

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 SENATE BILL 1591

By: Brooks

4
5
6 AS INTRODUCED

7 An Act relating to driver licenses; amending 21 O.S.
8 2021, Section 1550.42, which relates to entities
9 authorized to print identification documents;
10 clarifying language; removing certain limitation;
11 removing certain exceptions; removing certain license
12 renewal requirement; removing certain presumption;
13 removing certain application; removing certain
14 exemption; amending 47 O.S. 2021, Section 6-103,
15 which relates to persons not to be licensed;
16 requiring certain documents be presented to allow for
17 the issuance of driver licenses to aliens; updating
18 statutory references; amending 47 O.S. 2021, Section
19 6-106, which relates to application for license;
20 allowing for certain information to be provided by an
21 applicant; updating statutory reference; amending 47
22 O.S. 2021, Section 6-114, which relates to
23 replacement driver licenses; removing certain
24 requirements and replacement period limitations for
aliens; amending 47 O.S. 2021, Section 6-115, which
relates to issuance, expiration, and renewal of
driver licenses; removing certain limitations and
requirements for alien applicants or licensees;
amending 47 O.S. 2021, Section 6-122, which relates
to renewal by mail; removing certain exception;
providing for codification; and providing an
effective date.

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

23 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1550.42, is
24 amended to read as follows:
25

1 Section 1550.42. ~~A.~~ The following entities may create, publish
2 or otherwise manufacture an identification document, identification
3 card, or identification certificate and may possess an engraved
4 plate or other such device for the printing of such identification;
5 provided, the name of the issuing entity shall be clearly printed
6 upon the face of the identification:

7 1. Businesses, companies, corporations, service organizations
8 and federal, state and local governmental agencies for employee
9 identification which is designed to identify the bearer as an
10 employee;

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

14 3. Federal, state and local government agencies for purposes
15 authorized or required by law or any legitimate purpose consistent
16 with the duties of such an agency, including, but not limited to,
17 voter identification cards, driver licenses, nondriver
18 identification cards, passports, birth certificates and social
19 security cards;

20 4. Any public school or state or private educational
21 institution, as defined by Sections 1-106, 21-101 or 3102 of Title
22 70 of the Oklahoma Statutes, to identify the bearer as an
23 administrator, faculty member, student or employee;

1 5. Any professional organization or labor union to identify the
2 bearer as a member of the professional organization or labor union;
3 and

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

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

9 ~~C. The provisions of subsection B of this section shall not
10 apply when an applicant presents, in person, valid documentary
11 evidence of:~~

12 ~~1. A valid, unexpired immigrant or nonimmigrant visa status for
13 admission into the United States;~~

14 ~~2. A pending or approved application for asylum in the United
15 States;~~

16 ~~3. Admission into the United States in refugee status;~~

17 ~~4. A pending or approved application for temporary protected
18 status in the United States;~~

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

20 ~~6. A pending application for adjustment of status to legal
21 permanent residence status or conditional resident status.~~

22 ~~Upon approval, the applicant may be issued an identification
23 document provided for in paragraph 3 or 4 of subsection A of this
24 section. Such identification document shall be valid only during~~

1 ~~the period of time of the authorized stay of the applicant in the~~
2 ~~United States or, if there is no definite end to the period of~~
3 ~~authorized stay, a period of one (1) year. Any identification~~
4 ~~document issued pursuant to the provisions of this subsection shall~~
5 ~~clearly indicate that it is temporary and shall state the date that~~
6 ~~the identification document expires. Such identification document~~
7 ~~may be renewed only upon presentation of valid documentary evidence~~
8 ~~that the status by which the applicant qualified for the~~
9 ~~identification document has been extended by the United States~~
10 ~~Citizenship and Immigration Services or other authorized agency of~~
11 ~~the United States Department of Homeland Security.~~

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

18 ~~E. Any driver license issued to a person who is not a United~~
19 ~~States citizen, national or legal permanent resident alien for which~~
20 ~~an application has been made for renewal, duplication or reissuance~~
21 ~~shall be presumed to have been issued in accordance with the~~
22 ~~provisions of subsection C of this section; provided that, at the~~
23 ~~time the application is made, the driver license has not expired, or~~
24 ~~been cancelled, suspended or revoked. The requirements of~~

