1	ENGROSSED HOUSE AMENDMENT TO
2	ENGROSSED SENATE BILL NO. 19 By: Pemberton of the Senate
3	and
4	Newton of the House
5	
6	
7	An Act relating to driver licenses; amending 47 O.S.
8	2011, Section 6-106, as last amended by Section 3, Chapter 1, O.S.L. 2017 (47 O.S. Supp. 2018, Section
9	6-106), which relates to the application for license; modifying provided documentation; amending 47 O.S.
10	2011, Section 6-111, as last amended by Section 5, Chapter 1, O.S.L. 2017 (47 O.S. Supp. 2018, Section
11	6-111), which relates to issuance of license or identification card; modifying inclusions; and
12	providing an effective date.
13	
14	AMENDMENT NO. 1. Delete the title, enacting clause and entire bill
15	and replace with:
16	"An Act relating to driver licenses; amending 47 O.S.
17	2011, Section 6-106, as last amended by Section 3, Chapter 1, O.S.L. 2017 (47 O.S. Supp. 2018, Section
18	6-106), which relates to the application for license; modifying provided documentation; and
19	providing an effective date.
20	
21	BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:
22	SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-106, as
23	last amended by Section 3, Chapter 1, O.S.L. 2017 (47 O.S. Supp.
24	2018, Section 6-106), is amended to read as follows:

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

4 2. Every original, renewal, or replacement application for a 5 driver license or identification card made by a male applicant who is at least sixteen (16) but less than twenty-six (26) years of age 6 7 shall include a statement that by submitting the application, the applicant is consenting to registration with the Selective Service 8 9 System. The pertinent information from the application shall be 10 forwarded by the Department to the Data Management Center of the 11 Selective Service System in order to register the applicant as 12 required by law with the Selective Service System. Any applicant 13 refusing to sign the consent statement shall be denied a driver 14 license or identification card.

3. Except as provided for in subsections G and H of this section, every applicant for a driver license or identification card shall provide to the Department at the time of application both primary and secondary proofs <u>a document showing proof</u> of identity. The Department shall promulgate rules prescribing forms of primary and secondary identification acceptable for an original Oklahoma driver license.

B. Every applicant for a driver license shall provide thefollowing information:

24 1. Full name;

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1 2. Date of birth;

3. Sex;

2

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

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

6. Medical information, as determined by the Department, which shall assure the Department that the person is not prohibited from being licensed as provided by paragraph 7 of subsection A of Section 6-103 of this title;

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

16 8. A brief description of the applicant, as determined by the 17 Department;

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

- 23
- 24

1 10. Whether the applicant is an alien eligible to be considered 2 for licensure and is not prohibited from licensure pursuant to paragraph 9 of subsection A of Section 6-103 of this title; 3 4 Whether the applicant has: 11. previously been licensed and, if so, when and by what 5 a. 6 state or country, and 7 held more than one license at the same time during the b. immediately preceding ten (10) years; and 8 9 12. Social Security number. 10 No person shall request the Department to use the Social Security 11 number of that person as the driver license number. Upon renewal or 12 replacement of any driver license issued after the effective date of 13 this act, the licensee shall advise the Department or the motor 14 license agent if the present driver license number of the licensee

15 is the Social Security number of the licensee. If the driver 16 license number is the Social Security number, the Department or the 17 motor license agent shall change the driver license number to a 18 computer-generated alphanumeric identification.

C. 1. In addition to the requirements of subsections A and B of this section, every applicant for a commercial driver license who is subject to the requirements of 49 C.F.R., Part 391, and is applying for an original, renewal, or replacement license, and every person who, upon the effective date of this act or after May 8, 2012, is currently the holder of a commercial driver license and is

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subject to the requirements of 49 C.F.R., Part 391, and who does not 1 2 apply for a renewal or replacement license prior to January 30, 3 2014, shall submit to the Department and maintain with the 4 Department a current approved medical examination certificate signed 5 by a licensed physician authorized to perform and approve medical examination certifications. The Department shall adopt rules for 6 7 maintaining medical examination certificates pursuant to the requirements in 49 C.F.R., Parts 383 and 384. Any commercial driver 8 9 licensee subject to the requirements of this paragraph who fails to 10 maintain on file with the Department a current, approved medical 11 examination certificate shall have the driving privileges of the 12 person downgraded to a Class D driver license by the Department.

