

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 35

By: Griffin

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7 AS INTRODUCED

8 An Act relating to driver licenses; amending 47 O.S.
9 2011, Section 6-105.3, as last amended by Section 3,
10 Chapter 259, O.S.L. 2013 (47 O.S. Supp. 2014, Section
11 6-105.3), which relates to issuance of identification
12 cards; allowing certain modifications; amending 47
13 O.S. 2011, Section 6-107, which relates to restricted
14 licenses; allowing certain modifications; amending 47
15 O.S. 2011, Section 6-110, as last amended by Section
16 2, Chapter 199, O.S.L. 2014 (47 O.S. Supp. 2014,
17 Section 6-110), which relates to driver license
18 examinations; modifying requirements; and providing
19 an effective date.

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

26 SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-105.3, as
27 last amended by Section 3, Chapter 259, O.S.L. 2013 (47 O.S. Supp.
28 2014, Section 6-105.3), is amended to read as follows:

29 Section 6-105.3. A. In addition to the licenses to operate
30 motor vehicles, the Department of Public Safety may issue cards to
31 Oklahoma residents for purposes of identification only. The
32 identification cards shall be issued, renewed, replaced, canceled
33 and denied in the same manner as driver licenses in this state. The

1 application for an identification card by any person under the age
2 of eighteen (18) years shall be signed and verified by a custodial
3 legal parent or legal guardian, either in person before a person
4 authorized to administer oaths or electronically if completing an
5 online application, or a notarized affidavit signed by a custodial
6 legal parent or legal guardian submitted before a person authorized
7 to administer oaths by the person under the age of eighteen (18)
8 years with the application. Except as otherwise provided in this
9 section, the identification cards shall be valid for a period of
10 four (4) years from the month of issuance; however, the
11 identification cards issued to persons sixty-five (65) years of age
12 or older shall be valid indefinitely from the month of issuance.

13 B. The fee charged for the issuance, renewal, or replacement of
14 an identification card pursuant to this section shall be Twenty
15 Dollars (\$20.00); however, no person sixty-five (65) years of age or
16 older shall be charged a fee for an identification card. Of each
17 fee charged pursuant to the provisions of this subsection:

18 1. Seven Dollars (\$7.00) shall be apportioned as provided in
19 Section 1104 of this title;

20 2. Three Dollars (\$3.00) shall be credited to the Department of
21 Public Safety Computer Imaging System Revolving Fund to be used
22 solely for the purpose of the administration and maintenance of the
23 computerized imaging system of the Department; and
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1 3. Ten Dollars (\$10.00) shall be deposited in the Department of
2 Public Safety Revolving Fund.

3 C. The Oklahoma Tax Commission is hereby authorized to
4 reimburse, from funds available to that agency, each motor license
5 agent issuing an identification card to a person sixty-five (65)
6 years of age or older, an amount not to exceed One Dollar (\$1.00)
7 for each card or driver license so issued. The Tax Commission shall
8 develop procedures for claims for reimbursement.

9 D. When a person makes application for a new identification
10 card, or makes application to renew an identification card, and the
11 person has been convicted of, or received a deferred judgment for,
12 any offense required to register pursuant to the Sex Offenders
13 Registration Act, the identification card shall be valid for a
14 period of one (1) year from the month of issuance, but may be
15 renewed yearly during the time the person is registered on the Sex
16 Offender Registry. The cost for such identification card shall be
17 the same as for other identification cards and renewals.

18 SECTION 2. AMENDATORY 47 O.S. 2011, Section 6-107, is
19 amended to read as follows:

20 Section 6-107. A. In addition to the requirements of Section
21 6-106 of this title, the application of any unemancipated person
22 under the age of eighteen (18) years for a restricted license shall
23 be signed and verified by the legal custodial parent or legal
24 guardian of the applicant, either in person before a person

1 authorized to administer oaths, electronically if completing an
2 online application, or by a notarized affidavit signed by a
3 custodial legal parent or legal guardian and submitted with the
4 application by the person under the age of eighteen (18) years
5 before a person authorized to administer oaths. The signature of
6 the legal custodial parent or legal guardian shall be evidence that
7 the legal custodial parent or legal guardian is willing to assume
8 the obligation imposed under ~~this act~~ Section 1-101 et seq. of this
9 title upon a person signing the application of a person under the
10 age of eighteen (18) years. Provided, however, any unemancipated
11 person under the age of eighteen (18) years who is in the permanent
12 custody of the Department of Human Services, upon proof of financial
13 responsibility in respect to the operation of a motor vehicle owned
14 by him or her or if not the owner of a motor vehicle then with
15 respect to the operation of any motor vehicle, in form and in
16 amounts as required under the motor vehicle financial responsibility
17 laws of this state, shall not be required to have his or her
18 application for restricted license signed or verified by another
19 person.