1 ~~subsection C of this section shall apply, however, to a renewal,~~
2 ~~duplication or reissuance if the Department of Public Safety is~~
3 ~~notified by a local, state or federal government agency of~~
4 ~~information in the possession of the agency indicating a reasonable~~
5 ~~suspicion that the individual seeking such renewal, duplication or~~
6 ~~reissuance is present in the United States in violation of law. The~~
7 ~~provisions of this subsection shall not apply to United States~~
8 ~~citizens, nationals or legal permanent resident aliens.~~

9 SECTION 2. AMENDATORY 47 O.S. 2021, Section 6-103, is
10 amended to read as follows:

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

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

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

23 3. Any person whose driving privilege has been suspended,
24 revoked, canceled or denied in this state or any other state or

1 country until the driving privilege has been reinstated by the state
2 or country withdrawing the privilege;

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

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

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

20 7. Any person who is physically deformed or who is afflicted
21 with any mental disease or physical condition that would impair the
22 driving ability of the person or when the Commissioner of Public
23 Safety, from information concerning the person or from the records
24 and reports on file in the Department of Public Safety, determines

1 that the operation of a motor vehicle by such person on the highways
2 would be inimical to public safety or welfare;

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

5 9. Any alien ~~unless such person presents~~ who fails to present
6 both valid documentation of identity and either: an authorization
7 for presence in the United States issued pursuant to the laws of the
8 United States; provided, that no license shall be issued to any
9 alien whose documentation indicates the alien is a visitor or is not
10 eligible to establish residency~~+~~, or proof of filing a state tax
11 return for the most recent tax return period; or

12 10. Any person who possesses a valid license to operate a motor
13 vehicle issued by another state until the other state license has
14 been surrendered.

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

18 SECTION 3. AMENDATORY 47 O.S. 2021, Section 6-106, is
19 amended to read as follows:

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

23 2. Every original, renewal, or replacement application for a
24 driver license or identification card made by a male applicant who
25

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

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

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

- 18 1. Full name;
- 19 2. Date of birth;
- 20 3. Sex;
- 21 4. Address of principal residence and county of such residence
22 which shall be referenced on the REAL ID Compliant Driver License or
23 Identification Card; proof of principal residency, as prescribed by
24 rules promulgated by the Department, documenting provided address;

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

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

11 9. Whether the applicant has previously been licensed, and, if
12 so, when and by what state or country, and whether any license has
13 ever been suspended or revoked, or whether an application has ever
14 been refused, and, if so, the date of and reason for the suspension,
15 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:

20 a. previously been licensed and, if so, when and by what
21 state or country, and

22 b. held more than one license at the same time during the
23 immediately preceding ten (10) years; and
24

1 12. Social Security number or an individual tax identification
2 number issued by the United States Internal Revenue Service.

3 No person shall request the Department to use the Social Security
4 number of that person as the driver license number. Upon renewal or
5 replacement of any driver license issued after ~~the effective date of~~
6 ~~this act~~ July 1, 2001, the licensee shall advise the Department or
7 the motor license agent if the present driver license number of the
8 licensee is the Social Security number of the licensee. If the
9 driver license number is the Social Security number, the Department
10 or the motor license agent shall change the driver license number to
11 a computer-generated alphanumeric identification.

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

1 C.F.R., Parts 383 and 384. Any commercial driver licensee subject
2 to the requirements of this paragraph who fails to maintain on file
3 with the Department a current, approved medical examination
4 certificate shall have the driving privileges of the person
5 downgraded to a Class D driver license by the Department.

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

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

1 the applicant is eligible for the endorsement pursuant to federal
2 law and regulation.

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

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

20 E. Whenever application is received from a person previously
21 licensed in another jurisdiction, the Department shall request a
22 copy of the driving record from the other jurisdiction and,
23 effective September 1, 2005, from all other jurisdictions in which
24 the person was licensed within the immediately previous ten (10)

1 years. When received, the driving record shall become a part of the
2 driving record of the person in this state with the same force and
3 effect as though entered on the driver's record in this state in the
4 original instance.