13 2. If the applicant is applying for an original commercial 14 driver license in Oklahoma or is transferring a commercial driver 15 license from another state to Oklahoma, the Department shall review 16 the driving record of the applicant in other states for the 17 immediately preceding ten (10) years, unless the record review has 18 already been performed by the Department. As a result of the 19 review, if it is determined by the Department that the applicant is 20 subject to a period of disqualification as prescribed by Section 6-21 205.2 of this title which has not yet been imposed, the Department 22 shall impose the period of disqualification and the applicant shall 23 serve the period of disqualification before a commercial driver 24 license is issued to the applicant; provided, nothing in this

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paragraph shall be construed to prevent the issuance of a Class D
 driver license to the applicant.

3 3. If the applicant has or is applying for a hazardous material 4 endorsement, the applicant shall submit to a security threat 5 assessment performed by the Transportation Security Administration 6 of the Department of Homeland Security as required by and pursuant 7 to 49 C.F.R., Part 1572, which shall be used to determine whether 8 the applicant is eligible for the endorsement pursuant to federal 9 law and regulation.

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

14 In addition to the requirements of subsections A and B of D. 15 this section, every applicant shall be given an option on the 16 application for issuance of a driver license or identification card 17 or renewal pursuant to Section 6-115 of this title to provide an 18 emergency contact person. The emergency contact information 19 requested may include full name, address, and phone number. The 20 emergency contact information shall be maintained by the Department 21 and shall be used by the Department and law enforcement for 22 emergency purposes only. A person listed as an emergency contact 23 may request to be removed at any time. Any update to a change of 24 name, address, or phone number may be made by the applicant listing

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1 the emergency contact person or by the person listed as the 2 emergency contact.

3 Ε. Whenever application is received from a person previously 4 licensed in another jurisdiction, the Department shall request a 5 copy of the driving record from the other jurisdiction and, effective September 1, 2005, from all other jurisdictions in which 6 7 the person was licensed within the immediately previous ten (10) years. When received, the driving record shall become a part of the 8 9 driving record of the person in this state with the same force and 10 effect as though entered on the driver's record in this state in the 11 original instance.

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

15 G. A person shall not apply for or possess more than one state-16 issued or territory-issued REAL ID Compliant Driver License or 17 Identification Card pursuant to the provisions of Section 6-101 of 18 this title. A valid and unexpired Oklahoma driver license shall 19 serve as both primary and secondary proofs of identity whenever 20 application for a REAL ID Noncompliant Identification Card is 21 submitted to the Department. The provisions of subsection B of 22 Section 1550.42 of Title 21 of the Oklahoma Statutes shall not apply 23 when issuing an identification card pursuant to the provisions of

