

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 57th Legislature (2020)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1966

By: Kerbs of the House

and

7 **Montgomery** of the Senate

8
9
10 COMMITTEE SUBSTITUTE

11 An Act relating to driver licenses; amending 47 O.S.
12 2011, Section 6-111, as last amended by Section 5,
13 Chapter 1, O.S.L. 2017 (47 O.S. Supp. 2019, Section
14 6-111), which relates to the issuance of driver
15 licenses; directing the promulgation of certain rules
16 and procedures; requiring hazardous materials
17 endorsement be replaced or renewed at the Department
18 of Public Safety; and providing an effective date.

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

19 SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-111, as
20 last amended by Section 5, Chapter 1, O.S.L. 2017 (47 O.S. Supp.
21 2019, Section 6-111), is amended to read as follows:

22 Section 6-111. A. 1. The Department of Public Safety shall,
23 upon payment of the required fee, issue to every applicant
24 qualifying therefor a Class A, B, C or D driver license or

1 identification card as applied for, which license or card shall bear
2 thereon a distinguishing alphanumeric identification assigned to the
3 licensee or cardholder, date of issuance and date of expiration of
4 the license or card, the full legal name, signature or computerized
5 signature, date of birth, residence address, unless specified as an
6 exception in the Code of Federal Regulations per 6 C.F.R., Section
7 37.17, sex, a computerized color image of the licensee or cardholder
8 taken in accordance with Department rules and security features as
9 determined by the Department. The image shall depict a full front
10 unobstructed view of the entire face of the licensee or cardholder;
11 provided, a commercial learner permit shall not bear the image of
12 the licensee. When any person is issued both a driver license and
13 an identification card, the Department shall ensure the information
14 on both the license and the card are the same, unless otherwise
15 provided by law.

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

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

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

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

16 6. The Department of Public Safety may develop by rule a
17 procedure which complies with the provisions of subsection G of
18 Section 6-101 of this title whereby a person may apply for a renewal
19 or replacement Oklahoma Class D license or Oklahoma identification
20 card.

21 7. The Department of Public Safety shall promulgate rules and
22 procedures whereby a person may apply for a renewal or replacement
23 Oklahoma commercial driver license through a tag agency. However, a
24

1 commercial driver license holder shall be required to renew or
2 replace a hazardous material endorsement at the Department.

3 B. 1. The Department may issue or authorize the issuance of a
4 temporary permit or license to an applicant for a driver license
5 permitting such applicant to operate a motor vehicle while the
6 Department is completing its investigation and determination of all
7 facts relative to such applicant's privilege to receive a license,
8 or while a permanent driver license is being produced and delivered
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.

13 2. The Department may issue or authorize the issuance of a
14 temporary identification card to an applicant, permitting the holder
15 the privileges otherwise granted by identification cards, while a
16 permanent driver license is being provided and delivered to the
17 applicant. Such card shall be invalid when the applicant's
18 permanent identification card has been issued and delivered, or for
19 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:

- 23 a. farm retail outlets and suppliers,
- 24 b. agri-chemical businesses,

1 c. custom harvesters, and

2 d. livestock feeders.

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

5 The restricted commercial driver license shall not exceed a total of
6 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:

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

15 b. liquid fertilizers in vehicles with total capacities
16 of three thousand (3,000) gallons or less, and

17 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.

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

23 1. An H2A-Temporary Agricultural worker lawfully present in the
24 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

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

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

15 E. 1. The Department shall develop a procedure whereby a
16 person applying for an original, renewal or replacement Class A, B,
17 C or D driver license or identification card who is required to
18 register as a convicted sex offender with the Department of
19 Corrections pursuant to the provisions of the Sex Offenders
20 Registration Act and who the Department of Corrections designates as
21 an aggravated or habitual offender pursuant to subsection J of
22 Section 584 of Title 57 of the Oklahoma Statutes shall be issued a
23 license or card bearing the words "Sex Offender".
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1 2. The Department shall notify every person subject to
2 registration under the provisions of Section 1-101 et seq. of this
3 title who holds a current Class A, B, C or D driver license or
4 identification card that such person is required to surrender the
5 license or card to the Department within one hundred eighty (180)
6 days from the date of the notice.

7 3. Upon surrendering the license or card for the reason set
8 forth in this subsection, application may be made with the
9 Department for a replacement license or card bearing the words "Sex
10 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
14 time the person may make application with the Department for a new
15 license or card bearing the words "Sex Offender". Continued use of
16 a canceled license or card shall constitute a misdemeanor and shall,
17 upon conviction thereof, be punishable by a fine of not less than
18 Twenty-five Dollars (\$25.00), nor more than Two Hundred Dollars
19 (\$200.00). When an individual is no longer required to register as
20 a convicted sex offender with the Department of Corrections pursuant
21 to the provisions of the Sex Offenders Registration Act, the
22 individual shall be eligible to receive a driver license or
23 identification card which does not bear the words "Sex Offender".
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1 F. Nothing in subsection E of this section shall be deemed to
2 impose any liability upon or give rise to a cause of action against
3 any employee, agent or official of the Department of Corrections for
4 failing to designate a sex offender as an aggravated or habitual
5 offender pursuant to subsection J of Section 584 of Title 57 of the
6 Oklahoma Statutes.

7 G. A person subject to an order for the installation of an
8 ignition interlock device shall be required by the Department to
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
14 procedures provided by law. Upon completion of the requirements for
15 the interlock device, a person may apply for a replacement driver
16 license.

17 H. The Department shall develop a procedure whereby a person
18 applying for an original, renewal or replacement Class D driver
19 license who has been granted modified driving privileges under this
20 title shall be issued a Class D driver license which identifies the
21 license as a modified license.
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SECTION 2. This act shall become effective November 1, 2020.

COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 02/27/2020 -
DO PASS, As Amended and Coauthored.