TITLE 595. DEPARTMENT OF PUBLIC SAFETY
CHAPTER 10. CLASS D DRIVER LICENSES AND IDENTIFICATION CARDS AND
MOTOR LICENSE AGENT PROCEDURES

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking

PROPOSED RULE:
Subchapter 1 Procedures for obtaining and maintaining a driver license or identification card
Part 2 Application for Initial Driver License
595:10-1-3 Procedures for obtaining an initial driver license [Amended]
Part 3 Driver License Renewal
595:10-1-10 Procedure for obtaining a renewal driver license [Amended]
Part 13 Motor License Agents
595:10-1-51 Operational procedures [Amended]
595:10-1-52 Photographic procedures [Amended]
595:10-1-56 Renewal of driver license or identification card [Amended]
Part 21 Identity Verification Unit
595:10-1-101 Identity fraud or theft [Amended]

SUMMARY:
595:10-1-3: The amendment updates the list of secondary proofs of identification accepted by the Department and to clean up grammatical and spelling errors.
595:10-1-10: HB1082 amended 47 O.S. § 6-115(D) to reflect that an Oklahoma driver license that is not more than one year past the date of expiration shall be a valid form of identification for the purposes of renewing the Oklahoma driver license. The rule amendment is required to reflect that statutory change.
595:10-1-51: Amendment increases the security of the driver license process to reduce the risk of driver license or identification fraud.
595:10-1-52: Amends the rule for clarification on requirements for the photograph taken for driver licenses and identification cards.
595:10-1-56: HB1082 amended 47 O.S. § 6-115(D) to reflect that an Oklahoma driver license that is not more than one year past the date of expiration shall be a valid form of identification for the purposes of renewing the Oklahoma driver license. The rule amendment is required to reflect that statutory change.
595:10-1-101: Amended will provide a way of detailing specific information to records regarding each case of identity fraud.

AUTHORITY:
Commissioner of Public Safety; 47 O.S. § 6-101, et seq.

COMMENT PERIOD:
Interested persons may present their views or questions regarding these rules in writing to the contact person referenced below. Comments will be accepted up to the close of the public hearing.

PUBLIC HEARING:
A public hearing regarding these proposed rules will be held at 9:30 A.M, January 6, 2015 in the Robert R. Lester Training Center, Class Room C, 3600 N. Martin Luther King Ave., Oklahoma City, OK. Anyone who wishes 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:

A copy of the proposed rules may be obtained from the Department’s website, http://www.dps.state.ok.us/rules/ 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

SUBCHAPTER 1. PROCEDURES FOR OBTAINING AND MAINTAINING A DRIVER LICENSE OR IDENTIFICATION CARD

PART 2. APPLICATION FOR INITIAL DRIVER LICENSE

595:10-1-3. Procedures for obtaining an initial driver license

(a) Application. Every applicant for an initial Oklahoma driver license shall appear before a Driver License Examiner [47 O.S. §6-110]. An application for a driver license must be completed either by the applicant at the Driver License Examination Station or online, when an electronic process is made available by the Department of Public Safety, prior to the commencement of the required examination. An emergency contact name, address and phone number may be included on the application, which emergency contact may be changed or removed at any time by the licensee or by the emergency contact. The emergency contact information shall be for use by the Department and law enforcement officers only. Upon submitting a completed and approved application, providing proof of identity as provided for in (b) of this Section [see (b) regarding required identification documents] and proof that the applicant is a United States citizen, foreign national or a legal permanent resident alien [21 O.S., § 1550.42(B)], meeting all statutory requirements, and successfully completing every required examination [see Subchapter 3 Examination of this Chapter relating to examinations], the applicant may then proceed to a motor license agent or the Department of Public Safety Headquarters, Driver License Examining Division, and present to the examiner, issued by the Driver License Examiner, and paying the required fees, and the applicant will be issued a an Oklahoma driver license. A person who has been declared to be a disabled veteran in receipt of compensation at the 100% rate for a permanent disability shall receive an original, renewal, or replacement driver license or identification card at no charge, upon presentation of one of the following documents:
(1) proof of 100% status from the U.S. Department of Veterans Affairs, or
(2) a tax exempt card from the Oklahoma Tax Commission showing exemption from state
tax based upon 100% status.

(b) Required identification. Every applicant must furnish both primary documentary proof of
identity [47 O.S., § 6-106(A)(3)], to include whether the applicant is a United States citizen,
foreign national or a legal permanent resident alien [21 O.S., § 1550.42(B)], and secondary
documentary proof of identity [47 O.S., § 6-106(A)(3)] and proof of full legal name and birth
date beyond any reasonable doubt when applying for an initial Oklahoma driver license [47 O.S.
§ 6-101(L)]. Any document furnished must be either a certified or original copy and issued by
the proper authority; notarized documents will not be accepted. Any document presented shall be
unexpired unless otherwise noted in this Section. Any document that has been or appears to have
been duplicated, traced over, mutilated, defaced, tampered with, or altered in any manner or that
cannot be read by the Driver License Examiner shall not be accepted or used for
identification purposes. All identification documents must be approved by the Examiner before
acceptance. The Examiner may, at his or her discretion, request additional identification
documentation of the applicant.