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1	this subsection. The Department shall promulgate rules necessary to
2	implement and administer the provisions of this subsection.
3	H. A valid and unexpired U.S. passport shall serve as both
4	primary and secondary proofs of identity whenever application for a
5	driver license or identification card is submitted to the
6	Department. The Department shall promulgate rules necessary to
7	implement and administer the provisions of this subsection.
8	SECTION 2. This act shall become effective November 1, 2019."
9	Passed the House of Representatives the 23rd day of April, 2019.
10	
11	
12	Presiding Officer of the House of Representatives
13	
14	Passed the Senate the day of, 2019.
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17	Presiding Officer of the Senate
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1	ENGROSSED SENATE
0	BILL NO. 19 By: Pemberton of the Senate
2	and
3	
4	Newton of the House
_	
5	
6	An Act relating to driver licenses; amending 47 O.S.
7	2011, Section 6-106, as last amended by Section 3, Chapter 1, O.S.L. 2017 (47 O.S. Supp. 2018, Section
8	6-106), which relates to the application for license;
0	modifying provided documentation; amending 47 O.S. 2011, Section 6-111, as last amended by Section 5,
9	Chapter 1, O.S.L. 2017 (47 O.S. Supp. 2018, Section 6-111), which relates to issuance of license or
10	identification card; modifying inclusions; and
11	providing an effective date.
12	
13	BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:
14	SECTION 3. AMENDATORY 47 O.S. 2011, Section 6-106, as
15	last amended by Section 3, Chapter 1, O.S.L. 2017 (47 O.S. Supp.
16	2018, Section 6-106), is amended to read as follows:
17	Section 6-106. A. 1. Every application for a driver license
18	or identification card shall be made by the applicant upon a form
19	furnished by the Department of Public Safety.
20	2. Every original, renewal, or replacement application for a
21	driver license or identification card made by a male applicant who
22	is at least sixteen (16) but less than twenty-six (26) years of age
23	shall include a statement that by submitting the application, the
24	applicant is consenting to registration with the Selective Service

System. The pertinent information from the application shall be forwarded by the Department to the Data Management Center of the Selective Service System in order to register the applicant as required by law with the Selective Service System. Any applicant refusing to sign the consent statement shall be denied a driver license or identification card.

7 3. Except as provided for in subsections G and H of this section, every applicant for a driver license or identification card 8 9 shall provide to the Department at the time of application both 10 primary and secondary proofs of identity. Secondary proof of 11 identity is only required for REAL ID non-compliant driver license 12 or identification cards. The Department shall promulgate rules prescribing forms of primary and secondary identification acceptable 13 for an original Oklahoma driver license. 14

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

17 1. Full name;

18 2. Date of birth;

19 3. Sex;

Address of principal residence and county of such residence
 which shall be referenced on the <u>REAL ID compliant driver</u> license <u>or</u>
 <u>identification card; proof of principal residency, as prescribed by</u>
 <u>rules promulgated by the Department, documenting provided address;</u>

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

6. Medical information, as determined by the Department, which
shall assure the Department that the person is not prohibited from
being licensed as provided by paragraph 7 of subsection A of Section
6-103 of this title;

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

9 8. A brief description of the applicant, as determined by the10 Department;

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

16 10. Whether the applicant is an alien eligible to be considered 17 for licensure and is not prohibited from licensure pursuant to 18 paragraph 9 of subsection A of Section 6-103 of this title;

19 11. Whether the applicant has:

a. previously been licensed and, if so, when and by whatstate or country, and

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

24 12. Social Security number.

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1 No person shall request the Department to use the Social Security 2 number of that person as the driver license number. Upon renewal or 3 replacement of any driver license issued after the effective date of this act, the licensee shall advise the Department or the motor 4 5 license agent if the present driver license number of the licensee is the Social Security number of the licensee. If the driver 6 license number is the Social Security number, the Department or the 7 motor license agent shall change the driver license number to a 8 9 computer-generated alphanumeric identification.

10 С. 1. In addition to the requirements of subsections A and B 11 of this section, every applicant for a commercial driver license who 12 is subject to the requirements of 49 C.F.R., Part 391, and is applying for an original, renewal, or replacement license, and every 13 person who, upon the effective date of this act or after May 8, 14 15 2012, is currently the holder of a commercial driver license and is subject to the requirements of 49 C.F.R., Part 391, and who does not 16 apply for a renewal or replacement license prior to January 30, 17 2014, shall submit to the Department and maintain with the 18 Department a current approved medical examination certificate signed 19 by a licensed physician authorized to perform and approve medical 20 examination certifications. The Department shall adopt rules for 21 maintaining medical examination certificates pursuant to the 22 requirements in 49 C.F.R., Parts 383 and 384. Any commercial driver 23 licensee subject to the requirements of this paragraph who fails to 24

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1 maintain on file with the Department a current, approved medical 2 examination certificate shall have the driving privileges of the 3 person downgraded to a Class D driver license by the Department.

