until the other state license has
8 been surrendered.

9 B. Any applicant who is denied a license under the provisions
10 of subsection A of this section shall have the right to an appeal as
11 provided in Section 6-211 of this title.

12 SECTION 4. AMENDATORY 47 O.S. 2011, Section 6-106, as
13 last amended by Section 1, Chapter 302, O.S.L. 2019 (47 O.S. Supp.
14 2019, Section 6-106), is amended to read as follows:

15 Section 6-106. A. 1. Every application for a driver license
16 or identification card shall be made by the applicant upon a form
17 furnished by the Department of Public Safety.

18 2. Every original, renewal, or replacement application for a
19 driver license or identification card made by a male applicant who
20 is at least sixteen (16) but less than twenty-six (26) years of age
21 shall include a statement that by submitting the application, the
22 applicant is consenting to registration with the Selective Service
23 System. The pertinent information from the application shall be
24 forwarded by the Department to the Data Management Center of the

1 Selective Service System in order to register the applicant as
2 required by law with the Selective Service System. Any applicant
3 refusing to sign the consent statement shall be denied a driver
4 license or identification card.

5 3. Except as provided for in subsections G and H of this
6 section, every applicant for a driver license or identification card
7 shall provide to the Department at the time of application a
8 document showing proof of identity. The Department shall promulgate
9 rules prescribing forms of primary and secondary identification
10 acceptable for an original Oklahoma driver license.

11 B. Every applicant for a driver license shall provide the
12 following information:

13 1. Full name;

14 2. Date of birth;

15 3. Sex;

16 4. Address of principal residence and county of such residence
17 which shall be referenced on the REAL ID Compliant Driver License or
18 Identification Card; proof of principal residency, as prescribed by
19 rules promulgated by the Department, documenting provided address;

20 5. Current and complete mailing address to be maintained by the
21 Department for the purpose of giving notice, if necessary, as
22 required by Section 2-116 of this title;

23 6. Medical information, as determined by the Department, which
24 shall assure the Department that the person is not prohibited from

1 being licensed as provided by paragraph 7 of subsection A of Section
2 6-103 of this title;

3 7. Whether the applicant is deaf or hard-of-hearing;

4 8. A brief description of the applicant, as determined by the
5 Department;

6 9. Whether the applicant has previously been licensed, and, if
7 so, when and by what state or country, and whether any license has
8 ever been suspended or revoked, or whether an application has ever
9 been refused, and, if so, the date of and reason for the suspension,
10 revocation or refusal;

11 10. Whether the applicant is an alien eligible to be considered
12 for licensure ~~and is not prohibited from licensure pursuant to~~
13 ~~paragraph 9 of subsection A of Section 6-103 of this title;~~

14 11. Whether the applicant has:

15 a. previously been licensed and, if so, when and by what
16 state or country, and

17 b. held more than one license at the same time during the
18 immediately preceding ten (10) years; and

19 12. Social Security number, if the applicant so possesses one.

20 No person shall request the Department to use the Social Security
21 number of that person as the driver license number. Upon renewal or
22 replacement of any driver license issued after the effective date of
23 this act, the licensee shall advise the Department or the motor
24 license agent if the present driver license number of the licensee

1 is the Social Security number of the licensee. If the driver
2 license number is the Social Security number, the Department or the
3 motor license agent shall change the driver license number to a
4 computer-generated alphanumeric identification.

5 C. 1. In addition to the requirements of subsections A and B
6 of this section, every applicant for a commercial driver license who
7 is subject to the requirements of 49 C.F.R., Part 391, and is
8 applying for an original, renewal, or replacement license, and every
9 person who, upon or after May 8, 2012, is currently the holder of a
10 commercial driver license and is subject to the requirements of 49
11 C.F.R., Part 391, and who does not apply for a renewal or
12 replacement license prior to January 30, 2014, shall submit to the
13 Department and maintain with the Department a current approved
14 medical examination certificate signed by a licensed physician
15 authorized to perform and approve medical examination
16 certifications. The Department shall adopt rules for maintaining
17 medical examination certificates pursuant to the requirements in 49
18 C.F.R., Parts 383 and 384. Any commercial driver licensee subject
19 to the requirements of this paragraph who fails to maintain on file
20 with the Department a current, approved medical examination
21 certificate shall have the driving privileges of the person
22 downgraded to a Class D driver license by the Department.