(1) Primary proof of identification for original issuance to a United States citizen. The
following shall be presented by the applicant as primary proof of identification for a citizen
of the United States:

(A) A certified birth certificate, as issued by the appropriate state agency from the state
of birth. A certified birth certificate issued by a city or county may be accepted if it is
issued on secure document paper and if the certificate either is from a state which the
Department has verified authorizes the issuance of birth certificates certified by a city or
county or contains a statement indicating the record is a copy of the facts on file with the
state agency responsible for maintaining and certifying vital records. The birth certificate
shall include the person's name, date of birth, and sex, shall be signed and
sealed, and shall include the certificate number. The following documents are not
acceptable:

(i) a hospital birth certificate or record,
(ii) a birth registration, or
(iii) an abstract of birth, unless the abstract is issued on secure document paper and
contains the following statement "I hereby certify that this abstract of birth facts has
been provided to this office by the Department of Health, Bureau of Vital Statistics,
from a document officially in its custody",

(B) A United States passport,

(C) For a United States citizen who is born in another country, a certification issued by
the United States Department of State,

(D) For a naturalized citizen of the United States, a Certificate of Naturalization issued
by the United States Citizenship and Immigration Service. The name on the document
must be the same as the name used by the applicant on the driver license or identification
card, and for every person born in another country and adopted as a minor child by a
United States citizen parent, a Certificate of Citizenship issued by the United States
Citizenship and Immigration Service,

(E) An Oklahoma driver license originally issued by Department of Public Safety on or
after November 1, 2007,
(F) A State of Oklahoma identification card originally issued by the Department of Public Safety on or after November 1, 2007, or

(G) If none of the forms of identification listed in this paragraph are available, any other documentation as approved by the Driver License Examiner Supervisor, Administrative Officer or Director. The Driver License Examiner shall list the approved documentation on the DL-10 form by the Driver License Examiner.

(2) **Primary proof of identification for renewal or replacement issuance to a United States citizen.** The following shall be presented by the applicant as primary proof of identification for a citizen of the United States:

   (A) Finger image comparison, if a Department-generated finger image algorithm is already on file with the Department, or
   (B) Any primary proof of identification listed in (1) of this subsection.

(3) **Primary proof of identification for original, renewal, or replacement issuance to a foreign national or legal permanent resident alien.** The following shall be presented by the foreign national or legal permanent resident alien applicant as primary proof of identification and proof of lawful presence in the United States for a foreign national or legal permanent resident alien:

   (A) A passport issued by a country other than the United States and I-94 card, when applicable. The name on the passport shall be the same as the name used by the applicant on the driver license or identification card. An I-94 card, which shall be accompanied by the applicant's passport when applicable, shall not be considered a separate identification document. The following documents or passport classifications shall be accepted for the purpose of issuing a driver license or identification card:

   (i) I-688 Temporary Resident Card,
   (ii) I-688A/B Employment Authorization Card,
   (iii) I-766 Employment Authorization Card,
   (iv) I-551 Resident Alien/Permanent Resident Card [see (B)],
   (v) Temporary I-551,
   (vi) A-1,
   (vii) A-2,
   (viii) A-3,
   (ix) DA,
   (x) E-1,
   (xi) E-2,
   (xii) F-1, with Form I-20,
   (xiii) F-2, with Form I-20,
   (xiv) G-1,
   (xv) G-2,
   (xvi) G-3,
   (xvii) G-4,
   (xviii) G-5,
   (xix) H-1A,
   (xx) H-2A,
   (xxi) H-1B,
   (xxii) H-2B,
   (xxiii) H-3,
(xxiv) H-4,
(xxv) I,
(xxvi) J-1, with IAP-66 or DS-2019,
(xxvii) J-2 (dependent of J-1 holder, must be accompanied by J-1 holder),
(xxviii) K-3,
(xxix) K-4,
( xxx) L-1(a/b),
( xxxi) L-2,
( xxxii) M-1, with I-20,
( xxxiii) M-2 (dependent of M-1 holder, must be accompanied by M-1 holder),
( xxxiv) NATO-1,
( xxxv) NATO-2,
( xxxvi) NATO-3,
( xxxvii) NATO-4,
( xxxvii) NATO-5,
( xxxix) NATO-6,
( xl) NATO-7,
( xli) O-1
( xlii) O-2
( xliii) O-3
( xlv) P-1
( xlv) P-2
( xlvi) P-3
( xlvii) P-4
( xlviii) Q-1
( lxix) R-1
( l) R-2
( li) T-1
( lii) T-2
( liii) T-3
( liv) T-4
( lv) TC, with I-94 or letter form I-797,
( lv) TN-1,
( lvii) TN-2,
( lviii) TD,
( lix) V-1,
( lx) V-2,
( lxi) V-3; or

(B) A permanent resident alien registration card issued by the United States Citizenship and Immigration Service (USCIS) which shall include the full, legal name, sex, and date of birth of the person identified on the card. The full, legal name, sex, and date of birth on the card shall be the full, legal name, sex, and date of birth used by the applicant on the driver license or identification card. A permanent resident alien registration card holder shall be allowed to renew his or her driver license or identification card at a motor license agency, provided, no changes are made to the full, legal name, sex, or date of birth. If, pursuant to 8 C.F.R., Section 264.5, a permanent resident alien registration card
holder requests a name, sex, or date of birth change to his or her driver license or identification card, the changes shall be made at a driver license exam site with the applicant showing approved documentation provided by USCIS verifying the changes; or

(C) If none of the forms of identification listed in this paragraph are available, any other documentation as approved by the Driver License Examiner Supervisor, Administrative Officer or Director. The Driver License Examiner shall list the approved documentation on the DL-10 form by the Driver License Examiner.