2. If the applicant is applying for an original commercial 4 5 driver license in Oklahoma or is transferring a commercial driver license from another state to Oklahoma, the Department shall review 6 7 the driving record of the applicant in other states for the immediately preceding ten (10) years, unless the record review has 8 9 already been performed by the Department. As a result of the 10 review, if it is determined by the Department that the applicant is subject to a period of disqualification as prescribed by Section 6-11 12 205.2 of this title which has not yet been imposed, the Department shall impose the period of disqualification and the applicant shall 13 serve the period of disqualification before a commercial driver 14 license is issued to the applicant; provided, nothing in this 15 paragraph shall be construed to prevent the issuance of a Class D 16 driver license to the applicant. 17

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

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

5 D. In addition to the requirements of subsections A and B of this section, every applicant shall be given an option on the 6 application for issuance of a driver license or identification card 7 or renewal pursuant to Section 6-115 of this title to provide an 8 9 emergency contact person. The emergency contact information 10 requested may include full name, address, and phone number. The 11 emergency contact information shall be maintained by the Department 12 and shall be used by the Department and law enforcement for emergency purposes only. A person listed as an emergency contact 13 may request to be removed at any time. Any update to a change of 14 name, address, or phone number may be made by the applicant listing 15 the emergency contact person or by the person listed as the 16 emergency contact. 17

E. Whenever application is received from a person previously licensed in another jurisdiction, the Department shall request a copy of the driving record from the other jurisdiction and, effective September 1, 2005, from all other jurisdictions in which the person was licensed within the immediately previous ten (10) years. When received, the driving record shall become a part of the driving record of the person in this state with the same force and

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1 effect as though entered on the driver's record in this state in the 2 original instance.

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

G. A person shall not apply for or possess more than one state-6 issued or territory-issued REAL ID Compliant Driver License or 7 Identification Card pursuant to the provisions of Section 6-101 of 8 9 this title. A valid and unexpired Oklahoma driver license shall 10 serve as both primary and secondary proofs of identity whenever application for a REAL ID Noncompliant Identification Card is 11 12 submitted to the Department. The provisions of subsection B of 13 Section 1550.42 of Title 21 of the Oklahoma Statutes shall not apply when issuing an identification card pursuant to the provisions of 14 15 this subsection. The Department shall promulgate rules necessary to implement and administer the provisions of this subsection. 16

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

22 SECTION 4. AMENDATORY 47 O.S. 2011, Section 6-111, as 23 last amended by Section 5, Chapter 1, O.S.L. 2017 (47 O.S. Supp. 24 2018, Section 6-111), is amended to read as follows:

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1 Section 6-111. A. 1. The Department of Public Safety shall, 2 upon payment of the required fee, issue to every applicant qualifying therefor a Class A, B, C or D driver license or 3 identification card as applied for, which license or card shall bear 4 5 thereon a distinguishing alphanumeric identification assigned to the licensee or cardholder, date of issuance and date of expiration of 6 the license or card, the full legal name, signature or computerized 7 signature, date of birth, residence address or mailing address. A 8 9 REAL ID compliant driver license or identification card and both a 10 REAL ID compliant and REAL ID non-compliant commercial driver license (CDL) shall only bear the residential address, unless 11 12 specified as an exception in the Code of Federal Regulations per 6 C.F.R., Section 37.17, sex, a computerized color image of the 13 licensee or cardholder taken in accordance with Department rules and 14 security features as determined by the Department. The image shall 15 depict a full front unobstructed view of the entire face of the 16 licensee or cardholder; provided, a commercial learner permit shall 17 not bear the image of the licensee. When any person is issued both 18 a driver license and an identification card, the Department shall 19 ensure the information on both the license and the card are the 20 same, unless otherwise provided by law. 21

