

1 **SENATE FLOOR VERSION**

2 February 19, 2015

3 **AS AMENDED**

4 SENATE BILL NO. 35

5 By: Griffin

6 **[driver licenses - issuance of identification cards**
7 **- driver license examinations - requirements -**
8 **effective date]**

9
10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

11 SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-105.3, as
12 last amended by Section 3, Chapter 259, O.S.L. 2013 (47 O.S. Supp.
13 2014, Section 6-105.3), is amended to read as follows:

14 Section 6-105.3. A. In addition to the licenses to operate
15 motor vehicles, the Department of Public Safety may issue cards to
16 Oklahoma residents for purposes of identification only. The
17 identification cards shall be issued, renewed, replaced, canceled
18 and denied in the same manner as driver licenses in this state. The
19 application for an identification card by any person under the age
20 of eighteen (18) years shall be signed and verified by a custodial
21 legal parent or legal guardian, either in person before a person
22 authorized to administer oaths or electronically if completing an
23 online application, or a notarized affidavit signed by a custodial
24 legal parent or legal guardian submitted before a person authorized

1 to administer oaths by the person under the age of eighteen (18)
2 years with the application. Except as otherwise provided in this
3 section, the identification cards shall be valid for a period of
4 four (4) years from the month of issuance; however, the
5 identification cards issued to persons sixty-five (65) years of age
6 or older shall be valid indefinitely from the month of issuance.

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

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

14 2. Three Dollars (\$3.00) shall be credited to the Department of
15 Public Safety Computer Imaging System Revolving Fund to be used
16 solely for the purpose of the administration and maintenance of the
17 computerized imaging system of the Department; and

18 3. Ten Dollars (\$10.00) shall be deposited in the Department of
19 Public Safety Revolving Fund.

20 C. The Oklahoma Tax Commission is hereby authorized to
21 reimburse, from funds available to that agency, each motor license
22 agent issuing an identification card to a person sixty-five (65)
23 years of age or older, an amount not to exceed One Dollar (\$1.00)

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1 for each card or driver license so issued. The Tax Commission shall
2 develop procedures for claims for reimbursement.

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

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

14 Section 6-107. A. In addition to the requirements of Section
15 6-106 of this title, the application of any unemancipated person
16 under the age of eighteen (18) years for a restricted license shall
17 be signed and verified by the legal custodial parent or legal
18 guardian of the applicant, either in person before a person
19 authorized to administer oaths, electronically if completing an
20 online application, or by a notarized affidavit signed by a
21 custodial legal parent or legal guardian and submitted with the
22 application by the person under the age of eighteen (18) years
23 before a person authorized to administer oaths. The signature of
24 the legal custodial parent or legal guardian shall be evidence that

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

14 B. Any negligence or willful misconduct of a person under the
15 age of eighteen (18) years when driving a motor vehicle upon a
16 highway with the knowledge and consent of the person who signed the
17 application for the restricted license shall be imputed to the
18 person who has signed the application. Such person shall be jointly
19 and severally liable with the minor for any damages caused by such
20 negligence or willful misconduct, except as otherwise provided in
21 subsection C of this section.

22 C. In the event a person under the age of eighteen (18) years
23 deposits, or there is deposited upon his or her behalf, proof of
24 financial responsibility in respect to the operation of a motor

1 vehicle owned by him or her or if not the owner of a motor vehicle
2 then with respect to the operation of any motor vehicle, in form and
3 in amounts as required under the motor vehicle financial
4 responsibility laws of this state, then the Department may accept
5 the application of such person when signed by the legal custodial
6 parent or the legal guardian of such person, and while such proof is
7 maintained the legal custodial parent or legal guardian shall not be
8 subject to the liability imposed under subsection B of this section.

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

13 E. As provided in Section 6-103.1 of this title, any legal
14 custodial parent or legal guardian who has signed the application of
15 a person under the age of eighteen (18) years for a license may
16 thereafter file with the Department of Public Safety a verified
17 written request that the license of that person so granted be
18 canceled. The Department shall then cancel the license of the
19 person and the legal custodial parent or legal guardian who signed
20 the application of the person shall be relieved from the liability
21 imposed under ~~this act~~ Section 1-101 et seq. of this title by reason
22 of having signed the application on account of any subsequent
23 negligence or willful misconduct of the person in operating a motor
24 vehicle.