(4) Secondary proof of identification. The following shall be presented by the applicant as secondary proof of identification and shall contain the name of the applicant:

(A) Any primary proof of identification listed in (1), (2), or (3), as applicable, of this subsection which is not used as the primary identification document of the applicant,

(B) For any person under the age of 18, an affidavit provided by the Department and signed by the parent or legal guardian,

(C) Photo identification card that is issued by an Oklahoma:
   (i) public, private, or parochial secondary school,
   (ii) institution of higher education,
   (iii) technology center school, or
   (iv) employer,

(D) Oklahoma gun permit,

(E) Pilot license,

(F) Oklahoma lifetime hunting or fishing license,

(G) Oklahoma voter identification card,

(H) Social Security card,

(I) Health insurance card,

(J) Motor vehicle registration or title,

(K) Marriage certificate,

(L) Separation or divorce judgment,

(M) High school, technology center school, college, or university diploma

(N) Professional degree, certificate, or license,

(O) Deed or title to property in Oklahoma, including a burial plot deed,

(P) Health, life, or home insurance policy issued to the applicant,

(Q) Automobile insurance policy or security verification form issued to the applicant,

(R) A valid U.S.D.O.T. health card, as required by 49 C.F.R. Part 391,

(S) Digital photograph comparison, if a Department-generated digital photograph is already on file with the Department,

(T) Identification documents issued by the United States Armed Services:
   (i) Military discharge (DD-214), unless specified not to be used for identification,
   (ii) Military identification card, or
   (iii) Military dependent identification card,

(U) United States Bureau of Indian Affairs identification card or a Oklahoma tribal photo identification card, approved by the Department of Public Safety (the Department shall maintain on its website a list of tribes which comply with this provision), which identifies the person and includes the following information:
   (i) color photograph of the person,
   (ii) full legal name of the person,
   (iii) birth date of the person,
(iv) signature of the person,
(v) signature of person who verifies records, and
(vi) tribal seal,
(V) Expired Oklahoma Driver License,
(W) Expired Oklahoma Identification Card,
(X) Oklahoma Tax Commission Agricultural Exemption Permit (tax exempt card),
(Y) Department of Corrections cards including:
   (i) Department of Consolidated Record Card
   (ii) Department of Corrections Inmate Identification Card,
(Z) Transportation Worker Identification Credential (TWIC card), or
(AA) Out-of-State driver license

(AAABB) If none of the forms of identification listed in this paragraph are available, any
other documentation as approved by the Driver License Examiner Supervisor,
Administrative Officer or Director. The Driver License Examiner shall list the
approved documentation on the DL-10 form by the Driver License Examiner.

(5) Additional identification requirements. The Department may require additional
identification documents:
   (A) when the Department is unable to determine the reliability or validity of the
identification document(s) presented, or
   (B) as provided in OAC 595:10-1-35.
   (C) All persons acting as an interpreter must be eighteen (18) years of age or older
       and must supply proof of legal presence in the United States and a driver license or
identification card issued by any state and must sign an affidavit provided by and filled
out by Department personnel.

(c) Driver license numbers.
   (1) Driver license numbers shall be assigned by computer. Use of the applicant's Social
Security number as the driver license number is prohibited [47 O.S. § 6-106(B)]; provided,
every applicant shall provide the Department with the Social Security number of the
applicant [47 O.S., § 6-106(B),12], which shall be verified before a driver license shall be
issued to the applicant. Verification shall be accomplished using the Social Security On-line
Verification (SSOLV) system. The Department shall refer any applicant to the Social
Security Administration whenever the Social Security number cannot be verified for
the applicant.
   (2) Any licensee may request to change his or her driver license number to any nine-digit
number which is not in use or has not been previously used by making a written request to
the Department. Upon approval by the Department, the licensee shall obtain a replacement
driver license from a motor license agent, and the licensee shall pay the required fee for the
replacement license [see OAC 595:10-1-18 regarding replacement driver licenses]

SUBCHAPTER 1. PROCEDURES FOR OBTAINING AND MAINTAINING A DRIVER
LICENSE OR IDENTIFICATION CARD
Part 3. DRIVER LICENSE RENEWAL

595:10-1-10. Procedure for obtaining a renewal driver license.
(a) General requirements. During the month of expiration or as provided in (d) of this Section,
each licensee shall present proper identification and pay the required fee to a Motor License
Agent or to the Driver License Services Examining Division of the Department of Public Safety
for renewal of the driver license of the licensee. Failure to renew a driver license by the end of the month of expiration shall not relieve the person of the obligation to renew his or her driver license under the provisions required by law and this Section if the person whishes to keep his or her driver license in force.

