**TITLE 595. DEPARTMENT OF PUBLIC SAFETY**

**CHAPTER 10. CLASS D DRIVER LICENSES AND IDENTIFICATION CARDS AND MOTOR LICENSE AGENT PROCEDURES**

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

**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 (the Department), prior to the commencement of the required examination. Each applicant must sign a declaration under penalty of perjury that the information presented on the application is true and correct, and the State must retain this declaration. An applicant must sign a new declaration when presenting new source documents to the Department of Public Safety or certified motor license agent on subsequent visits. An emergency contact name, address and phone number may be included on the application. [See OAC 595:10-1-50(d)(4) for more information on emergency contact.~~)~~] Upon submitting a completed and approved application, providing proof of identity as provided for in (b) of this Section and proof that the applicant is a United States citizen, foreign national or a legal permanent resident alien [21 O.S., § 1550.42(B)], or having valid documentary evidence of lawful presence in the United States, and meeting all statutory requirements and successfully completing every required examination [Subchapter 3. Examination of this Chapter], the applicant may, if paying with an accepted credit card, be issued a temporary driver license by the Driver License Services Division after paying the required fees or proceed to a Certified Motor License Agent and present the approved application form issued by the Driver License Examiner along with the same identification presented to the examiner, and paying the required fees, the applicant will be issued a temporary driver license. The actual license will be mailed to the customer. For each individual applying for an Oklahoma REAL ID Compliant or REAL ID Non-Compliant credential, the State must take and retain a photograph of the applicant's face and collect and retain the applicant's finger images, with or without the issuance of any type of Oklahoma credential. A person who has been declared to be a disabled veteran receiving 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~~tax-exempt card from the Oklahoma Tax Commission showing exemption from state tax based upon 100% status.

(b) **Required documents for a REAL ID Compliant Driver License.**

(1) **Proof of Identity.** To establish identity, the applicant must present at least one of the following source documents:

(A) Valid, unexpired U.S. passport.

(B) Original or certified copy of ~~a~~the applicant’s birth certificate filed with a State Office of Vital Statistics or equivalent agency in the individual's State of birth.

(C) Consular Report of Birth Abroad (CRBA) issued by the U.S. Department of State, Form FS-240, DS-1350 or FS-545.

(D) Valid, unexpired Permanent Resident Card (Form I-551) issued by the United States Department of Homeland Security (DHS) or United States Citizenship and Immigration Services (USCIS)

(E) Unexpired employment authorization document (EAD) issued by DHS, Form I-766 or Form I-688B.

(F) Unexpired foreign passport with a valid, unexpired U.S. visa affixed accompanied by the approved I-94 form documenting the applicant's most recent admittance into the United States. The following documents of passport classifications shall be accepted for the purpose of issuing a driver license or identification card:

(i) I-766 Employment Authorization Card,

(ii) I-551 Resident Alien/Permanent Resident Card [see (B)],

(iii) Temporary I-551,

(iv) A-1,

(v) A-2,

(vi) A-3,

(vii) DA,

(viii) E-1,

(ix) E-2,

(x) F-1, with Form I-20,

(xi) F-2, with Form I-20,

(xii) G-1,

(xiii) G-2,

(xiv) G-3,

(xv) G-4,

(xvi) G-5,

(xvii) H-1A,

(xviii) H-2A,

(xix) H-1B,

(xx) H-2B,

(xxi) H-3,

(xxii) H-4,

(xxiii) I,

(xxiv) J-1, with IAP-66 or DS-2019,

(xxv) J-2 (dependent of J-1 holder, must be accompanied by J-1 holder),

(xxvi) K-3,

(xxvii) K-4,

(xxviii) L-1(a/b),

(xxix) L-2,

(xxx) M-1, with I-20,

(xxxi) M-2 (dependent of M-1 holder, must be accompanied by M-1 holder),

(xxxii) NATO-1,

(xxxiii) NATO-2,

(xxxiv) NATO-3,

(xxxv) NATO-4,

(xxxvi) NATO-5,

(xxxvii) NATO-6,

(xxxviii) NATO-7,

(xxxix) O-1

(xl) O-2

(xli) O-3

(xlii) P-1

(xliii) P-2

(xliv) P-3

(xlv) P-4

(xlvi) Q-1

(xlvii) R-1

(xlviii) R-2

(xlix) T-1

(l) T-2

(li) T-3

(lii) T-4

(liii) TC, with I-94 or letter form I-797,

(liv) TN-1,

(lv) TN-2,

(lvi) TD,

(lvii) V-1,

(lviii) V-2,

(lix) V-3

(G) Certificate of Naturalization issued by DHS, Form N-550 or Form N-570.

(H) Certificate of Citizenship, Form N-560 or Form N-561, issued by DHS.

(I) REAL ID driver's license or identification card issued in compliance with the standards established by this part.

(J) Such other documents as DHS may designate by notice published in the Federal Register.

(2) **Name Change.** If a customer wishes to establish a name other than the name that appears on a source document (for example, through marriage, adoption, court order, or other mechanism permitted by State law or regulation), the customer must provide evidence of the name change through the presentation of documents issued by a court, governmental body or other entity as determined by the Department. The Department shall maintain copies of the documentation presented and maintain a record of both the recorded name and the name on the source documents as determined by the Department. If immigration documents are presented, the customer must provide proof of the updated name change with USCIS or SAVE.

(3) **Proof of Date of Birth.** To establish date of birth, an individual must present at least one document included in paragraph (1) of this section.

(4) **Proof of Social Security Number (SSN).** An applicant for a REAL ID driver license must present his or her Social Security Administration account number ~~card; or, if a Social Security Administration account card is not available, the person may present any of the following documents bearing the applicant's SSN:~~

~~(A) A W-2 form,~~

~~(B) A SSA-1099 form,~~

~~(C) A non-SSA-1099 form, or~~

~~(D) A pay stub with the applicant's name and SSN on it~~. The Department or Motor License Agent (MLA) must verify the SSN with the Social Security Administration (SSA). In the event of a non-match with SSA, the Department shall not issue a REAL ID driver license until the information is verified with SSA.

(5) **Documents demonstrating address of principal residence.** To document the address of principal residence, a person must present at least two documents of the State's choice that include the individual's name and principal residence. Acceptable documents to prove address of principal residence are:

(A) Copy of previous year's federal or Oklahoma income tax return filing

(B) Current and valid life insurance, or automobile liability policy or card with address.

(C) Installment loan contract from a bank or other financial institution, not to include documents reflecting a cash advance or signature loan.

(D) Current Deed, mortgage, monthly mortgage statement, or a residential lease.

(E) Current homeowners' or renters' insurance policy or statement.

(F) Professional license issued by an Oklahoma governmental agency

(G) Property tax bill or receipt dated within the last 12 months

(H) Sales tax or business license

(I) SSA document with Oklahoma street address dated within the last 12 months

(J) Transportation Security Administration (TSA) letter

(K) Utility bill (from an electric, telephone (home or cell), water, sewer, cable, satellite, heating oil, or propane provider).