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

9 SECTION 3. AMENDATORY 47 O.S. 2011, Section 6-110, as
10 last amended by Section 2, Chapter 199, O.S.L. 2014 (47 O.S. Supp.
11 2014, Section 6-110), is amended to read as follows:

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

- 18 a. eyesight,
- 19 b. ability to read and understand highway signs
20 regulating, warning and directing traffic,
- 21 c. knowledge of the traffic laws of this state, including
22 a portion on bicycle and motorcycle safety, and
- 23 d. ability, by actual demonstration, to exercise ordinary
24 and reasonable control in the operation of a motor

1 vehicle. The actual demonstration shall be conducted
2 in the type of motor vehicle for the class of driver
3 license being applied for.

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

6 Any licensee seeking to apply for a driver license of another
7 class which is not covered by the licensee's current driver license
8 shall be considered an applicant for an original license for that
9 class.

10 2. The Department of Public Safety shall have the authority to
11 waive the requirement of any part of the examination required in
12 paragraph 1 of this subsection for those applicants ~~who surrender~~
13 whose driving record meets the standards set by the Department of
14 Public Safety and surrenders either of the following:

15 a. a valid unexpired driver license issued by any state
16 or country for the same type or types of vehicles, or

17 b. an expired driver license that:

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

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

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

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

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

19 5. The Department of Public Safety shall give the complete
20 examination as provided for in this section within thirty (30) days
21 from the date the application is received, and the examination shall
22 be given at a location within one hundred (100) miles of the
23 residence of the applicant. The Department shall make every effort
24 to make the examination locations and times convenient for

1 applicants. The Department shall consider giving the examination at
2 various school sites if the district board of education for the
3 district in which the site is located agrees and if economically
4 feasible and practicable.

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

16 C. Except as provided in subsection E of Section 6-101 of this
17 title, any person holding a valid Oklahoma Class A, B or C
18 commercial license shall, upon time for renewal thereof, be entitled
19 to a Class D license without any type of testing or examination,
20 except for any endorsements thereon as otherwise provided for by
21 Section 6-110.1 of this title.

22 D. 1. Any certified driver education instructor who is
23 currently an operator or an employee of a commercial driver training
24 school in this state or any driver education instructor employed by

1 any school district in this state shall be eligible to apply to be a
2 designated examiner of the Department of Public Safety for the
3 purposes of administering the Class D driving skills portion of the
4 Oklahoma driving examination to any person who has not previously
5 been a student of the instructor.

6 2. The Department of Public Safety shall adopt a curriculum of
7 required courses and training to be offered to applicants who are
8 qualified to apply to be a designated examiner. The courses and
9 training for certification shall meet the same standards as required
10 for driver examiners of the Department of Public Safety.

11 3. Each person applying to be a designated examiner shall be
12 required to pay an initial designated examiner certification fee of
13 One Thousand Dollars (\$1,000.00). Upon successful completion of
14 training prescribed by paragraph 2 of this subsection, the person
15 shall be required to pay an annual designated examiner certification
16 fee of Five Hundred Dollars (\$500.00). If an applicant for the
17 designated examiner program is employed by an Oklahoma public school
18 system that offers driver education, and he or she administers the
19 skills test only to students enrolled in a public school driver
20 education program, the certification fee may be waived by the
21 Department. Each designated examiner certification shall expire on
22 the last day of the calendar year and may be renewed upon
23 application to the Department of Public Safety. The designated
24 examiner certification fees collected by the Department pursuant to

1 this subsection shall be deposited to the credit of the Department
2 of Public Safety Restricted Revolving Fund to be used for the
3 purposes of this subsection. No designated examiner certification
4 fee shall be refunded in the event that certification is denied,
5 suspended or revoked.

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

10 5. The Department shall conduct an annual complete nationwide
11 criminal history background check on each designated examiner and a
12 complete nationwide criminal history background check on each
13 designated examiner applicant. The fees for the background check
14 shall be borne by the designated examiner or designated examiner
15 applicant.

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

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

19 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
20 February 19, 2015 - DO PASS AS AMENDED

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