TITLE 595. DEPARTMENT OF PUBLIC SAFETY
CHAPTER 11. COMMERCIAL DRIVER LICENSES

RULEMAKING ACTION:
EMERGENCY adoption

RULE:
Subchapter 1. Commercial Driver Licensing
Part 3. Commercial Driver License Renewal – In Person
595:11-1-21 Procedure for obtaining a renewal commercial driver license in person [AMENDED]
Part 5. Commercial Driver License Replacement – In Person
595:11-1-31 Procedure for obtaining a replacement driver license in person [AMENDED]
Part 7. Changes to information contained on commercial driver license [AMENDED]

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

ADOPTION:
October 28, 2019

EFFECTIVE:
Immediately upon the Governor’s approval

EXPIRATION:
Effective September 14, 2020, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:
Not applicable

INCORPORATION BY REFERENCE:
Not applicable

FINDING OF EMERGENCY:
SB 19 was signed into law by Governor Stitt on May 6, 2019 and has an effective date of November 1, 2019. The Administrative Rules identified require amending to comply with the new law.

GIST ANALYSIS:
SB 19 eliminates the requirement of primary and secondary proofs of identification the customer must provide prior to the issuance of an Oklahoma credential.

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULE IS CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR, AS SET FORTH IN 75 O.S. § 253(F):

CHAPTER 11. COMMERCIAL DRIVER LICENSES
SUBCHAPTER 1. COMMERCIAL DRIVER LICENSING
PART 3. COMMERCIAL DRIVER LICENSE RENEWAL – IN PERSON

595:11-1-21. Procedure for obtaining a renewal commercial driver license in person

(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 Department of Public Safety for renewal of the commercial driver license. Failure to renew a commercial driver license by the end of the month of expiration shall not relieve the person of the obligation to renew his or her commercial driver license under the provisions required by law and this Section if the person wishes to keep his or her commercial driver license in force.

(b) Required identification.

(1) Renewal with expiring or expired commercial driver license. The expiring or expired commercial driver license provided as the primary identification may be retained by the licensee, after the Department or the Motor License Agent has invalidated the document credential by punching a hole in the license class and license type displayed. The person shall provide secondary identification as prescribed in OAC 595:10-1-3(b)(2). Applicant The applicant must provide current United States citizenship or lawful permanent resident and proof of domicile in the State of Oklahoma.

(2) Renewal without driver license. Any person who does not have the expiring or expired commercial driver license shall provide both primary and proof of identification as prescribed in OAC 595:10-1-3(b) for an Oklahoma REAL ID Compliant credential and OAC 595:10-1-3(c) for an Oklahoma REAL ID Non-Compliant credential.

(c) Vision screening. 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 commercial driver license.

(1) A renewal commercial driver license shall be issued only to an individual whose driving privilege is not under suspension, revocation, disqualification, cancellation, or denial and who complies with this Chapter, state law, and federal law and regulation.

(2) Any applicant who requests a renewal of his or her commercial driver license when the license has been expired in excess of three (3) years shall be required to appear before a driver license examiner pursuant to OAC 595:11-1-11 as for an original commercial driver license.

(e) Early renewal of a commercial driver license. Any licensee may renew his or her commercial 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 commercial driver license number. A request by a licensee to change the commercial driver license number shall conform to the provisions of OAC 595:11-1-12(c).

PART 5. COMMERCIAL DRIVER LICENSE REPLACEMENT – IN PERSON

595:11-1-31. Procedure for obtaining a replacement driver license in person

(a) General requirements. Any licensee requiring a replacement commercial driver license because the license was lost, stolen, or mutilated, or because information on the license needs to be changed, shall request a replacement, upon presentation of proper identification and payment
of the required fee. The driver examiner Driver License Examiner shall retain the driver license to be replaced if it is available.

(b) **Required identification to replace lost, stolen, or mutilated license.** Any person shall provide both primary and secondary identification as prescribed in OAC 595:10-1-3(b) for a REAL ID Compliant commercial driver license and OAC 595:10-1-3(c) for a REAL ID Non-Compliant commercial driver license. Applicant The applicant must provide current United States citizenship or lawful permanent resident and proof of domicile in the State of Oklahoma. If the credential cannot be produced because it was lost or stolen, the applicant must complete the Lost or Stolen Driver License Affidavit and submit it with his or her request.

