RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking

PROPOSED RULE:
Subchapter 1 Procedures for obtaining and maintaining a driver license or identification card
Part 7 Identification cards
595:10-1-25 Procedure for obtaining an identification card [Amended]
595:10-1-26 Procedure for obtaining a renewal identification card [Amended]
595:10-1-27 Procedure for obtaining a replacement identification card [Amended]

SUMMARY:
This rule change is to allow the Department of Public Safety to accept an unexpired Oklahoma Driver License from the person applying for an Oklahoma Identification Card as both primary and secondary proofs of identification.

AUTHORITY:
Commissioner of Public Safety; 47 O.S. § 6-106

COMMENT PERIOD:
Interested persons may present their views in writing before 5:00 P.M. on December 9, 2014 at the address listed in the CONTACT section below or via email at kdammen@dps.state.ok.us.

PUBLIC HEARING:
A public hearing will be held at 9:30 A.M. on Tuesday, January 6, 2015 at the Robert R. Lester Training Center, 3600 N. Martin Luther King Ave, Oklahoma City, OK 73111. Anyone wishing to speak must sign in at the door by 9:35 A.M.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:
Any business entity affected by these proposed rules is requested to provide the Department of Public Safety, in writing to the contact person and within the comment period or at the public hearing, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with these proposed rules.

COPIES OF PROPOSED RULES:
Copies of the proposed rules can be viewed on the Department of Public Safety's website at www.dps.state.ok.us or from the contact person.

RULE IMPACT STATEMENT:
A Rule Impact Statement for the proposed rules will be prepared, as required by 75 O.S. § 303(D), and will be posted on the Internet at www.dps.state.ok.us/rules or may be obtained from the contact person.

CONTACT PERSON:
Kimberly D. Dammen, DPS Legislative Services manager, Department of Public Safety, 3600 N. Martin Luther King Ave., PO Box 11415, Oklahoma City, OK 73136-0415. Phone: 405.425.2757. E-mail: kdammen@dps.state.ok.us
595:10-1-25. Procedure for obtaining an identification card
(a) A person wishing to obtain an identification card shall appear before a Driver License Examiner or, if the applicant has been issued a computerized format (digital) driver license for at least thirty (30) days, may appear before a motor license agent. The applicant shall be required to furnish the same acceptable means of identification as when applying for a driver license as prescribed in OAC 595:10-1-3(b) unless the cardholder provides a valid and unexpired Oklahoma driver license which shall serve as both primary and secondary identification for the purposes of obtaining an Oklahoma identification card [47 O.S. § 6-106(G)]. [see OAC 595:10-1-3(b) regarding identification documents required] and complete the application form unless the applicant has been previously issued an original Oklahoma driver license on or after November 1, 2007.
(b) If appearing before a Driver License Examiner, the Examiner will complete and, if appropriate, will approve the identification card application. A DL-10 form will be processed for the applicant. The applicant shall take the DL-10 form, along with the identification presented to the Driver License Examiner at application time, to a motor license agent or the Department and pay the required fee. If applicant is under age eighteen (18) and has not been issued a computerized format (digital) driver license for at least thirty (30) days, may submit a notarized affidavit signed by a custodial legal parent or legal guardian in lieu of custodial legal parent or legal guardian appearing in person and signing application [47 O.S. § 6-105.3(A)].
(c) When appearing before a motor license agent, the agent shall process the application for the applicant, collect the required fee from the applicant, and issue the identification card to the applicant.
(d) An identification card may be issued as prescribed in OAC 595:10-1-10(h) and 10-1-18(g).
(e) Identification card numbers will be assigned by computer. Use of the applicant’s Social Security number is prohibited [47 O.S. §§ 6-105(H) and 6-106(B)].
(f) An individual, who is an Oklahoma resident and who is located within the state, may declare in writing to the Department that, because of a medical reason or condition, he or she is unable to appear in person to renew his or her identification card, in which case the Department shall issue by mail an identification card to the person. The individual shall provide both primary and secondary identification as prescribed in OAC 595:10-1-3(b)–unless the cardholder provides a valid and unexpired Oklahoma driver license which shall serve as both primary and secondary identification for the purposes of renewing the Oklahoma identification card [47 O.S. § 6-106(G)].