(b) **Required identification.**

(1) **Renewal with valid and unexpired driver license.** The valid and unexpired Class D license provided as the primary identification may be retained by the licensee, after the motor license agent has first punched a hole through the identification number of the license. The person shall provide secondary identification as prescribed in OAC 595:10-1-3(b)(4).

(2) **Renewal with an expired driver license.** The expired Class D driver license provided as the primary identification may be retained by the licensee, after the motor license agent has first punched a hole through the identification number of the license. The person shall provide primary identification as prescribed in OAC 595:10-1-3(b)(2), as appropriate. Any applicant with a license expired more than one (1) year past the expiration date and the original issue date was before 11/01/2007 must show proof of legal presence in this country. If the motor license agent’s operator is not Birth Certificate certified the applicant must go to an agent who is certified or they must see a Driver License Examiner.

(3) **Renewal without driver license.** Any person who does not have the valid and unexpired driver license shall provide both primary and secondary identification as prescribed in OAC 595:10-1-3(b).

(c) **Vision examination.** Persons holding a commercial driver license shall, upon renewal, meet the vision standards established in OAC 595:10-5-7 and 49 C.F.R. § 391.41.

(d) **Limitations to issuance of a renewal driver license.**

(1) A renewal driver license will be issued only to an individual whose driving privilege is not under suspension, revocation, disqualification, cancellation or denial and who complies with this Section.

(2) Any applicant who requests a renewal of his or her driver license when the license has been expired in excess of three (3) years is required to appear before a Driver License Examiner, pursuant to OAC 595:10-1-2.

(e) **Early renewal of a driver license.** Any licensee may renew his or her driver license no 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 595:10-1-18.

(f) **Change of driver license number.**

(1) Use of the licensee’s Social Security number as the driver license number is prohibited. At the time of renewal, any licensee whose driver license number is his or her Social Security number shall inform the Department or the motor license agent of that fact. If the numbers are the same, a new driver license number will be assigned for the licensee by computer [47 O.S. § 6-106(B)].

(2) Any licensee may request, at the time of renewal or when replacing his or her driver license, to change his or her driver license number to any nine-digit number by making a written request to the Department. Upon approval by the Department, the licensee shall obtain a replacement driver license from a motor license agent, and the licensee shall pay the required fee for the replacement or renewal license [see OAC 595:10-1-18] regarding replacement driver licenses].
(g) **Persons who may appear before a motor license agent.** An individual who has previously held an Oklahoma Class D driver license that has been surrendered to another state in exchange for the other state’s license and whose Oklahoma Class D license has not been expired for more than three (3) years, may apply directly to a motor license agent for reactivation of the previous Oklahoma Class D license, upon establishing Oklahoma residence and following the applicable procedure for renewal. The agent shall call the Driver License Services Division and request clearance to issue the license. Any applicant with a license expired more than one (1) year past the expiration date and the original issue date was before 11/01/2007 must show proof of legal presence in this country. If the motor license agent’s operator is not Birth Certificate certified the applicant must go to an agent who is certified or they must see a Driver License Examiner. If the clearance is given by the Department, the person shall surrender the out of state license to the agent, and the agent shall issue the Oklahoma license. If the out of state license has been lost or destroyed, the person shall provide to a motor license agent a notarized affidavit of that fact. In no case shall the out of state driver license be retained by the person when an Oklahoma license has been issued to the person. The agent shall retain the license and submit it to the Department with the agent’s report. If clearance is not given, the person shall be informed to contact the state whose action is causing the clearance to be withheld.

(h) **Persons unable to appear due to medical situation.** 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 driver license, in which case the Department shall issue by mail an identification card to the person and shall not issue a driver license. The driver license shall be surrendered by the individual to the Department prior to issuance of the identification card. The individual shall provide both primary and secondary identification as prescribed in OAC 595:10-1-3(b).

SUBCHAPTER 1. PROCEDURES FOR OBTAINING AND MAINTAINING A DRIVER LICENSE OR IDENTIFICATION CARD

Part 13. MOTOR LICENSE AGENTS

595:10-1-51. Operational procedures

(a) The driver license computer, camera, printer, and other hardware, software, and supplies (which may be referred to as driver license document issuance equipment) used in the production of driver licenses and identification cards shall be used solely for the issuance of Oklahoma driver licenses or identification cards. Driver licenses or identification cards shall be issued if the motor license agency is open for business. If the motor license agency is unable to issue licenses, the agent shall immediately notify the Department Driver License Examining Division to report why the agency is not issuing licenses.