(L) Valid handgun permit.

(M) Certified copy of court order.

(N) Oklahoma Boat Title or Registration.

(O) Current documents issued by the US Military.

(P) Oklahoma Motor Vehicle Title or Registration.

(Q) Government-issued Pilot license.

(R) Public assistance benefit card and correspondence dated within the last 12 months.

(S) W-2 wage or 1099 tax form from the previous year.

(T) Oklahoma Voter ~~RegistrationCard~~Registration Card.

(U) Tribal ~~vehicletitles~~vehicle titles or registration.

(V) Oklahoma ~~highschool~~high school, college, ~~university,or~~university, or technology center transcript for current school year or semester.

(W) Oklahoma Agriculture Exemption Permit (farm tax permit).

(X) Correspondence from an Oklahoma State agency with current address dated within the last year.

(Y) If none of the proofs listed in this paragraph are available, any other documentation as approved by the Driver License Examiner Supervisor , Administrative Officer, or Director may be substituted to establish the applicant’s principal place of residence. The Driver License Examiner shall list the approved alternative documentation on the application form.

(6) **Evidence of lawful status in the United States.** The Department may issue a REAL ID Compliant driver license only to ~~anapplicant~~an applicant who has presented satisfactory evidence of lawful status.

(A) If the applicant presents one of the documents listed under paragraph (b)(1),the verification of the applicant's identity will also provide satisfactory evidence of lawful status.

(B) If the applicant presents one of the identity documents listed under paragraphs (b)(1) of this section, or the issuing State's verification of the identity document(s) does not provide satisfactory evidence of lawful ~~status,the~~status, the applicant must also present a second document from documentation issued by DHS or other Federal agencies demonstrating lawful status as determined by USCIS. All documents shall be verified by the SAVE.

(c) **Required identification for REAL ID Non-Compliant Driver License.** Every applicant must ~~documention~~provide documentation to show 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 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 an original document or a certified copy of an original document 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 whose authenticity cannot be verified, or 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 Driver License Examiner before acceptance. The Driver License Examiner may, at his or her discretion, request additional identification documentation of the applicant.

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

(A) ~~A~~The applicant’s original or 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 Oklahoma REAL ID Compliant or REAL ID Non-Compliant credential, 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 ~~Oklahoma~~ REAL ID Compliant or REAL ID Non-Compliant credential issued by the Department of Public Safety when legal presence has been noted in record on or after November 1, 2007,

(F) A State of Oklahoma identification card issued by the Department of Public Safety when legal presence has been noted in record 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 application form.

(2) **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 finger image is already on file with the Department, or

(B) Any proof of identification listed in (1) of this Section.

(3) **Proof of identification for original, renewal, or replacement issuance to a foreign national or legal permanent resident alien.** As proof of identification and proof of lawful presence in the United States for a foreign national or legal permanent resident alien, an applicant shall present, in person, valid documentary evidence of one of the following:

(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-766 Employment Authorization Card,

(ii) I-551 Resident Alien/Permanent Resident Card [see (B)],

(iii) Temporary I-551,

(iv) A-1,

(v) A-2,

(vi) A-3,

(vii) DA,

(viii) E-1,

(ix) E-2,

(x) F-1, with Form I-20,

(xi) F-2, with Form I-20,

(xii) G-1,

(xiii) G-2,

(xiv) G-3,

(xv) G-4,

(xvi) G-5,

(xvii) H-1A,

(xviii) H-2A,

(xix) H-1B,

(xx) H-2B,

(xxi) H-3,

(xxii) H-4,

(xxiii) I,

(xxiv) J-1, with IAP-66 or DS-2019,

(xxv) J-2 (dependent of J-1 holder, must be accompanied by J-1 holder),

(xxvi) K-3,

(xxvii) K-4,

(xxviii) L-1(a/b),

(xxix) L-2,

(xxx) M-1, with I-20,

(xxxi) M-2 (dependent of M-1 holder, must be accompanied by M-1 holder),

(xxxii) NATO-1,

(xxxiii) NATO-2,

(xxxiv) NATO-3,

(xxxv) NATO-4,

(xxxvi) NATO-5,

(xxxvii) NATO-6,

(xxxviii) NATO-7,

(xxxix) O-1

(xl) O-2

(xli) O-3

(xlii) P-1

(xliii) P-2

(xliv) P-3

(xlv) P-4

(xlvi) Q-1

(xlvii) R-1

(xlviii) R-2

(xlix) T-1

(l) T-2

(li) T-3

(lii) T-4

(liii) TC, with I-94 or letter form I-797,

(liv) TN-1,

(lv) TN-2,

(lvi) TD,

(lvii) V-1,

(lviii) V-2,

(lix) 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 application form.

(D) A pending application for any of the above documents shall not satisfy the requirements of this rule and shall not be acceptable for issuance of an original, renewal, or replacement identification card or driver license. Provided, this provision shall not apply to the following:

(i) A pending or approved application for asylum in the United States; or

(ii) A pending or approved application for temporary protected status (TPS) in the United States; or

(iii) A pending application for adjustment of status to legal permanent residence status or conditional resident status.

~~(4)~~**~~Secondary proof of identification.~~**~~The following are secondary proofs of identification accepted by the Department until October 31, 2019 and shall contain the name of the applicant:~~

~~(A) Any proof of identification listed in paragraphs (1), (2), or (3) of this subsection which is not used as proof of 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)~~

~~(AA) Out-of-State driver license, or~~

~~(BB) 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 application form. After November 1, 2019, the Department will not require secondary proof of identification.~~

~~(5)~~(4)**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.

(d) **Driver license numbers.**

(1) Driver license numbers shall be assigned by computer. Use of the applicant's SSN 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 SSA whenever the SSN 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 [OAC 595:10-1-18]

**595:10-1-5. Graduated driver license; persons under eighteen (18) years of age**

(a)    **Purpose.**The purpose of this Section is to establish the procedures for a person under the age of eighteen (18) years to apply for and be issued a Class D driver license and whose parent has not filed an objection with the Department prohibiting the licensing of the person [47 O.S. § 6-103.1].

(b)    **Exclusions.**This Section does not apply to motorcycles and other motor-driven cycles.

(c)    **Learner Permit.**A person at least 15 1/2 but less than 16, who is currently receiving instruction in or has successfully completed a driver education course, or a person at least 16, with or without driver education, may make application to the Department for a Learner Permit. The Department will issue a Learner Permit under this subsection if the Department approves the application and if the person successfully passes all required examinations and is otherwise eligible for the driver license [47 O.S. §§ 6-103, 6-105].

(1)    **Application requirements.**The customer shall meet the following requirements before the Department grants driving privileges to operate a Class D motor vehicle and issues a learner permit to the person.

(A)    The customer shall provide proof of identity and other required documentation [see (B)], submit all application information, sign the application, and successfully pass the vision and written tests. The customer shall have his or her driver license application signed by a legal custodial parent or legal guardian of the customer either in person before a person authorized to administer oaths, if electronically completing an online application or submit a notarized affidavit approved by the Department of Public Safety that is signed by a custodial legal parent or legal guardian [47 O.S. § 6-107(A)].