595:10-1-26. Procedure for obtaining a renewal identification card
(a) General requirements. During the month of expiration or as provided in (c) of this Section, any identification card holder, who wishes to keep his or her identification card in force, may present proper identification to a motor license agency and pay the required fee to a Motor License Agent or to the Driver License Services Examining Division of the Department of Public Safety. Identification cards issued to individuals who have attained the age of 65 or older are issued for an indefinite period of time and are not subject to this Section. Failure to renew an identification card during the month of expiration shall not relieve the person of the obligation to
renew the identification card under the provisions required by law and this Section if the person wishes to keep the identification card in force.

(b) **Required identification.**

(1) **Renewal with expiring or expired identification card.** The expiring identification card provided as the primary identification may be retained by the cardholder, after the motor license agent or the Department has first punched a hole through the identification number of the card. The person shall provide secondary identification as prescribed in OAC 595:10-1-3(b)(2), unless the cardholder provides a valid and unexpired Oklahoma driver license which shall serve as both primary and secondary identification for the purposes of renewing the Oklahoma identification card [47 O.S. § 6-106(G)].

(2) **Renewal without identification card.** Any person who does not have the expiring or expired identification card shall provide both primary and secondary identification as prescribed in OAC 595:10-1-3(b), unless the cardholder provides a valid and unexpired Oklahoma driver license which shall serve as both primary and secondary identification for the purposes of renewing the Oklahoma identification card [47 O.S. § 6-106(G)].

(c) **Early renewal of an identification card.** Any identification card holder may renew his or her identification card not more than one (1) year prior to the expiration date. A renewal which occurs more than one (1) year prior to the expiration date shall be treated as a replacement under the provisions of OAC 595:10-1-27.

(d) **Change of identification card number.** Use of the cardholder’s Social Security number as the identification card number is prohibited.

(e) **Persons who may appear before a motor license agent.** An individual who has previously held an Oklahoma identification card may apply directly to a motor license agent for renewal of the previous Oklahoma identification card, upon establishing Oklahoma residence and following the applicable procedure for renewal.

**595:10-1-27. Procedure for obtaining a replacement identification card**

(a) **General requirements.** Any person requiring a replacement identification card because the card was lost, stolen, or mutilated or because information on the card needs to be changed may request a motor license agent or the Department to issue a replacement, upon presentation of proper identification and payment of the required fee.

(b) **Required identification to replace lost, stolen, or mutilated identification card.** Any person shall provide both primary or secondary identification as prescribed in OAC 595:10-1-3(b), unless the cardholder provides a valid and unexpired Oklahoma driver license which shall serve as both primary and secondary identification for the purposes of renewing the Oklahoma identification card [47 O.S. § 6-106(G)].

(c) **Required identification to change information and replace an identification card.**

(1) **Name change.** Any person who requests a replacement identification card in order to make a name change must comply with the primary and secondary identification requirements prescribed in OAC 595L10-1-3(b) or produce a valid and unexpired Oklahoma driver license [47 O.S. § 6-106(G)] in order to identify the person by his or her former name and with OAC 595:10-1-35 in order to identify the person by his or her new name. The former name shall be entered into the “Alias” field in the identification card database to provide historical information to the Department. The person requesting the name change may retain the old card, if it is available, after the motor license agent or the Department has first punched a hole through the identification number of the card.
(2) **Address change.** Any person who requests a replacement identification card in order to make an address change shall provide both primary and secondary identification as prescribed in OAC 595:10-1-3(b)– unless the cardholder provides a valid and unexpired Oklahoma driver license which shall serve as both primary and secondary identification for the purposes of renewing the Oklahoma identification card [47 O.S. § 6-106(G)]. The person requesting the address change may retain the old card, if it is available, after the motor license agent or the Department has first punched a hole through the identification number of the card. An address change shall be made only to an Oklahoma address.

(3) **Sex change.** The cardholder shall show an original or certified court order for name change, if applicable, and a notarized statement on letterhead from the physician who performed the sex change operation indicating the applicant or licensee has undergone a complete physical sex change. The letter shall state the sex change is “irreversible and permanent”. The cardholder shall also show proof of former legal name. The former name shall be entered into the “Alias” filed in the identification card database to provide historical information to the Department. The person requesting the information change may retain the old card, if it is available, after the motor license agent or the Department has first punched a hole through the identification number of the card.

(d) **Change of identification card number.** Use of the cardholder’s Social Security number as the identification card number is prohibited.

(e) **Person who may appear before a motor license agent.** An individual who has previously held an Oklahoma identification card may apply directly to a motor license agent for replacement of the previous Oklahoma identification card, upon establishing Oklahoma residence and following the applicable procedure for replacement.