STATE OF OKLAHOMA
2nd Session of the 57th Legislature (2020)

HOUSE BILL 2989

By: Bennett

AS INTRODUCED

An Act relating to driver licenses; defining term; requiring issuance of certain driver licenses and identification cards; listing certain required documentation; exempting commercial driver licenses; disallowing certain use; amending 21 O.S. 2011, Section 1550.42, which relates to agencies allowed to print identification documents; modifying list of residents allowed to receive identification documents; making certain exemption; eliminating disallowance of certain license renewal; amending 47 O.S. 2011, Section 6-103, which relates to persons not to be licensed; modifying persons ineligible to be licensed; amending 47 O.S. 2011, Section 6-106, as last amended by Section 1, Chapter 302, O.S.L. 2019 (47 O.S. Supp. 2019, Section 6-106), which relates to application for license; modifying information required for application; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-106.5 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. As used in this section, "undocumented immigrant" refers to foreign nationals residing in the United States without legal immigration status. It includes persons who enter the United States
without inspection and proper permission from the United States government, and those who enter with legal visas that are no longer valid. Undocumented immigrants are also known as unauthorized or illegal immigrants.

B. The Department of Public Safety shall issue a REAL ID Noncompliant Driver License or REAL ID Noncompliant Identification Card to an undocumented immigrant who satisfies all requirements listed in Section 6-106 of Title 47 of the Oklahoma Statutes. In lieu of producing documentation required by Department rule, an undocumented immigrant resident may prove his or her identity and age to the Department by producing reliable official documentation of two (2) forms of identification, including at least one containing a photograph of the resident, with a certified English translation if the original is in a language other than English, such as:

1. An original or certified copy of the resident's birth certificate;

2. The resident's medical insurance card, or documentation of medical insurance coverage or eligibility that contains an identification number;

3. The resident's current or expired alien registration card, employment authorization card, temporary resident card, or any other document issued by the United States Citizenship and Immigration Service;
4. A valid passport issued by the resident's country of birth;
5. An identification card issued by the consulate or embassy of the applicant's country of birth;
6. A completed and approved Form I-246 Application for a Stay of Deportation or Removal issued by the United States Immigration and Customs Enforcement; or
7. A consular report of birth abroad issued by the United States Department of State Form FS-240, DS-1350 or FS-545.

C. This section shall not apply to the issuance of commercial driver licenses.

D. Any driver license or identification card issued under this section shall not be considered evidence of any individual's immigration status in the United States.

SECTION 2. AMENDATORY 21 O.S. 2011, Section 1550.42, is amended to read as follows:

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

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

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

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

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

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

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

B. All identification documents as provided for in paragraph 3 or 4 of subsection A of this section shall be issued only to United States citizens, nationals and legal permanent resident aliens and
undocumented immigrants that are residents of this state in accordance with Section 1 of this act.

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

1. A valid, unexpired immigrant or nonimmigrant visa status for admission into the United States;
2. A pending or approved application for asylum in the United States;
3. Admission into the United States in refugee status;
4. A pending or approved application for temporary protected status in the United States;
5. Approved deferred action status; or
6. A pending application for adjustment of status to legal permanent residence status or conditional resident status.

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

7. Undocumented immigrant resident status providing the necessary documents listed in Section 1 of this act.

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

E. Any driver license issued to a person who is not a United States citizen, national or legal permanent resident alien for which an application has been made for renewal, duplication or reissuance shall be presumed to have been issued in accordance with the provisions of subsection C of this section; provided that, at the time the application is made, the driver license has not expired, or been cancelled, suspended or revoked. The requirements of subsection C of this section shall apply, however, to a renewal, duplication or reissuance if the Department of Public Safety is notified by a local, state or federal government agency of information in the possession of the agency indicating a reasonable
suspicion that the individual seeking such renewal, duplication or reissuance is present in the United States in violation of law. The provisions of this subsection shall not apply to United States citizens, nationals or legal permanent resident aliens.

SECTION 3. AMENDATORY 47 O.S. 2011, Section 6-103, is amended to read as follows:

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

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

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

3. Any person whose driving privilege has been suspended, revoked, canceled or denied in this state or any other state or country until the driving privilege has been reinstated by the state or country withdrawing the privilege;

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

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

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

7. Any person who is physically deformed or who is afflicted with any mental disease or physical condition that would impair the driving ability of the person or when the Commissioner of Public Safety, from information concerning the person or from the records and reports on file in the Department of Public Safety, determines that the operation of a motor vehicle by such person on the highways would be inimical to public safety or welfare;

8. Any person who is a nonresident, as defined in Section 1-137 of this title;
9. Any alien unless such person presents valid documentation of identity and authorization for presence in the United States issued pursuant to the laws of the United States; provided, no license shall be issued to any alien whose documentation indicates the alien is a visitor or is not eligible to establish residency; or

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

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

SECTION 4. AMENDATORY 47 O.S. 2011, Section 6-106, as last amended by Section 1, Chapter 302, O.S.L. 2019 (47 O.S. Supp. 2019, Section 6-106), is amended to read as follows:

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.

2. Every original, renewal, or replacement application for a 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 shall include a statement that by submitting the application, the 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.

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 a document showing proof 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 the following information:

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

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being licensed as provided by paragraph 7 of subsection A of Section
6-103 of this title;

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

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

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

11. Whether the applicant has:
   a. previously been licensed and, if so, when and by what
      state or country, and
   b. held more than one license at the same time during the
      immediately preceding ten (10) years; and

12. Social Security number, if the applicant so possesses one.

No person shall request the Department to use the Social Security
number of that person as the driver license number. Upon renewal or
replacement of any driver license issued after the effective date of
this act, the licensee shall advise the Department or the motor
license agent if the present driver license number of the licensee
is the Social Security number of the licensee. If the driver license number is the Social Security number, the Department or the motor license agent shall change the driver license number to a 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 or after May 8, 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 apply for a renewal or replacement license prior to January 30, 2014, shall submit to the Department and maintain with the Department a current approved medical examination certificate signed by a licensed physician authorized to perform and approve medical examination certifications. The Department shall adopt rules for maintaining medical examination certificates pursuant to the requirements in 49 C.F.R., Parts 383 and 384. Any commercial driver licensee subject to the requirements of this paragraph who fails to maintain on file with the Department a current, approved medical examination certificate shall have the driving privileges of the person downgraded to a Class D driver license by the Department.

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

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.

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

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 effect as though entered on the driver's record in this state in the 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-issued or territory-issued REAL ID Compliant Driver License or Identification Card pursuant to the provisions of Section 6-101 of this title. A valid and unexpired Oklahoma driver license shall serve as both primary and secondary proofs of identity whenever application for a REAL ID Noncompliant Identification Card is submitted to the Department. The provisions of subsection B of Section 1550.42 of Title 21 of the Oklahoma Statutes shall not apply when issuing an identification card pursuant to the provisions of this subsection. The Department shall promulgate rules necessary to implement and administer the provisions of this subsection.

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.

SECTION 5. This act shall become effective November 1, 2020.