(B)    ~~Documentation shall be submitted proving:~~

~~(i)    compliance with the school attendance requirements prescribed in 47 O.S. § 6-107.3,~~

~~(ii)    successful passage of the eighth grade reading test as prescribed in 47 O.S. § 6-107.3(A)(2) and 70 O.S. § 1210.515, and~~

~~(iii)    for~~ For a customer at least 15 1/2 years of age but less than 16 years of age, documentation of attendance or successful completion of a driver education course as defined in 47 O.S. § 6-105(C)(1) shall be submitted. If the customer is 16 years of age or older and has successfully completed a driver education course, documentation may be submitted. Documentation of attendance shall be the certificate of enrollment issued to the person from the driver education instructor, a signed contract or an attendance card issued for the person by the commercial driver education school, or an approved application for parent-taught driver education from the Department of Public Safety and a receipt of purchase from a parent- taught driver education provider. Documentation of completion shall be the completion certificate issued to the person from the driver education instructor, a completion certificate issued to the person by the commercial driver education school, or a completion certificate from a parent-taught driver education provider. Any customer who has completed driver education at a public high school in a state other than Oklahoma shall be required to obtain a completion certificate issued by the Oklahoma high school in which he or she is currently enrolled. Proof of driver education from an out-of-state commercial driver education program may be accepted.

(2)    **Driving restrictions.**The permittee is authorized to operate a Class D motor vehicle between the hours of 5:00 a.m. and 10:00 p.m. and only *while accompanied by a licensed driver who is at least twenty-one (21) years of age and who is actually occupying a seat beside the permittee* [47 O.S. § 6-105(C)(2)]; provided, the license of the accompanying driver shall be current and valid.

(3)    **Other information.**During the period the permittee is issued and possesses a Learner permit, the custodial legal parent or legal guardian shall ensure that the permittee *has received a minimum of fifty (50) hours of actual behind-the-wheel training, of which at least (10) hours of such training was at night, from a licensed driver who was at least twenty-one (21) years of age and who was properly licensed to operate a Class D motor vehicle for a minimum of two (2) years* [47 O.S. §6-105(D)(1)(c)]; provided, the license of the driver providing behind-the-wheel training shall be current and valid.

(d)    **Intermediate License.**When a permittee *has applied for, been issued, and has possessed a Learner Permit for a minimum of six (6) months* [47 O.S. § 6-105(D)(1)(a)], the permittee may apply to the Department for an Intermediate License.

(1)    **Application requirements.**The permittee shall meet the following requirements before the Department grants driving privileges to operate a Class D motor vehicle and issues an Intermediate License to the permittee.

(A)    The permittee shall provide proof of identity and successfully pass the driving skills tests,

(B)    The person must not have been, within the previous 6 months, convicted of, pled guilty to, or pled no contest to any moving vehicle violation [47 O.S. § 6-105(D)(1)(b)],

(C)    the permittee's parent or legal guardian shall certify to the Department by sworn affidavit that the permittee has received a minimum of fifty (50) hours of actual behind-the-wheel training, of which at least (10) hours of such training was at night, from a licensed driver who was at least twenty-one (21) years of age and who was properly licensed to operate a Class D motor vehicle for a minimum of two (2) years [47 O.S. §6-105(D)(1)(c)]; provided, the license of the driver providing behind-the-wheel training shall be current and valid, and

(D)    for a person who was issued a learner permit and who was less than 16 years of age at the time of issuance pursuant to (c)(1)(B)~~(iii)~~, documentation of successful completion of a driver education course as defined in 47 O.S. § 6-105(C)(1) shall be submitted. Documentation of completion shall be the completion certificate issued to the person from the driver education instructor or a completion certificate issued to the person by the commercial driver education school. If such documentation is not presented, the person shall not be eligible for issuance of an intermediate license until the person is at least 16 1/2 years of age.

(2)    **Driving restrictions.**The intermediate licensee shall be:

(A)    restricted to driving:

(i)    *only between the hours of 5:00 a.m. and 10:00 p.m., except for driving to and from work, school, school activities, and church activities, or*

(ii)    *at any time, if a licensed driver who is at least twenty-one (21) years of age is actually occupying a seat beside the intermediate Class D licensee*; provided the license of the accompanying driver shall be current and valid, *and*

(B)    *shall not operate a motor vehicle with more than one passenger unless all passengers live in the same household as the custodial legal parent or legal guardian, or a licensed driver at least twenty-one (21) years of age is actually occupying a seat beside the intermediate Class D licensee*; provided the license of the accompanying driver shall be current and valid. [47 O.S. § 6-105(D)(2)].

(e)    **Class D driver license.**An intermediate licensee may apply to the Department for a Class D driver license if the licensee has applied for, been issued and possessed an Intermediate License for a minimum of:

(1)    *one (1) year, or*

(2)    *six (6) months, if the person has completed both the driver education and the parent-certified behind- the-wheel training provisions of subparagraph c of paragraph 1 of subsection D of this section* [47 O.S. § 61-05(E)(1)].

(A)    **Application requirements.**The licensee shall meet the following requirements before the Department grants driving privileges to operate a Class D motor vehicle and issues a Class D driver license to the licensee.

(i)    The licensee shall provide proof of identity and successfully pass the driving skills tests;

(ii)    The licensee must not have been convicted of, pled guilty to, or pled no contest to any moving vehicle violation [47 O.S. § 6-105(D)(1)(b)]; and

(iii)    for a person who has completed both driver education and the parent-certified behind-the-wheel training, documentation shall be submitted. Documentation of completion of a driver education course as defined in 47 O.S. § 6-105(C)(1) shall be the completion certificate issued to the person from the driver education instructor or a completion certificate issued to the person by the commercial driver education school. Documentation of completion of parent-certified behind-the- wheel training shall be by affidavit signed by the parent and approved by the Department of Public Safety.

(B)    **Driving restrictions.**The Department may restrict the driving privileges of any person as provided by law [47 O.S. § 6-113].

(f)    **Persons licensed by another jurisdiction.**A person who, at the time of application, is licensed by another jurisdiction, or whose license is not expired not more than 6 months past the expiration date listed on the license, may apply for driving privileges under this Section. As used in this subsection, " another jurisdiction" means one of the fifty (50) states, the District of Columbia, or a Canadian province.

(1)    **Learner Permit.**If the person is operating under a learner permit, or equivalent, issued by another jurisdiction, the person may apply for:

(A)    A Learner Permit, as provided in subsection (c); provided, a person who is less than fifteen and one half (15 1/2) years of age shall not be issued a Learner Permit; or

(B)    An Intermediate License, as provided in subsection (d), if driving privileges granted by another jurisdiction have been in effect for a minimum of six (6) months; provided, a person who is less than sixteen (16) years of age shall not be issued an Intermediate License.