23 2. If the applicant is applying for an original commercial
24 driver license in Oklahoma or is transferring a commercial driver

1 license from another state to Oklahoma, the Department shall review
2 the driving record of the applicant in other states for the
3 immediately preceding ten (10) years, unless the record review has
4 already been performed by the Department. As a result of the
5 review, if it is determined by the Department that the applicant is
6 subject to a period of disqualification as prescribed by Section 6-
7 205.2 of this title which has not yet been imposed, the Department
8 shall impose the period of disqualification and the applicant shall
9 serve the period of disqualification before a commercial driver
10 license is issued to the applicant; provided, nothing in this
11 paragraph shall be construed to prevent the issuance of a Class D
12 driver license to the applicant.

13 3. If the applicant has or is applying for a hazardous material
14 endorsement, the applicant shall submit to a security threat
15 assessment performed by the Transportation Security Administration
16 of the Department of Homeland Security as required by and pursuant
17 to 49 C.F.R., Part 1572, which shall be used to determine whether
18 the applicant is eligible for the endorsement pursuant to federal
19 law and regulation.

20 4. The Department of Public Safety shall notify each commercial
21 driving school of the passage of this section, and each commercial
22 driving school shall notify prospective students of its school of
23 the hazardous material endorsement requirement.

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1 D. In addition to the requirements of subsections A and B of
2 this section, every applicant shall be given an option on the
3 application for issuance of a driver license or identification card
4 or renewal pursuant to Section 6-115 of this title to provide an
5 emergency contact person. The emergency contact information
6 requested may include full name, address, and phone number. The
7 emergency contact information shall be maintained by the Department
8 and shall be used by the Department and law enforcement for
9 emergency purposes only. A person listed as an emergency contact
10 may request to be removed at any time. Any update to a change of
11 name, address, or phone number may be made by the applicant listing
12 the emergency contact person or by the person listed as the
13 emergency contact.

14 E. Whenever application is received from a person previously
15 licensed in another jurisdiction, the Department shall request a
16 copy of the driving record from the other jurisdiction and,
17 effective September 1, 2005, from all other jurisdictions in which
18 the person was licensed within the immediately previous ten (10)
19 years. When received, the driving record shall become a part of the
20 driving record of the person in this state with the same force and
21 effect as though entered on the driver's record in this state in the
22 original instance.

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1 F. Whenever the Department receives a request for a driving
2 record from another licensing jurisdiction, the record shall be
3 forwarded without charge.

4 G. A person shall not apply for or possess more than one state-
5 issued or territory-issued REAL ID Compliant Driver License or
6 Identification Card pursuant to the provisions of Section 6-101 of
7 this title. A valid and unexpired Oklahoma driver license shall
8 serve as both primary and secondary proofs of identity whenever
9 application for a REAL ID Noncompliant Identification Card is
10 submitted to the Department. The provisions of subsection B of
11 Section 1550.42 of Title 21 of the Oklahoma Statutes shall not apply
12 when issuing an identification card pursuant to the provisions of
13 this subsection. The Department shall promulgate rules necessary to
14 implement and administer the provisions of this subsection.

15 H. A valid and unexpired U.S. passport shall serve as both
16 primary and secondary proofs of identity whenever application for a
17 driver license or identification card is submitted to the
18 Department. The Department shall promulgate rules necessary to
19 implement and administer the provisions of this subsection.

20 SECTION 5. This act shall become effective November 1, 2020.

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