(b) At the close of business each day, the agent shall remove the top "clam shell Security Laminate", PVC card stock, and security key and lock them in a safe place and shall also destroy by shredding or burning all used color print ribbon. In addition, all printer supplies, DL10 and MVR consent forms shall be locked in a safe place. "To lock in a safe place", as used in this Section, is defined as a burglar safe that cannot be picked up and carried out. If the safe is under 250 pounds, it shall be anchored to a permanent fixture to prevent removal. The safe shall have a combination lock, key lock, or combination of both combination and key lock.
(c) The Department will maintain a database showing all current and past motor license agency
driver license or identification card issuance employees. All criminal history investigations for
each issuance employee will be stored in a Department database.
(d) Motor License agencies are prohibited from sharing driver license or identification card
issuance consumables. Each motor license agency is responsible for all consumables obtained by
its agency. Agents shall maintain correct inventory levels in the Secure Inventory Management
System (SIMS).
(e) All issuing employees must pass a limited criminal history background investigation
conducted by the Oklahoma Highway Patrol, Investigation Division, to be issued a temporary
personal access code and a complete state criminal history background investigation conducted
by the Oklahoma State Bureau of Investigation and national FBI criminal history background
investigation to be issued a permanent personal access code. The motor license agent is
responsible for incurring the cost for any criminal history background investigation.

1. Only persons who have been issued a personal access code by the Department of Public
Safety shall be authorized to operate driver license document issuance equipment and issue
or make changes to driver licenses or identification cards.
2. Agents shall not submit applications for personal access codes for employees who are
not at least eighteen (18) years of age. Personal access codes shall not be assigned to anyone
under the age of eighteen (18) or to any employee whose driver license is suspended,
revoked, cancelled or denied.
3. On and after the Commissioner's approval of this rule, each application for a
personal access code shall be submitted by an agent the motor license agent to the
Department Driver License Examining Division. A limited criminal history background
investigation shall be conducted by the Oklahoma Highway Patrol, Investigations Division
prior to the issuance of a temporary personal access code, and the Department shall
give temporary approval to the applicant to issue driver licenses and identification cards,
pending an investigation of the applicant's complete national and state criminal history background investigation records which must be completed within 90 days of the temporary
approval. The motor license agent shall submit the necessary criminal history background
investigation requests within ten (10) business days of the issuance of the temporary access
code, and submit proof of the request to the Driver License Examining Division within five
(5) business days thereafter.
4. All completed documents necessary for the state background check shall be submitted
by the agent to the Oklahoma State Bureau of Investigation and results of the investigation
shall be forwarded to the Department indicating compliance with this requirement. The
Department shall cancel the access code to issue driver licenses or identification cards upon
determination the person's state criminal history background investigation does not warrant
certification, based upon the presence in the history of a high misdemeanor conviction for
larceny, theft, fraud, perjury, or if the applicant is found to have made false statements on the
application within the ten (10) years immediately preceding the application and/or of any
felony conviction.
5. If no record of a conviction for the specified misdemeanors in (e)(4) or of a felony within
state-limited criminal history background investigation conducted by the Oklahoma Highway
Patrol, records, the temporarily approved applicant shall be issued a temporary access code.
Upon notification of the issuance of the temporary access code to the motor license agent,
the agent shall submit to a national criminal history background investigation records search,
as defined by 74 O.S. § 150.9 of Title 74 of the Oklahoma Statutes within ten (10) business days of said notification. If the national criminal history background investigation is not completed within ninety (90) days of the request for the national criminal history background investigation, the temporary personal access code may be revoked.

(6) The Department shall cancel the access code to issue driver licenses or identification cards upon determination the person's national criminal history background investigation does not warrant certification, based upon the presence in the history of a high misdemeanor conviction for larceny, theft, fraud, perjury, or if the applicant is found to have made false statements on an application with the ten (10) years immediately preceding the application and/or of any felony conviction.

(7) If no record of a conviction for the misdemeanors in (e)(4) or of a felony is found within the national criminal history background investigation records, the applicant shall be given a permanent access code number to issue driver licenses and identification cards.

(8) If, during either the state criminal history background investigation or the national criminal history background investigation, it is discovered the applicant has pending charges that could result in the applicant being convicted of a misdemeanor for larceny, theft, fraud, or perjury or any felony, or if the applicant has a deferred sentence for the misdemeanors listed in (e)(4) or any felony the temporary personal access code shall be revoked pending the disposition of the court proceedings.

(9) Personal access codes shall be kept confidential by the employee and motor license agent. Personal access codes shall be used only by the person to whom the code has been assigned. New employees whose duties are intended to include the issuance of driver licenses and identification cards shall first apply for a personal access code from the Department of Public Safety as provided for in this subsection; provided, an employee shall not be authorized to operate driver license equipment and to issue driver licenses and identification cards unless approved by the Department and a personal access code has been issued to the employee by the Department.

(10) A current national criminal history background investigation shall be required if:

   (A) an employee has any break in service and the result of the previous state criminal history investigation on file with the Department for the employee is more than one (1) year old, or
   (B) if the employee changes motor license agents and it has been more than one (1) year since the last national criminal history background investigation was done completed, or
   (C) if a national criminal history background investigation was not previously required of the employee.

(11) The Department may, at its discretion, require a current national criminal history background investigation of any individual operating the driver license equipment. Such national criminal history background investigation shall be at the motor license agency's expense.

(12) The motor license agent shall be responsible for training new employees. The Department may offer periodic training programs as needed.