(2)    **Intermediate License.**If the person is operating under an intermediate license, or equivalent, issued by another jurisdiction, the person may apply for:

(A)    A Learner Permit, as provided in subsection (c); provided, a person who is less than fifteen and one half (15 1/2) years of age shall not be issued a Learner Permit;

(B)    An Intermediate License, as provided in subsection (d); provided, a person who is less than sixteen (16) years of age shall not be issued an Intermediate License; or

(C)    A Class D Driver License, as provided in subsection (e), if driving privileges granted by another jurisdiction have been in effect for a minimum of twelve (12) months; provided, a person who is less than sixteen and one half (16 1/2) years of age shall not be issued a Class D Driver License; or

(3)    **Class D Driver License.**If the person is operating under a Class D Driver License, or equivalent, issued by another jurisdiction, the person may apply for:

(A)    A Learner Permit, as provided in subsection (c); provided, a person who is less than fifteen and one half (15 1/2) years of age shall not be issued a Learner Permit;

(B)    An Intermediate License, as provided in subsection (d); provided, a person who is less than sixteen (16) years of age shall not be issued an Intermediate License; or

(C)    A Class D Driver License, as provided in subsection (e), if driving privileges granted by another jurisdiction have been in effect for a minimum of twelve (12) months; provided, a person who is less than sixteen and one half (16 1/2) years of age shall not be issued a Class D Driver License.

(4)    **Considerations.**

(A)    Credit shall be given for the time driving privileges have been granted and in effect, as evidenced by another jurisdiction. Evidence of driving privileges shall be confirmed by the issuance date on the permit or license from another jurisdiction, by the issuance date provided by the other jurisdiction, or both; provided, the earliest date shall be the date used to calculate credit.

(B)    Examinations may be waived as provided in OAC 595:10-3-9(h).

**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 a valid and unexpired Oklahoma driver license, may appear before a Motor License Agent. When applying for a REAL ID Compliant identification card, the applicant shall be required to furnish the same acceptable means of identification and other documents as when applying for a driver license (including a valid social security number) as prescribed in OAC 595:10-1-3(b) and OAC 595:10-1-3(c). A REAL ID Compliant identification card cannot be issued if the applicant has a REAL ID Compliant driver license. When applying for a REAL ID Non-Compliant identification card the applicant must provide the same acceptable means of identification as required when applying for a REAL ID Non-Compliant driver license as prescribed in OAC 595:10-1-3(c)unless the cardholder provides a valid and unexpired Oklahoma driver license which shall serve as identification for the purposes of obtaining a REAL ID Non-Compliant Oklahoma identification card [47 O.S. § 6-106(G)] and complete the application form unless the applicant has been previously issued an original Oklahoma driver license.

(b) If appearing before a Driver License Examiner, the Examiner will complete and, if appropriate, will approve the identification card application. The approved application form will be processed for the applicant. The applicant shall take the approved application 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 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 temporary 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. ~~The~~Although the applicant must submit a valid social security number when applying for an identification card, the use of the applicant's SSN on the identification card 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 a REAL ID Non-Compliant identification card to the person. The individual shall provide identification as prescribed in OAC 595:10-1-3(c) unless the cardholder provides a valid and unexpired Oklahoma driver license which shall serve as 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 Agent and pay the required fee. REAL ID Non-Compliant 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 or expired REAL ID Non-Compliant identification card provided as proof of identification may be retained by the cardholder, after a hole has been punched through the identification number of the card or the lower right corner of the card has been cut off by either a Motor License Agent or a Driver License Examiner.

(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) for a REAL ID Compliant identification card or OAC 595:10-1-3(c) for a REAL ID Non-Compliant identification card.

(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.

(d) **Change of identification card number.** ~~Use~~Although the applicant must submit a valid social security number, the use of the cardholder's SSN 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.

(f) **Renewing identification card - not in person.** The Department may create an alternative method where any Oklahoma Identification card holder may apply to the Department to renew his or her identification card without appearing in person as provided in this Section.

(1) The Identification card holder shall make application online, when online application is made available by the Department, or in writing to the Department and shall submit to the Department:

(A) copies of documentary evidence of the customer's name and date of birth, and

(B) the customer's Identification card number, and

(C) both the Oklahoma residence address, Oklahoma mailing address, temporary mailing address with the expiration date of the temporary mailing address. If an expiration date is not provided for the temporary mailing address, the system will default to an expiration date of thirty (30) days from the issuance of the renewed Oklahoma credential.

(D) the customer's signature.

(2) Submission of the items required in (1) shall be made in one of the following manners:

(A) online application, when online application is made available by the Department: www.ok.gov/dps, or

(B) by first class mail: Department of Public Safety, PO Box 11415, Oklahoma City, OK 73136

(3) Method of payment:

(A) online: if the application is submitted online, payment must be made by credit card.

(B) by mail: if the application is submitted by mail, payment in the form of cashier's check or money order must be included along with the required documents. No personal checks or other forms of payment will be accepted.

(4) If the Department approves the renewal identification card without appearing in person, pursuant to the requirements of this chapter, and if the digital photograph and digital signature of the applicant are available from the files of the Department, the Department shall create the renewal identification card using that photo and signature. A REAL ID Compliant identification can only be renewed by mail if there are no material changes requested.

(5) The Department may mail the renewal identification card only to a customer who is temporarily residing out of state to the out of state address provided by the licensee. The licensee shall provide a pre-paid self -addressed stamped envelope.

(6) If the Department denies the renewal identification card to the applicant pursuant to this Section, the Department shall notify the applicant in writing of the denial, the reason for the denial, return any payment submitted by the customer, and the customer shall be required to appear in person for the renewal identification card.

(7) A renewal or replacement may be requested up to three (3) consecutive times. The card holder must appear in person before a Driver License Examiner or Motor License Agent at the time of renewal after the previous three (3) renewals by mail.

**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 identification as prescribed in OAC 595:10-1-3(b) for a REAL ID Compliant identification card and OAC 595:10-1-3~~(C)~~(c) for a REAL ID Non-Compliant identification card.

(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 identification requirements prescribed in OAC 595:10-1-3(b) for a REAL ID Compliant Identification card and OAC 595:10-1-3~~(C)~~(c) for a REAL ID Non-Compliant identification card 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 for a REAL ID Non-Compliant card may retain the old card, if it is available, after a hole has been punched through the identification number of the card or the lower right corner of the card has been cut by a Motor License Agent or a Driver License Examiner.

(2) **Address change.** Any person who requests a replacement identification card in order to make an address change shall provide identification as prescribed in OAC 595:10-1-3(b) for a REAL ID Compliant identification card and OAC 595:10-1-3~~(C)~~(c) for a REAL ID Non-Compliant identification card. The person requesting the address change for a REAL ID Non-Compliant identification card may retain the old card, if it is available, after a hole has been punched through the identification number or the lower right corner of the card has been cut by a Motor License Agent or Driver License Examiner. An address change shall be made only to an Oklahoma address. The customer must provide the Department approved documentation for proof of residency for a REAL ID Compliant identification card.