20 B. Any negligence or willful misconduct of a person under the
21 age of eighteen (18) years when driving a motor vehicle upon a
22 highway with the knowledge and consent of the person who signed the
23 application for the restricted license shall be imputed to the
24 person who has signed the application. Such person shall be jointly

1 and severally liable with the minor for any damages caused by such
2 negligence or willful misconduct, except as otherwise provided in
3 subsection C of this section.

4 C. In the event a person under the age of eighteen (18) years
5 deposits, or there is deposited upon his or her behalf, proof of
6 financial responsibility in respect to the operation of a motor
7 vehicle owned by him or her or if not the owner of a motor vehicle
8 then with respect to the operation of any motor vehicle, in form and
9 in amounts as required under the motor vehicle financial
10 responsibility laws of this state, then the Department may accept
11 the application of such person when signed by the legal custodial
12 parent or the legal guardian of such person, and while such proof is
13 maintained the legal custodial parent or legal guardian shall not be
14 subject to the liability imposed under subsection B of this section.

15 D. The Department may, at its discretion, cancel or suspend the
16 license of any person under the age of eighteen (18) years for any
17 unlawful act, negligence or misconduct while driving a motor
18 vehicle.

19 E. As provided in Section 6-103.1 of this title, any legal
20 custodial parent or legal guardian who has signed the application of
21 a person under the age of eighteen (18) years for a license may
22 thereafter file with the Department of Public Safety a verified
23 written request that the license of that person so granted be
24 canceled. The Department shall then cancel the license of the

1 person and the legal custodial parent or legal guardian who signed
2 the application of the person shall be relieved from the liability
3 imposed under ~~this act~~ Section 1-101 et seq. of this title by reason
4 of having signed the application on account of any subsequent
5 negligence or willful misconduct of the person in operating a motor
6 vehicle.

7 F. The Department of Public Safety upon receipt of satisfactory
8 evidence of the death of the legal custodial parent or legal
9 guardian who signed the application of a person under the age of
10 eighteen (18) years for a license shall cancel the license and shall
11 not issue a new license until such time as a new application, duly
12 signed and verified, is made as required by this chapter. This
13 provision shall not apply in the event the person has attained the
14 age of eighteen (18) years.

15 SECTION 3. AMENDATORY 47 O.S. 2011, Section 6-110, as
16 last amended by Section 2, Chapter 199, O.S.L. 2014 (47 O.S. Supp.
17 2014, Section 6-110), is amended to read as follows:

18 Section 6-110. A. 1. The Department of Public Safety shall
19 examine every applicant for an original Class A, B, C or D license
20 and for any endorsements thereon, except as otherwise provided in
21 Section 6-101 et seq. of this title or as provided in paragraph 2 of
22 this subsection or in subsection D of this section. The examination
23 shall include a test of the applicant's:

24 a. eyesight,

- 1 b. ability to read and understand highway signs
2 regulating, warning and directing traffic,
3 c. knowledge of the traffic laws of this state, including
4 a portion on bicycle and motorcycle safety, and
5 d. ability, by actual demonstration, to exercise ordinary
6 and reasonable control in the operation of a motor
7 vehicle. The actual demonstration shall be conducted
8 in the type of motor vehicle for the class of driver
9 license being applied for.

10 The Department may create a knowledge test that may be taken on
11 the Internet by an applicant applying for a Class D license.

12 Any licensee seeking to apply for a driver license of another
13 class which is not covered by the licensee's current driver license
14 shall be considered an applicant for an original license for that
15 class.

16 2. The Department of Public Safety shall have the authority to
17 waive the requirement of any part of the examination required in
18 paragraph 1 of this subsection for those applicants ~~who~~ whose
19 driving record meets the standards set by the Department of Public
20 Safety and surrenders either of the following:

- 21 a. ~~surrender~~ a valid unexpired driver license issued by
22 any state or country for the same type or types of
23 vehicles, or
24 b. an expired driver license that:

1 (1) is not expired more than six (6) months past the
2 expiration date listed on the driver license; and

3 (2) is not a Class A, B or C Commercial Driver
4 License or Commercial Driver License Permit

5 ~~provided that the applicant's driving record meets the standards~~
6 ~~set by the Department of Public Safety.~~

7 3. The Department shall accept skills test results from another
8 state for Class A, B or C license applicants who have successfully
9 completed commercial motor vehicle driver training in that state and
10 successfully passed the skills test in that state; provided, the
11 Department shall not accept skills test results from another state
12 when the applicant has not successfully completed commercial motor
13 vehicle driver training in that state. Nothing in this section
14 shall be construed to prohibit the Department from administering the
15 skills test to any applicant who has successfully completed
16 commercial vehicle driver training in another state.