(13) The motor license agent shall be responsible for the conduct of its employees.
Any motor license agent in possession of document issuance equipment will be subject to unannounced inspections by Department personnel to verify compliance with the Department's Administrative Rules as well as Departmental policy. Employees operating the document issuance equipment shall produce proof of identity if requested by Department personnel.

Any substitution of equipment or alteration in the making of a driver license or identification card is prohibited, and may be subject to criminal prosecution. Driver licenses or identification cards shall be made in accordance with specifications as determined by the Department. If they do not meet these specifications, the agent or the employee shall not issue the license or card.

Motor license agent's reports required by the Department shall be forwarded to the Driver License Services Examining Division in accordance with the rules of the Oklahoma Tax Commission or as prescribed by law.

If the motor license agency agent plans to relocate its business, the agent shall immediately notify the Department of Public Safety Driver License Examining Division in writing to make arrangements to have the document issuance equipment relocated. The motor license agent shall also immediately notify the Driver License Examining Division in writing of the new address and telephone number. The Department will contact the agent and schedule a time to set up the agency at the new location and provide any training necessary to the agency. The motor license agent shall bear the cost of moving the document issuance equipment, unless the move is due to a natural disaster or for reasons beyond the control of the motor license agent.

In the event of loss, theft, or misuse of any of the document issuance equipment, supplies, or documents, or any violation of state law, Department rule, or other improper conduct related to the issuance of driver license or identification cards, the Department of Public Safety, Driver License Examining Division, shall be notified immediately by telephone at (405) 425-7745. In case of loss or theft the motor license agent shall take an immediate inventory of all driver license documents and/or consumables on hand and list all missing items and equipment by number, when applicable. A copy of the missing inventory list, the police investigation, and/or incident report shall be immediately forwarded to the Department of Public Safety, Driver License Examining Division. In cases of misuse, the motor license agent must immediately contact the Driver License Examining Division by telephone at (405) 425-7745, Identity Verification Unit of the Department of Public Safety by telephone at (405) 425-2477. If the agent is unable to contact this unit, then the Driver License Examining Division shall be notified by telephone at the number listed above.

Agents are prohibited from accepting an altered driver license application (DL-10 form) or any other altered or unapproved document for the issuance of an Oklahoma driver license or identification card.

When a motor license agency closes, any equipment, supplies, and documents issued to the agent by the Department of Public Safety must be accounted for and returned to the Department of Public Safety.

Each employee of the motor license agency is to be made aware by the motor license agent of the penalties for misuse of driver license documents, or identification cards, or document issuance equipment and any production of fraudulent and erroneous driver licenses or identification cards.

When it comes to the attention of the Department of Public Safety that any motor license agent or an employee of a motor license agency is in violation of any statute, or rule, or
policy, or has committed any fraudulent act regarding the issuance of driver licenses or identification cards, and after consultation with the Commissioner's office, the Director of the Driver License Examining Division may notify the motor license agent and the Tax Commissioner that the access code number(s) issued to that motor license agent and its employees may be canceled or suspended and/or the camera document issuance equipment may be removed.

(1) In accordance with the Administrative Procedures Act, a hearing before the Commissioner or the Commissioner's designee will be offered, may be requested by the motor license agency provided the Director of the Driver License Services Division is notified in writing within fifteen (15) calendar days of receipt of the date of the notification of the cancellation or suspension of access code number(s) for that motor license agency.

(A) The issues at the hearing will be whether or not a violation occurred, and

(B) the severity of the sanction which should be imposed.

(2) If the suspected violation is upheld in the administrative hearing, the motor license agency shall have its ability to issue driver licenses or identification cards suspended for six (6) months for the first offense, one (1) year for the second offense, and permanently for third offense. However, the Department may issue a permanent suspension for any offense if the findings of the administrative hearing conclude the offense was criminal or grossly negligent in nature. Suspension time shall include the time pending the administrative hearing.

(4) The following changes or activities to a driver license or identification card are not authorized by any motor license agency without other authority authorization from the Driver License Examining Division' director or his or her designee:

(1) Driver license number or identification card number change, except when changing to a computer generated number,
(2) Sex,
(3) Eye color,
(4) Race,
(5) Date of birth,
(6) Class of license,
(7) Endorsement,
(8) Extension of expiration on driver license or identification card,
(9) Temporary receipt or authorization to drive for lost license while application is in process,
(10) The use of issuance equipment for taking photographs for other identification cards (for example: police, fire, sheriff, passport, etc.),
(11) Adding titles to names, such as Sheriff, Police Officer, Judge, Senator, Representative, Dr., Rev., Fireman, etc., or information to indicate professional status on the face of the driver license or identification card such as JOHN DOE, OKLAHOMA HIGHWAY PATROL or ROBERT DOE, M.D.
(12) Adding addresses or information to indicate professional status on the face of the driver license or identification card such as JOHN DOE, OKLAHOMA HIGHWAY PATROL or ROBERT DOE, M.D. All addresses shall be the legal Oklahoma residence address or Oklahoma mailing address [47 O.S. § 6-106]. Display of both the residence address and mailing address, or any combination thereof, is prohibited; provided, this paragraph shall not be construed to prohibit display of a residence address if it is also the mailing address,
(13) Placing anything on a driver license or identification card, such as stickers of civic clubs, medical symbols, etc., except those approved by the Department of Public Safety,
(14) Producing more than one (1) driver license or identification card for the applicant at the time of application,
(15) Adding service charges to an application fee for any reason other than actual cost for telephone calls made for the applicant to obtain approval to issue the driver license or identification card, or
(16) Providing information from the driver license or identification card application to private businesses, government agencies, or persons other than the Department of Public Safety, unless authorized by the Department.