(3) **Physical 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 customer 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, if applicable. 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 information change for a REAL ID Non-Compliant identification card may retain the old card, if it is available, after a hole has been punched through the identification number or the lower right corner of the card has been cut by a Motor License Agent or Driver License Examiner.

(4) **Psychological Sex Change Due to Gender Dysphoria.** The cardholder shall show an original or certified court order or birth certificate for gender change and also for a name change, if applicable, and a notarized statement on letterhead from a mental health professional who has diagnosed this condition. The cardholder shall also show proof of former legal name, if applicable. 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 information change for a REAL ID Non-Compliant identification card may retain the old card, if it is available, after a hole has been punched through the identification number or the lower right corner of the card has been cut by a Motor License Agent or Driver License Examiner.

(d) **Change of identification card number.** ~~Use~~Although the applicant must submit a valid social security number, use of the cardholder's SSN 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 replacement of the previous Oklahoma identification card, upon establishing Oklahoma residence and following the applicable procedure for replacement.

(f) **Replacing identification card - not in person.** The Department may create an alternative method where any Oklahoma Identification card holder may apply to the Department to replace his or her identification card without appearing in person as provided in this Section.

(1) The Identification card holder shall make application online, when online application is made available by the Department or in writing to the Department and shall submit to the Department:

(A) copies of documentary evidence of the customer's name and date of birth, as required by OAC 595:10-1-10 (documents sent for verification will not be returned; therefore, original documents should not be sent). If a material change is requested, the original or certified copies of the required documents must be submitted. A material change means any change to the personally identifiable information of an individual, such as their name, address, or driver license number. A REAL ID Compliant identification card may not be issued by mail if there is a material change.

(B) the customer's Identification card number, and

(C) both the Oklahoma residence address, Oklahoma mailing address, temporary mailing address with the expiration date of the temporary mailing address. If an expiration date is not provided for the temporary mailing address, the system will default to an expiration date of thirty (30) days from the issuance of the renewed Oklahoma credential.

(D) the customer's signature.

(2) Submission of the items required in (1) shall be made in one of the following manners:

(A) online application, when online application is made available by the Department: www.ok.gov/dps, or

(B) by first class mail: Department of Public Safety, PO Box 11415, Oklahoma City, OK 73136

(3) Method of payment:

(A) online, when online application is made available by the Department: if the customer is submitting the application online, the customer may only pay by credit card.

(B) by mail: if the customer is submitting the application by mail, the payment in the form of a cashier's check or money order must be included along with the required documents. No personal checks or other forms of payment will be accepted.

(4) If the Department approves the replacement of the identification card without appearing in person, pursuant to the requirements of this chapter, and: if the digital photograph and digital signature of the customer are available from the files of the Department, the Department shall create the replacement identification card using that photo and signature,

(5) The Department may mail the temporary Oklahoma identification card only to a customer who is temporarily residing out of state to the out of state address provided by the licensee. The licensee shall provide a pre-paid self-addressed stamped envelope. The Oklahoma identification card will be mailed to the out-of-state address provided.

(6) If the Department denies the replacement identification card to the customer pursuant to this Section, the Department shall notify the customer in writing of the denial, the reason for the denial, return any payment submitted by the customer, and the customer shall be required to appear in person for the replacement identification card.

(7) A renewal or replacement may be requested up to three (3) consecutive times.

(g) **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.

(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.

**595:10-1-35. Procedure to make a change of name on a driver license or an identification card**

(a) **Procedure.** Any person may request a change of name on a driver license or identification card upon providing the appropriate identification and paying the required fee to a Motor License Agent or to the Department.

(b) **Name changes allowed.** Name changes must result from:

(1) a marriage;

(2) a court order; or

(3) using a valid, unexpired U.S. Passport. A person requesting a legitimate name change shall submit, without exception, the certified document which indicates the name change.

(c) **Documentation required.** A person requesting a name change using a marriage certificate, common law affidavit or court order shall comply with the identification requirements in OAC 595:10-1-3(b) and OAC 595:10-1-3(c) in order to identify the person by his or her former name and OAC 595:10-1-18 in order to identify the person by his or her new name. The required documents for a name change shall include:

(1) Court-ordered name change, which shall be in addition to the forms of identification required by OAC 595:10-1-3(b) and OAC 595:10-1-3(c). 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., Section 1-315,

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

(3) For a common law marriage, "Affidavit of Common Law Marriage" containing the notarized signatures of the husband and wife. Identification as prescribed in OAC 595:10-1-3(b) and OAC595:10-1-3(c) must be submitted in addition to this affidavit.

(4) REAL ID Compliant credential issued by another state, or

(5) A valid military identification card.

(d) **Form of new name.** A name change resulting from marriage, court order or divorce shall appear on the driver license or identification card exactly as stated on the Oklahoma marriage certificate, court order or divorce decree. If the marriage certificate is from a state other than Oklahoma, the names shall be in one of the following forms:

(1) Surname of spouse], [first name] [middle name or initial],

(2) Surname of spouse], [first name] [former surname or initial],

(3) Surname-surname of spouse] [first name] [middle name or initial], or

(4) Surname of spouse-surname], [first name] [middle name or initial].

(e) **Titles or ecclesiastical names.** Titles or ecclesiastical names will not be placed on an Oklahoma credential.

(f) **Retention of information.** The former name shall be entered into the "Alias" field in the driver license or identification card database to provide historical information to the Department.

**SUBCHAPTER 3. EXAMINATION**

**595:10-3-7.** **Knowledge test**

(a)    **General.**A knowledge test is administered to each applicant for a driver license to determine the person's ability to read and understand highway signs and the person's knowledge of the traffic laws of this state. The knowledge test, if it is not waived, and the vision test shall be successfully passed by the applicant before the skills test is administered. The knowledge test includes, when applicable, any separate endorsement/restriction test as described in this Section. The knowledge test may be administered by the Department or Written Examination Proctors that have entered into an agreement with the Department. An applicant determined by an examiner to be cheating on any portion of an examination shall:

(1)    immediately forfeit the examination,

(2)    be given a failing score by the examiner, and

(3)    be disqualified from retaking the examination for one week.

(b)    **Class D driver license.**The knowledge test administered for a Class D driver license shall consist of a minimum of twenty (20) multiple choice questions. The minimum passing score for a Class D knowledge test shall be seventy-five percent (75%).

(c)    **Alternate method of testing.**The Department may provide an alternate method of testing the knowledge of the individual:

(1)    who cannot read or has a language barrier, or

(2)    by means of online knowledge testing, if an electronic testing process is available and approved by the Department of Public Safety.

(d)    **Retesting.**An applicant failing the knowledge, combination, or endorsement test may be granted the opportunity to retest on the next regular business day.

(e)    **Discretionary tests.**Tests may be administered as required for the establishment and authorization of special endorsements or of permits for the operation of certain vehicles.