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

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

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

1 SECTION 4. AMENDATORY 47 O.S. 2021, Section 6-114, is
2 amended to read as follows:

3 Section 6-114. A. 1. In the event that a driver license is
4 lost, destroyed or requires the updating of any information,
5 restriction or endorsement displayed thereon, the person to whom
6 such license was issued may obtain a replacement thereof pursuant to
7 the provisions of subsection G of Section 6-101 of this title, and
8 upon payment of the required fee. ~~If the person is an alien, the~~
9 ~~person shall appear before a driver license examiner of the~~
10 ~~Department and, after furnishing primary and secondary proofs of~~
11 ~~identity as required in this section, shall be issued a replacement~~
12 ~~driver license for a period which does not exceed the lesser of:~~

- 13 a. ~~the expiration date of the license being replaced, or~~
14 b. ~~the expiration date on the valid documentation~~
15 ~~authorizing the presence of the person in the United~~
16 ~~States, as required by paragraph 9 of subsection A of~~
17 ~~Section 6-103 of this title.~~

18 2. The cost of a replacement license shall be Twenty-five
19 Dollars (\$25.00), of which:

- 20 a. Two Dollars (\$2.00) shall be apportioned as provided
21 in Section 1104 of this title,
22 b. Three Dollars (\$3.00) shall be remitted to the State
23 Treasurer to be credited to the General Revenue Fund,
24

1 c. Five Dollars (\$5.00) shall be credited to the
2 Department of Public Safety Computer Imaging System
3 Revolving Fund to be used solely for the purpose of
4 administering and maintaining the computer imaging
5 system of the Department,

6 d. Ten Dollars (\$10.00) shall be credited to the
7 Revolving Fund of the Department of Public Safety,

8 e. Three Dollars (\$3.00) shall be deposited to the State
9 Public Safety Fund created in Section 2-147 of this
10 title, and

11 f. (1) Two Dollars (\$2.00) of the fee authorized by this
12 paragraph related to the replacement of a driver
13 license by a motor license agent that does not
14 process approved applications or renewals for
15 REAL ID Compliant Driver Licenses or
16 Identification Cards shall be deposited, in
17 addition to the amount authorized by subparagraph
18 e of this paragraph, to the State Public Safety
19 Fund created in Section 2-147 of this title, or

20 (2) Two Dollars (\$2.00) of the fee authorized by this
21 paragraph related to the replacement of a driver
22 license by a motor license agent that does
23 process approved applications or renewals for
24 REAL ID Compliant Driver Licenses or

1 Identification Cards shall be retained by the
2 motor license agent.

3 3. The Department shall promulgate rules prescribing forms of
4 primary and secondary identification acceptable for replacement of
5 an Oklahoma driver license; provided, however, a valid and unexpired
6 U.S. passport shall be acceptable as both primary and secondary
7 identification.

8 B. Any person desiring to add or remove an endorsement or
9 endorsements or a restriction or restrictions to any existing driver
10 license, when authorized by the Department of Public Safety, shall
11 obtain a replacement license with the endorsement or endorsements or
12 the restriction or restrictions change thereon and shall be charged
13 the fee for a replacement license as provided in subsection A of
14 this section.

15 SECTION 5. AMENDATORY 47 O.S. 2021, Section 6-115, is
16 amended to read as follows:

17 Section 6-115. A. Except as otherwise provided in this
18 section, every driver license shall be issued for a period of either
19 four (4) years or eight (8) years; ~~provided, if the applicant or~~
20 ~~licensee is an alien, the license shall be issued for a period which~~
21 ~~does not exceed the lesser of:~~

22 1. ~~Four (4) years or eight (8) years; or~~

23 2. ~~The expiration date on the valid documentation authorizing~~
24 ~~the presence of the applicant or licensee in the United States, as~~

1 ~~required by paragraph 9 of subsection A of Section 6-103 of this~~
2 ~~title.~~

3 B. Except as otherwise provided in this section, the expiration
4 date of an initial license shall be no more than either four (4)
5 years or eight (8) years from the last day of the month of issuance
6 or no more than either four (4) years or eight (8) years from the
7 last day of the birth month of the applicant immediately preceding
8 the date of issuance, if requested by the applicant.