(m) No documents shall be removed from the office of the motor license agent by anyone unless authorized by the Driver License Examining Division. If a situation arises which warrants removal of documents required or authorized by the Department, the motor license agent shall telephone the Division at 405-425-7745 to explain the circumstances and obtain authority.

(n) During the issuance process for an original, renewal or replacement driver license or identification card, the motor license agency shall ask the applicant will be offered the opportunity if he or she would like to donate One Dollar ($1.00) to the Oklahoma Organ Donor Education and Awareness Program [63 O.S.; § 2220.5]. If the applicant consents to the donation, the agency shall add the One-Dollar donation will be added to the amount collected with the cost of the license or card. Each One-Dollar donation shall be recorded and shall be reflected on the semi-monthly reports of the motor license agency. The applicant shall be given the option to become or to decline becoming an organ donor by marking either the "Yes" or "No" box, as appropriate, on the signature pad. A mark of "Yes" shall cause an organ donor symbol to be placed on the driver license or identification card. If the holder of a driver license or identification card wishes to remove the organ donor symbol from the license or card, the applicant shall make the request of the motor license agency and shall be asked to mark the "No" box on the signature pad. A license or card shall be issued without the organ donor symbol and the appropriate fee collected by the motor license agency. The holder of a Class A, B, or C commercial driver license shall be required to appear before a Driver License Examiner to remove or add the organ donor symbol.

(o) Rules in this Chapter regarding motor license agents are specific and limiting. Whenever an action either is not included or is not prohibited, it shall not be construed to convey authority to perform that action within the duties, responsibilities, or authority of the motor license agents. Any activity performed by motor license agents or its employees, other than those approved in writing or through hands-on training provided by or authorized in writing by the Department can result in termination of the agency's ability to issue driver licenses or identification cards and/or criminal and civil prosecution.

595:10-1-52. Photographic procedures
(a) In order to provide a photograph which clearly identifies the licensee or cardholder, the photograph shall show a full front view of the face, from the hairline to the neck, of the applicant who shall be looking straight ahead.

(1) A photograph, which in the opinion of the Commissioner or his designee, distracts from the identification purpose, shall not be allowed to appear on an Oklahoma driver license or identification card.
(2) Objects, costumes and gestures are not permitted within the photograph.

(3) Head coverings are not permitted in the photograph if the head covering:
   (A) obscures or obstructs a full front view of the face,
   (B) displays any:
      (i) logo,
      (ii) insignia, symbol, or regalia,
      (iii) word or words,
      (iv) letter, number, or character, or any combination thereof, or
      (v) graphic design, other than the overall pattern of the fabric or material, or
   (C) casts a shadow onto the face of the person.
   (D) is an object. As used in this subsection, object is defined as any item regardless of its composition and by the very nature or the manufacturer is not intended to be used as a head covering.

(4) Prescription or non-prescription glasses of any type shall be removed for the photograph.

(5) Profile style photographs are not permitted.

(b) Retakes of a photograph are permitted only at the time of making the license or card in order to obtain the correct photograph, as long as the agent or the agent's employee is still at the photograph-taking step in the procedure. Retakes of a photograph shall not be permitted at any other time in the issuance procedure, after the issuance procedure, or after the licensee or cardholder has left the agency.

(c) Agencies shall not take an additional photograph of any applicant, licensee, or cardholder unless authorized by the Commissioner or his designee.

(d) Applicants shall submit to the computer finger imaging process. Refusal shall result in no driver license being issued. [47 O.S. § 6-110.2(A)]

(e) Applicants shall sign and submit only their signature for a driver license or identification card. Nothing else may be added to the signature [47 O.S. §§ 6-111(A)(1) and 6-301(H)]. The driver license or identification card shall not be issued if the applicant refuses to sign the driver license or identification card.

(f) Male applicants whose age is between 16 and 26 shall read the Selective Service statement, which shall appear on the signature pad. Signing and submitting their signature indicates agreement with the statement.

595:10-1-56. Renewal of driver license or identification cards

(a) Normal renewal procedure. If an applicant presents proper identification [see OAC 595:10-1-51 regarding identification documents required], the agent may accept the required remittance for the class of driver license or the identification card being issued, make any changes necessary that have been authorized and issue the driver license or identification card. If the licensee presents an Oklahoma driver license or the card holder presents an Oklahoma identification card as a form of identification, the agent shall;
   (1) for a Class D licensee or identification card holder, return the expired license or card, if requested by the licensee or holder and after first punching a hole through the identification number on the license or card, or if the licensee or holder does not wish to retain the expired license or card, return it with the agent’s regular reports to the Driver License Services Division of the Department, or
(2) for a Class A, B, or C commercial licensee, the license shall be surrendered by the licensee to the motor license agent, and the agent shall retain the license and return it with the agent’s regular reports to the Driver License Services Division of the Department.