**595:10-3-9.** **Skills examination**

(a)    **In general.**The skills examination shall only be administered after the applicant has successfully passed the knowledge test, or had it waived if eligible, and the vision test. Whenever a skills examination is required, the following general conditions shall apply:

(1)    The skills examination shall start at a designated location and shall include an actual demonstration of the applicant's ability to exercise ordinary and reasonable control in the operation of a motor vehicle. Applicants shall furnish the type of vehicle required for the Class D skills examination.

(2)    The skills examination shall not be administered in a vehicle:

(A)    which is not insured as required by 47 O.S. §7-600 et seq.,

(B)    which does not have a current license plate,

(C)    which is not equipped with seatbelts, if the vehicle was originally manufactured and equipped with seatbelts, or

(D)    which does not comply with vehicle equipment and safety standards as required by Chapters 12 and 13 of Title 47 of the Oklahoma Statutes.

(3)    An applicant determined by an examiner to be cheating on any portion of the skills examination shall:

(A)    immediately forfeit the examination,

(B)    be given a failing score by the examiner, and

(C)    be disqualified from retaking the examination for one week.

(b)    **Scoring of examination.**The scoring procedure will be on a cumulative deduction system based on poor driving practices. The Commissioner or the Commissioner's representative shall determine a point value for each improper driving act.

(c)    **Content of examination for Class D driver license.**

(1)    The skills examination shall include, but not be limited to, the following maneuvers:

(A)    Starting,

~~(B)    Backing (excluding two-wheel and three-wheel vehicles),~~

~~(C)~~(B) Hill parking (excluding two-wheel and three-wheel vehicles),

~~(D)~~(C) Starting on hill (excluding two-wheel and three-wheel vehicles),

~~(E)~~(D) Intersection movement and observance,

~~(F)~~(E) Lane observance and changing,

~~(G)~~(F) Left and right turns,

~~(H)~~(G) Pedestrian and vehicle right-of-way,

~~(I)~~(H) Proper use of automatic transmission or clutch gear (excluding two-wheel or three-wheel vehicles),

~~(J)~~(I) Use of brake and accelerator,

~~(K)~~(J) Traffic lights or signals, and

~~(L)~~(K) Parallel Parking (excluding two-wheel and three-wheel vehicles).

(2)    The skills examination will not be conducted when examination route roadways are considered by the examiner to be slick or hazardous due to inclement weather.

(3)    Criteria for a skills examination are as follows:

(A)    Starting: To determine if the individual is familiar with the vehicle's controls and proper use, and to determine the individual's skill and ability to move the vehicle from a parking space or parking lot into the traffic lane.

~~(B)    Backing: To determine the individual's ability to control vehicle while backing for a distance of approximately fifty (50) feet.~~

~~(C)~~(B) Hill parking (stopping and starting): To determine if the individual has the ability to park a vehicle on an incline in a safe manner and leave that position in a safe manner.

~~(D)~~(C) Transmission (automatic or standard): To determine if the individual has the coordination and ability necessary for reasonable control of the vehicle.

~~(E)~~(D) Brakes: To determine the individual's skill and physical ability in the proper usage of the brake(s).

~~(F)~~(E) Control of speed: To determine the speed the individual maintains relative to speed limits and other traffic.

~~(G)~~(F) Gap selection: To determine whether the individual exercises proper judgment when entering or leaving the roadway, when turning or crossing an intersection, or when changing lanes.

~~(H)~~(G) Driver alertness: To determine whether the individual observes and is aware of situations and circumstances which play an important part in safe driving.

~~(I)~~(H) Right-of-way: To determine the individual's knowledge of right-of-way and the ability to react properly, and to determine whether an individual shares the road properly with other drivers and pedestrians.

~~(J)~~(I) Legal stop: To determine whether the individual observes, understands, and obeys stop signs and traffic signals.

~~(K)~~(J) Traffic lights or signs: To determine whether the individual sees, understands, and obeys traffic lights and other signs.

~~(L)~~(K) Signals: To determine whether the individual gives the proper signal when driving away from the curb, changing lanes, or turning.

~~(M)~~(L) Lane usage: To determine whether the individual has the knowledge and ability to use lanes properly.

~~(N)~~(M) Observation: To determine whether the individual observes those things which are necessary for safe driving.

~~(O)~~(N) Final Park: To determine the individual's ability to park the vehicle at the conclusion of the skills examination in a manner compatible with safe driving practices and statutory requirements.

~~(P)~~(O) Left turn items scored:

(i)    Cuts corner on approach.

(ii)    Cuts corner on lane entry.

(iii)    Turns into the wrong lane (does not affect other traffic).

(iv)    Turns from wrong lane (does not affect other traffic).

(v)    Turns wheels while stopped, waiting to make turn.

(vi)    Too wide on lane entry.

(vii)    Fail to signal turn for at least 100 feet before turning.

(viii)    Fail to approach turn in the proper lane.

~~(Q)~~(P) Right turn items scored:

(i)    Too wide on approach.

(ii)    Too wide on lane entry.

(iii)    Turns from wrong lane (does not affect other traffic).

(iv)    Turns into wrong lane (does not affect other traffic).

(v)    Bumps, scrapes, or climbs curb.

(vii)    Fail to signal turn for at least 100 feet before turning.

(viii)    Fail to approach turn in the proper lane.

~~(R)~~(Q) Passenger vehicles other than school buses or vehicles transporting passengers for hire are not required to stop at a railroad crossing.

~~(S)~~(R) Parallel parking: To determine the proficiency an individual has attained in coordinating judgment, skill, and ability to park a vehicle and drive away from a designated area, and to maneuver the vehicle in close quarters.

(4)    Disqualifications are as follows:

(A)    **Seat belt not in use.**Applicant fails to use seat belt. The seat belt shall be properly adjusted and fastened before the vehicle enters a public roadway.

(B)    **Moving traffic violation.**Applicant received a traffic citation for a moving violation during the skills examination.

(C)    **Disobey sign or signal.**Applicant ignored or did not obey sign or signal.

(D)    **Driver speeding.**Applicant's speed is more than five (5) miles per hour over the posted speed limit or the lawful speed limit for the vehicle being driven: Provided the speeding is not in a school zone during normal school hours or a construction zone with workers present. There will be no tolerance in a school zone during normal school hours and school is in session or in a construction zone with workers present.

(E)    **Fail to stop.**Applicant rolled through stops or failed to stop.

(F)    **Traffic laws.**Applicant ignored or did not obey traffic laws.

(G)    **Yield to others.**Applicant did not yield to other road users (pedestrians, vehicles, etc.) Applicant did not appropriately yield the right-of-way to pedestrians or other vehicles during driving maneuvers.

(H)    **Left of center.**Applicant drives left of center (except when needed to perform a turn safely or to proceed safely on a direct course.

(I)    **Avoidable crash or incident or dangerous act.**

(i)    Applicant involved in an avoidable crash or collision.

(ii)    Applicant's vehicle has physical contact with other vehicles, objects, pedestrians, etc.

(iii)    Applicant commits any act or omission that creates a dangerous or unsafe traffic environment (near accidents, etc.).

(iv)    Applicant's actions causes drivers of other vehicles or pedestrians to take evasive actions.