17 4. All applicants requiring a hazardous materials endorsement
18 shall be required, for the renewal of the endorsement, to
19 successfully complete the examination and to submit to a security
20 threat assessment performed by the Transportation Security
21 Administration of the Department of Homeland Security as required by
22 and pursuant to 49 C.F.R., Part 1572, which shall be used to
23 determine whether the applicant is eligible for renewal of the
24 endorsement pursuant to federal law and regulation.

1 5. The Department of Public Safety shall give the complete
2 examination as provided for in this section within thirty (30) days
3 from the date the application is received, and the examination shall
4 be given at a location within one hundred (100) miles of the
5 residence of the applicant. The Department shall make every effort
6 to make the examination locations and times convenient for
7 applicants. The Department shall consider giving the examination at
8 various school sites if the district board of education for the
9 district in which the site is located agrees and if economically
10 feasible and practicable.

11 B. Any person holding a valid Oklahoma Class D license and
12 applying for a Class A, B or C commercial license shall be required
13 to successfully complete all examinations as required for the
14 specified class. Failure to submit to the Department federally
15 required medical certification information pursuant to 49 C.F.R.,
16 Part 391.41 et seq. shall result in an automatic downgrade of a
17 commercial license to a Class D license. Provided, however, once
18 the required medical certification information has been received by
19 the Department, the license shall be reinstated to the
20 classification of the commercial license prior to the downgrade and
21 the holder of such a license shall not be required to reapply.

22 C. Except as provided in subsection E of Section 6-101 of this
23 title, any person holding a valid Oklahoma Class A, B or C
24 commercial license shall, upon time for renewal thereof, be entitled

1 to a Class D license without any type of testing or examination,
2 except for any endorsements thereon as otherwise provided for by
3 Section 6-110.1 of this title.

4 D. 1. Any certified driver education instructor who is
5 currently an operator or an employee of a commercial driver training
6 school in this state or any driver education instructor employed by
7 any school district in this state shall be eligible to apply to be a
8 designated examiner of the Department of Public Safety for the
9 purposes of administering the Class D driving skills portion of the
10 Oklahoma driving examination to any person who has not previously
11 been a student of the instructor.

12 2. The Department of Public Safety shall adopt a curriculum of
13 required courses and training to be offered to applicants who are
14 qualified to apply to be a designated examiner. The courses and
15 training for certification shall meet the same standards as required
16 for driver examiners of the Department of Public Safety.

17 3. Each person applying to be a designated examiner shall be
18 required to pay an initial designated examiner certification fee of
19 One Thousand Dollars (\$1,000.00). Upon successful completion of
20 training prescribed by paragraph 2 of this subsection, the person
21 shall be required to pay an annual designated examiner certification
22 fee of Five Hundred Dollars (\$500.00). If an applicant for the
23 designated examiner program is employed by an Oklahoma public school
24 system that offers driver education, and he or she administers the

1 skills test only to students enrolled in a public school driver
2 education program, the certification fee may be waived by the
3 Department. Each designated examiner certification shall expire on
4 the last day of the calendar year and may be renewed upon
5 application to the Department of Public Safety. The designated
6 examiner certification fees collected by the Department pursuant to
7 this subsection shall be deposited to the credit of the Department
8 of Public Safety Restricted Revolving Fund to be used for the
9 purposes of this subsection. No designated examiner certification
10 fee shall be refunded in the event that certification is denied,
11 suspended or revoked.

12 4. A designated examiner may charge a fee of no more than
13 Twenty-five Dollars (\$25.00) for each Class D driving skills
14 examination given, whether the person being examined passes or fails
15 the examination.

16 5. The Department shall conduct an annual complete nationwide
17 criminal history background check on each designated examiner and a
18 complete nationwide criminal history background check on each
19 designated examiner applicant. The fees for the background check
20 shall be borne by the designated examiner or designated examiner
21 applicant.

22 6. The Department of Public Safety shall promulgate rules to
23 implement and administer the provisions of this subsection.

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1 SECTION 4. This act shall become effective November 1, 2015.

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