(b) Early renewal. An individual may make application for the renewal of his or her license or card not more than one (1) year prior to the expiration date of the license or card. If the application for renewal occurs more than one (1) year prior to the expiration date, the agent shall notify the individual that the transaction must be treated as a replacement under the provisions of OAC 595:10-1-57. The agent shall;

1. for a Class D licensee or identification card holder, return the expired license or card, if requested by the licensee or holder and after first punching a hole through the identification number on the license or card, or if the licensee or holder does not wish to retain the expired license or card, return it with the agent’s regular reports to the Driver License Services Division of the Department, or
2. for a Class A, B, or C commercial licensee, the license shall be surrendered by the licensee to the motor license agent, and the agent shall retain the license and return it with the agent’s regular reports to the Driver License Services Division of the Department.

(c) Late renewal. An individual who makes application for renewal but whose license or card has been expired in excess of three (3) years shall be referred by the agent to a Driver License Examiner.

(d) Renewal of expired license. The holder of an Oklahoma driver license or identification card which has expired more than one (1) year of the expiration date printed on the driver license shall be required to show proof of lawful presence in the United States to the motor license agency in order to renew the license or card. Any motor license agent who has been certified by the Department to identify state certified birth certificates may renew an expired license or card by entering the certificate information in the computer. If the agent has not been certified by the Department, the agent shall refer the applicant to a Driver License Examiner to show proof of lawful presence in the United States.

(e) Persons temporarily out of state. The holder of an unexpired Oklahoma driver license or identification card who is temporarily out of the state of Oklahoma and who wishes to renew or replace the license or card by mail shall be referred to the Driver License Services Division of the Department of Public Safety or the Department of Public Safety website.

(f) Previous Oklahoma licensees and card holders. An individual who has previously held an Oklahoma Class D driver license which has been surrendered to another state in exchange for the other state’s license or who has previously held an Oklahoma identification card which has expired, may apply directly to a motor license agent for reactivation of the previous Oklahoma license or identification card, upon establishing Oklahoma residence and following the applicable procedures for renewal. Before attempting to issue a driver license under this subsection, the agent shall call the Driver License Services Division and request clearance to issue the license. If clearance is not given, the person shall be informed to contact the state whose action is causing the clearance to be withheld. If the clearance is given by the Department, the person shall surrender the out of state license to the agent, and the agent shall issue the Oklahoma license or card. If the out of state license has been lost or destroyed, the person shall provide to the motor license agent a notarized affidavit of that fact. The agent shall retain the license or affidavit, as applicable, and submit it to the Department with the agent’s report. This procedure applies to a Class D driver license or identification card only.
(g) **Commercial driver license renewal.** The holder of a Class A, B, or C commercial driver license shall appear before a Driver License Examiner for renewal.

**SUBCHAPTER 1. PROCEDURES FOR OBTAINING AND MAINTAINING A DRIVER LICENSE OR IDENTIFICATION CARD**

**Part 21. IDENTITY VERIFICATION UNIT**

**595:10-1-101. Identity fraud or theft**

(a) In the event it is determined identity fraud or theft has occurred in connection with an Oklahoma driver license or identification card, the victim may request the Identity Verification Unit to place a detailed restriction code 8 on the driving record. The victim shall be required by the Identity Verification Unit of the Department to provide a police report from their local law enforcement agency, unless the investigating agency is the Oklahoma Highway Patrol. He or she will also be required to sign an affidavit stating he or she believes their identity has been compromised or they are the victim of identity fraud or theft and by signing the affidavit they give the Identity Verification Unit the authority to place a detailed restriction code 8 on their driving record. The Identity Verification Unit shall then cancel the originally issued driver license or identification card and assign to the victim another driver license or identification card with a new number.

(b) A detailed restriction code 8 shall be added by the Identity Verification Unit to the master file record of the original, cancelled driver license or identification card. All driving history shall remain on the file for a cancelled driver license. The detailed restriction shall state “Fraudulent document. Seize and mail to IVU PO Box 11415 Oklahoma City, OK 73136.” The detailed restriction code 8 may also include pertinent detailed information regarding each specific case.

(c) The Identity Verification Unit shall issue to the identity fraud or theft victim a new driver license or identification card with the new number and with a detailed restriction code 8 stating, “Identity Theft Victim, fraudulent document [number given] cancelled.” The detailed restriction code 8 shall include detailed information regarding each specific case. Only the driving history proven to belong to the identification fraud or theft victim shall be added to the new driver license driving history.

(d) If the identity of the identity fraud or theft suspect can be determined, the Identity Verification Unit shall place an identity fraud or theft administrative revocation (W80) on the driving privilege of the suspect. A stop shall be placed on the identification card privilege of the suspect. Placing stops on the driver license or identification card privilege will prevent original issuance, renewal or duplication until the identity theft or fraud administrative revocation (W80) has been lifted. When requirements by the suspect are met, Identity Verification unit Staff shall give administrative revocation (W80) release documentation to the suspect and/or to the Driver Compliance Division of the Department.