(v)    Applicant's actions force examiner to take verbal or physical control of the vehicle.

(J)    **Put vehicle over sidewalk or curb.**Applicant put vehicle over curbs or sidewalks unnecessarily.

(K)    **Weighted Offenses.**Accumulation of four (4) or more of any of the following offenses, in any combination:

(i)    Failure to use turn signal.

(ii)    Coasting on a downgrade (gears in neutral or clutch disengaged).

(iii)    Consistently goes over speed limit.

(iv)    Proceed through intersection on yellow light when applicant could stop without creating a dangerous situation.

(d)    **Retesting.**

(1)    Applicants who fail the skills examination for a driver license or the motorcycle endorsement may be granted the opportunity to retest on the next available regular business day as scheduling permits. When an applicant fails to qualify for a Class D license after three (3) skills examination attempts, he or she will be required to obtain a restricted driver license, restricting the individual to operating a motor vehicle while accompanied by a qualified licensed driver in the front seat, before another skills examination will be administered.

(2)    The Department shall conduct the skills examination for the holder of a restricted Class D driver license not more than three (3) times beginning thirty (30) days from the date of issuance of the restricted license. Should the restricted licensee fail the third examination, the licensee shall wait thirty (30) days before being given another skills examination by the Department. The fourth and subsequent examinations shall be given not more than one (1) time every thirty (30) days thereafter at the request of the restricted licensee.

(3)    In computing any time period prescribed by this subsection, the day of the failed examination from which the designated period of time begins to run shall not be included. The last day of the period computed shall be included, unless it is not a working day, in which event the period runs until the end of the next working day.

(e)    **Minimum waiting period for examination.**The holder of a restricted driver license will not be eligible to have a skills examination administered until after a minimum of thirty (30) days following the issuance of such license, provided the applicant is at least eighteen (18) years of age. In computing the 30-day time period prescribed by this subsection, the day on which the restricted driver license is issued shall not be included. The last day of the period computed shall be included, unless it is not a working day, in which event the period runs until the end of the next working day.

(f)    **Substitute for skills examination.**A skills examination may be waived for a licensee when one of the following requirements is met:

(1)    The licensee is applying for a Class D driver license, provided all established requirements for a Class D license have been satisfied, and the licensee is licensed at the time of application by one of the fifty (50) states, by the District of Columbia, by a Canadian province, or by another country; provided, the current driver examination requirements of the country must be on file with the Department and must meet or exceed the standards, specifications, and requirements of the Department as set out in this Subchapter [47 O.S. § 6-110(A)(2)].

(2)    The licensee:

(A)    has enrolled in and successfully completed a course taught by an instructor certified by the Motorcycle Safety Foundation and using the Motorcycle Safety Foundation curriculum, and

(B)    submits to the Department at the time of application for a motorcycle endorsement a ~~Motorcycle RiderCourse® or an Experienced RiderCourse®~~ completion card prepared by a certified Motorcycle Safety Instructor that shows the individual has ~~passed both the knowledge and skills test authorized by the Department of Public Safety. [47 O.S. §6-101(D)]~~ successfully completed a Rider Course meeting the requirements of the Motorcycle Safety Foundation and entitling the waiver of the written and skills examination.

**SUBCHAPTER 11. CERTIFIED SCHOOLS AND DESIGNATED CLASS D EXAMINERS**

**595:10-11-5.** **Requirements for certification as a designated examiner; display of certificate; certification renewal**

(a)    **Requirements and application for certification.**A certified driver education instructor or a former employee of the Department of Public Safety who was employed as a Driver License Examiner with a minimum of five (5) years experience and left the agency in good standing may apply for certification as a designated examiner. The applicant must meet the following requirements:

(1)    Complete an application provided by the Department [see 595:10-11-12],

(2)    Possess a portable computer which shall meet current specifications, as provided by the Department, to enable it to be loaded with software necessary to train the applicant and, upon certification as a designated examiner, to conduct examinations and report examination results electronically to the Department, and the applicant shall sign a user agreement with the Department regarding the installation, maintenance, and use of the software,

(3)    Certified driver education instructors must maintain throughout the time period to be covered by the certification all other certification requirements to be a certified driver education instructor, ~~and~~

(4)    Successfully complete a course of instruction prescribed by the Department [see 595:10-11-6]~~.~~,and

(5) Obtain an electronic national criminal history record check, as a designated examiner, in accordance with the Oklahoma Statutes.

(b)    **Certification.**Upon acceptance and approval by the Department of the application for certification from a driver education instructor, or upon acceptance and approval by the Department of the application for renewal of certification from a designated examiner, and upon completion to the satisfaction of the Department by the instructor or designated examiner of all other requirements for certification, the Department shall provide the designated examiner with:

(1)    a certificate evidencing approval by the Department as a designated examiner, which shall be presented for inspection to each driver license applicant, and to the parent or legal guardian of any applicant under eighteen (18) years of age, before the applicant enters the vehicle in which the examination is to be administered. The certificate shall be carried in the vehicle in which any examination is being administered. The certificate shall be valid for the calendar in which it is issued, and

(2)    an official seal to be used by the designated examiner as provided in 595:10-11-13.

(3)    If the Certification of the designated examiner becomes invalid, the certification badge and stamp are to be remanded to the Department of Public Safety.

(c)    **Renewal of certification.**

(1)    A certified designated examiner shall be eligible for renewal of certification if the examiner:

(A)    submits an application for certification renewal upon a form provided by the Department no later than December 1 of each year [see 595:10-11-12],

(B)    currently meets the requirements and standards of the Department as prescribed by this subchapter,

(C)    administered twenty (20) or more examinations within the twelve (12) months immediately preceding the application for renewal of certification. IF the applicant fails to complete 20 drives during the previous 12 month period, the applicant must attend remedial training and pay all fees.

(2)    Any driver education instructor who was previously certified as a designated examiner and whose previous certification has been expired for not more than one (1) year may make application for renewal of certification as provided in paragraph (1) of this section.

(3)    Any designated examiner who does not qualify for renewal of certification may apply, after a period of at least one (1) year from the date the examiner was notified he or she was not qualified for renewal of certification, for certification as a designated examiner and shall meet all requirements as for an initial application for certification as a designated examiner.

(4)    Upon renewal the previous certification badge will be turned in to the Department of Public Safety and a new certificate badge will be issued.

(d)    **Vehicle Insurance for a self -employed Designated Examiner.**

(1)    Self-employed Designated Examiner's vehicle must be insured by a company licensed to do business in this state with a commercial liability insurance policy for each vehicle used to conduct skills examinations. The minimum amount of insurance shall consist, for any one collision, of at least Fifty Thousand Dollars ($50,000.00) for bodily injury to or death of one person; One Hundred Thousand Dollars ($100,000) for bodily injury to or death of two or more persons; and Fifty Thousand Dollars ($50,000) for damage to property. The above coverage shall be carried on all vehicles used by the Designated Examiner for purposes of administering the skills examination.