9 C. Except as otherwise provided in this section, the expiration
10 date of a renewal license shall be:

11 1. For a renewal during the month of expiration, either four
12 (4) years or eight (8) years from the last day of the month of
13 expiration of the expiring license or either four (4) or eight (8)
14 years from the last day of the birth month of the licensee
15 immediately preceding the expiration date of the expiring license,
16 if requested by the licensee; or

17 2. For a renewal prior to the month of expiration, as provided
18 by rule of the Department, either four (4) or eight (8) years from
19 the last day of the month of expiration of the current license;
20 provided, no license shall be issued with an expiration date of more
21 than five (5) years from the date of renewal on a four (4) year
22 license or nine (9) years from the date of renewal on an eight (8)
23 year license.

1 D. Notwithstanding the provisions of subsection E of Section
2 1550.42 of Title 21 of the Oklahoma Statutes, any Oklahoma driver
3 license that is not more than one (1) year past the date of
4 expiration provided on the driver license shall be presumed to be a
5 valid form of identification for the purposes of renewing an
6 Oklahoma driver license.

7 E. Except as otherwise provided in this section, every driver
8 license shall be renewable by the licensee upon application to
9 either the Department of Public Safety or a motor license agent,
10 furnishing the current mailing address of the person and payment of
11 the required fee, if the person is otherwise eligible for renewal.

12 ~~If the licensee is an alien, the licensee shall appear before a~~
13 ~~driver license examiner of the Department and shall be issued a~~
14 ~~renewal driver license for a period which does not exceed the lesser~~
15 ~~of:~~

16 1. ~~Four (4) years or eight (8) years; or~~

17 2. ~~The expiration date on the valid documentation authorizing~~
18 ~~the presence of the applicant or licensee in the United States, as~~
19 ~~required by paragraph 9 of subsection A of Section 6-103 of this~~
20 ~~title.~~

21 F. All applicants for renewals of driver licenses who have
22 proven collision records or apparent physical defects may be
23 required to take an examination as specified by the Commissioner of
24 Public Safety.

1 G. When a person makes application for a driver license, or
2 makes application to renew a driver license, and the person has been
3 convicted of, or received a deferred judgment for, any offense
4 required to register pursuant to the Sex Offenders Registration Act,
5 the driver license shall be valid for a period of one (1) year from
6 the month of issuance, but may be renewed yearly during the time the
7 person is registered on the Sex Offender Registry. Notwithstanding
8 any other provision of law, the cost for such license shall be the
9 same as for other driver licenses and renewals.

10 H. The Department of Public Safety shall promulgate rules
11 prescribing forms of identification acceptable for the renewal of an
12 Oklahoma driver license.

13 SECTION 6. AMENDATORY 47 O.S. 2021, Section 6-122, is
14 amended to read as follows:

15 Section 6-122. The Department of Public Safety may develop
16 procedures whereby driver licenses issued under the provisions of
17 Section 6-101 et seq. of this title may be renewed or replaced by
18 the applicant by mail or online ~~except for licenses to be renewed or~~
19 ~~replaced by aliens as prescribed by subsection E of Section 6-115 of~~
20 ~~this title.~~ Any license issued pursuant to this section shall be
21 valid for a period as prescribed in Section 6-115 of this title.
22 The Department shall not renew or replace a license by mail or
23 online unless the immediately preceding issuance, renewal or
24 replacement was done in person by the applicant.

1 Provided, any person or the spouse or dependent of a person:

2 1. Who is on active duty with the Armed Forces of the United
3 States; or

4 2. Who is currently employed as a civilian contractor with the
5 Armed Forces of the United States,
6 living outside of Oklahoma and having a valid class D driver license
7 issued by the State of Oklahoma, requiring no material change, may
8 apply for no more than three consecutive renewals or replacement of
9 such license by mail or online, in accordance with Department rules.
10 A fourth consecutive renewal or replacement must be done in person.

11 SECTION 7. This act shall become effective November 1, 2022.

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