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

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

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

10 5. It is unlawful for any person to apply, adhere, or otherwise attach to a driver license or identification card any decal, 11 12 sticker, label, or other attachment. Any law enforcement officer is authorized to remove and dispose of any unlawful decal, sticker, 13 label, or other attachment from the driver license of a person. 14 The law enforcement officer, the employing agency of the officer, the 15 Department of Public Safety, and the State of Oklahoma shall be 16 immune from any liability for any loss suffered by the licensee, 17 cardholder, or the owner of the decal, sticker, label, or other 18 attachment caused by the removal and destruction of the decal, 19 sticker, label, or other attachment. 20

6. The Department of Public Safety may develop by rule a
procedure which complies with the provisions of subsection G of
Section 6-101 of this title whereby a person may apply for a renewal

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or replacement Oklahoma Class D license or Oklahoma identification
 card.

3 The Department may issue or authorize the issuance of a Β. 1. temporary permit or license to an applicant for a driver license 4 5 permitting such applicant to operate a motor vehicle while the Department is completing its investigation and determination of all 6 7 facts relative to such applicant's privilege to receive a license, or while a permanent driver license is being produced and delivered 8 9 to the applicant. Such permit or license must be in the immediate 10 possession of the driver while operating a motor vehicle, and it 11 shall be invalid when the applicant's permanent driver license has 12 been issued and delivered or for good cause has been refused.

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

20 C. 1. The Department may issue a restricted commercial driver 21 license to drivers eighteen (18) years of age or older for any of 22 the following specific farm-related service industries:

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a. farm retail outlets and suppliers,

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b. agri-chemical businesses,

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- c. custom harvesters, and
- 2
- d. livestock feeders.

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

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

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

b. liquid fertilizers in vehicles with total capacities
of three thousand (3,000) gallons or less, and
c. solid fertilizers that are not mixed with any organic

18 substance.

19 No other placarded hazardous materials shall be transported by 20 holders of such licenses.

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

An H2A-Temporary Agricultural worker lawfully present in the
 United States as indicated on an original, valid and unexpired I-94

1 immigration status document issued by the United States Customs and 2 Immigration Service; and

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

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

The Department shall develop a procedure whereby a 15 E. 1. person applying for an original, renewal or replacement Class A, B, 16 17 C or D driver license or identification card who is required to register as a convicted sex offender with the Department of 18 Corrections pursuant to the provisions of the Sex Offenders 19 Registration Act and who the Department of Corrections designates as 20 an aggravated or habitual offender pursuant to subsection J of 21 Section 584 of Title 57 of the Oklahoma Statutes shall be issued a 22 license or card bearing the words "Sex Offender". 23

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

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

11 4. Failure to comply with the requirements set forth in such 12 notice shall result in cancellation of the person's license or card. 13 Such cancellation shall be in effect for one (1) year, after which time the person may make application with the Department for a new 14 license or card bearing the words "Sex Offender". Continued use of 15 a canceled license or card shall constitute a misdemeanor and shall, 16 17 upon conviction thereof, be punishable by a fine of not less than Twenty-five Dollars (\$25.00), nor more than Two Hundred Dollars 18 (\$200.00). When an individual is no longer required to register as 19 a convicted sex offender with the Department of Corrections pursuant 20 to the provisions of the Sex Offenders Registration Act, the 21 individual shall be eligible to receive a driver license or 22 identification card which does not bear the words "Sex Offender". 23

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

7 G. A person subject to an order for the installation of an ignition interlock device shall be required by the Department to 8 9 submit their driver license for a replacement. The replacement 10 driver license shall bear the words "Interlock Required" and such 11 designation shall remain on the driver license for the duration of 12 the order requiring the ignition interlock device. The replacement 13 license shall be subject to the same expiration and renewal procedures provided by law. Upon completion of the requirements for 14 the interlock device, a person may apply for a replacement driver 15 license. 16

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

SECTION 5. This act shall become effective November 1, 2019.

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1	Passed the Senate the 12th day of March, 2019.
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4	Presiding Officer of the Senate
5	Passed the House of Representatives the day of,
6	2019.
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8	Dussiding Officen of the Usual
9	Presiding Officer of the House of Representatives
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