(c) **Required identification to change information and replace a commercial driver license.**

(1) **Name change.** Any person who requests a replacement commercial driver license in order to make a name change shall comply with the primary and secondary identification requirements prescribed in OAC 595:10-1-3(b) for a REAL ID Compliant credential and OAC 595:10-1-3(c) for a REAL ID Non-Compliant credential 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 by the driver examiner Driver License Examiner into the "Alias" field in the driver license database to provide historical information to the Department. The person requesting the name change may retain the old license, if it is available, after the Department has invalidated the document by punching holes through the license class and license type displayed.

(2) **Address change.** A licensee shall request a replacement commercial driver license within ten (10) calendar days of any address change, and

(A) shall provide the new address to the Department, and
(B) shall provide both primary and secondary identification as prescribed in OAC 595:10-1-3(b) for a REAL ID Compliant credential and OAC 595:10-1-3(c) for a REAL ID Non-Compliant credential.

(3) **Endorsement or restriction change.** Any person who requests a replacement commercial driver license in order to change endorsement or restriction information on the license shall provide both primary and secondary identification as prescribed in OAC 595:10-1-3(b) for a REAL ID Compliant credential and OAC 595:10-1-3(c) for a REAL ID Non-Compliant credential. The person requesting the information change may retain the old license, if it is available, after the Department has invalidated the document credential by punching holes through the license class and license type displayed.

(4) **Sex change.** The licensee 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 licensee shall also show proof of former legal name, if applicable. The new sex shall be entered by the driver examiner Driver License Examiner in the "Sex" field in the driver license database, and the former name shall be entered by the driver examiner Driver License Examiner into the "Alias" field in the driver license database to provide historical information to the Department.

(d) **Limitations to issuance of a replacement driver license.**
A commercial driver licensee shall appear before a driver examiner to request a replacement commercial driver license in order for the examiner to perform the federally required ten-year driving history check.

A replacement commercial driver license shall be issued only to an individual whose driving privilege is not under suspension, revocation, disqualification, cancellation, or denial and who complies with this Chapter, state laws, and federal laws and regulations.

The commercial driver license number may be changed as provided in OAC 595:11-1-12(c).

PART 7. CHANGES TO INFORMATION CONTAINED ON COMMERCIAL DRIVER LICENSE

595:11-1-51. Procedure to make a change of name on a commercial driver license
(a) **Procedure.** Any licensee may request a change of name on his or her commercial driver license upon providing the appropriate identification, as provided in OAC 595:10-1-3(b) for a REAL ID Compliant credential and OAC 595:10-1-3(c) for a Real ID Non-Compliant credential, and paying the required fee to a motor license agent or to the Department of Public Safety.

(b) **Name changes allowed.** Name changes must result from either marriage or court action. A licensee requesting a legitimate name change shall submit, without exception, the original certified copy of the document which indicates the name change.

(c) **Documentation required.** A person requesting a name change shall comply with the primary and secondary identification requirements in OAC 595:10-1-3(b) for a REAL ID Compliant credential and OAC 595:10-1-3(c) for a REAL ID Non-Compliant credential in order to identify the person by his or her former name and OAC 595:11-1-12(b) and 49 C.F.R. § 383.71. The required documents for a name change shall include:

1. Court-ordered name change, which shall be in addition to the primary and secondary forms of identification required by OAC 595:10-1-3(b). Only the following types of court orders may be considered when a name change is requested:
   - (A) divorce decree,
   - (B) adoption decree,
   - (C) name change decree, or
   - (D) establishment of record of birth, pursuant to 63 O.S. § 1-315;

2. Marriage certificate name change, which shall be to the name of the licensee reflected on the marriage certificate, may serve only as the secondary form of identification required by OAC 595:10-1-3(b). The name change shall be to the name signed by the person on the marriage certificate, or

3. For a common law marriage name change, "Affidavit of Common Law Marriage" containing the notarized signatures of the husband and wife.

(d) **Form of new name.** A name change resulting from a marriage, court order or divorce decree must appear on the driver license or identification card exactly as stated on the marriage certificate, court order or decree.
(e) **Titles or ecclesiastical names.** Titles or ecclesiastical names shall not be placed on a commercial driver license.

(f) **Retention of information.** The former name shall be entered by the driver examiner Driver License Examiner into the "Alias" field in the driver license database to provide historical information to the Department.