(2)    In the event the insurance coverage is canceled, a copy of the written notice of cancellation must be furnished forthwith to the Department by registered or certified mail. Use of this vehicle for use of examinations will be immediately suspended until proper verification of insurance is provided to the Department of Public Safety.

(3)    Each self-employed Designated Examiner shall send a copy of the Declaration of Insurance coverage when applying for a Designated Examiner original or renewal license. If insurance coverage expires between renewal certification periods, the examiner shall send a current copy of the Declaration of Insurance coverage to the Department.

(e)    **Vehicle Insurance for Designated Examiner Employed by a Commercial Driving School.**Vehicles owned by a Commercial Driving School must meet all requirements of OAC 595:40-1-11 and 595:40-1-12.

**595:10-11-10.** **Records to be maintained by designated examiners**

(a)    A designated examiner shall be responsible for maintaining all records pertaining to:

(1)    the certification of the examiner,

(2)    examinations,

(3)    Oklahoma skills examination application (DL-18-DE), and

(4)    ~~payments for examinations, which shall be itemized by~~ individual ~~examination~~examinations ~~which identifies~~identifying the person by name, date of birth, and driver license number, and the date of examination, ~~and which shall be posted into a ledger~~ ~~which can~~to be provided ~~in electronic format~~to the Department by e-mail ~~or computer media~~.

(b)    All records are to be kept for a period of three (3) years and open for audit and inspection by the Department and the State Board of Education. An employee of any of the foregoing entities shall not be required to give prior notice before appearing to examine the records of a certified school or a designated examiner.

**595:10-11-14.** **Prohibited acts; conduct**

(a)    **Prohibited acts.**A designated examiner shall not:

(1)    use or permit to be used any form of alcoholic beverage or drugs in or about the examination route, or in any motor vehicle being used for the purpose of administering an examination,

(2)    administer an examination to any driver license applicant with a physical disability,

(3)    administer an examination on the same route on which the applicant was trained, or

(4)    administer an examination to any applicant:

(A)    who does not have a valid Oklahoma learner permit, or

(B)    who does not fill out an Oklahoma skills examination application (DL-18-DE) issued by the Department of Public Safety,

(5)    administer an examination to any applicant related by consanguinity (by blood relation) or affinity (by marriage) within the third degree,

~~(6)    administer an examination to any applicant who has previously been a student of the designated examiner for any of the required six (6) hours of behind-the-wheel instruction in his or her capacity as a driver education instructor; provided, this paragraph shall not be construed to allow an examiner to give the applicant a practice examination or pre-examination instruction,~~

~~(7)~~(6)   accept any present or favor from an applicant or any other person who has or may have an interest in the outcome of an examination, or accept any employment which represents a conflict of interest to the examination process,

~~(8)~~(7)  use the designated examiner position for any personal advantage, or

~~(9)~~(8)   commit or omit any act which constitutes a violation of any of the rules of this subchapter or the laws of this state governing designated examiner certification.

(b)    **Conduct.**A designated examiner shall:

(1)    Recognize that his or her position is of the highest public trust and that, on the wisdom of his or her decision, the lives of many people daily depend,

(2)    Impartially administer all official duties without regard to race, creed, position, or influence, according no applicant more reasonable treatment than any other,

(3)    Conduct each examination in a manner which reflects:

(A)    its importance to society,

(B)    its seriousness to the individual, and

(C)    the unquestioned competence of the examiner,

(4)    Exercise only such legal authority as has been duly vested in the position of a designated driver examiner, and

(5)    Fully appreciate and fulfill the responsibilities of his or her certification in order to strengthen public confidence in driver license examinations.

**SUBCHAPTER 15. PROVISIONAL DRIVER LICENSE PROGRAM**

**595:10-15-2.** **Definitions**

In addition to terms defined in 47 O.S. § 1-101 et seq., the following words or terms, when used in this Subchapter, shall have the following meaning unless the context clearly indicates otherwise. Use of the singular term includes the plural, and use of the plural term includes the singular.

**"All outstanding driver license reinstatement fees"** shall mean the total of all processing and reinstatement fees as shown by the driving record maintained by the Department of Public Safety.

**"Applicant"** is the person applying for admission into the Provisional Driver License Program (**"PDL Program"**)

**"Method of Payment"** is the manner of payment to the Department of Public Safety specifically authorized by these rules.

**"Participant Licensee"** is the person who has been admitted into the PDL Program and has been issued a Provisional Driver License.

**"Payment"** means providing at least the minimum monthly payment to participate in the Provisional Driver License Program. All payments received by the Participant will be applied as set forth in statute to "all outstanding driver license reinstatement fees".

**"Payout Agreement"** is the required written promise between the Participant Licensee and the Department of Public Safety which authorizes the terms and conditions upon which driving is permitted and specifies the amount of the minimum monthly payment.

**"Record of payment"** means the official receipt of payment of court costs or fees, or warrant costs in the minimum statutory amount issued to the Participant. To be applied under the PDL Program, the Record of Payment must be dated within the time frame for which the Participant is wishing to apply the credit.

**"Untimely Payment"** is a payment that is not received by the Department of Public Safety by the last calendar day of the month in which the payment is due. For payments submitted by mail, the post mark date is the date of the payment is deemed to be received.

**595:10-15-3.** **Eligibility Criteria**

(a)    In order to be eligible for a Provisional Driver License, the following criteria must be met by the Applicant:

(1)    ~~must provide the Department of Public Safety with satisfactory proof of current liability insurance.~~

~~(2)    will not qualify if any requirement~~satisfy all requirements for reinstatement of driving privileges, other than the payment of all outstanding driver license reinstatement fee(s) has not been satisfied and proof of the same provided to the Department of Public Safety;

~~(3)~~(2)    must renew and/or retest, if required.

(b)    In addition to the requirements in (a) above, an applicant for a Class A, B, or C, Commercial Driver License under the Provisional Driver License Program~~, must meet the additional requirements below:~~ must possess an otherwise valid, unexpired Commercial Driver License.

~~(1)    must possess a unexpired Commercial Driver License;~~

~~(2)    must not be currently disqualified;~~

~~(3)    The Applicant's Commercial Driver License cannot have been expired for three (3) years or more;~~

~~(4)~~(c)    If the Applicant is ineligible for any reason for Commercial Driver License, the Applicant may only apply for a Class D Provisional Driver License.

**595:10-15-4.** **Participants in the PDL Program**

(a) A Participant must obtain a valid unexpired Oklahoma Restricted Driver License.

(b) The Participant ~~Licensee~~ must enter into a written Payout Agreement with DPS ~~which will stipulate~~ stipulating that failure to ~~abide by the terms of the Payout Agreement~~ remit the minimum statutory monthly payment, shall result in the cancellation of the Restricted Driver License and termination of the licensee's participation in the PDL Program. The licensee shall be immediately returned to his or her previous license status. Upon request and payment or submission of a record of payment, the Participant will be allowed to resume participation in the PDL Program. The agreement will specify the terms and conditions under which the Participant can lawfully operate a motor vehicle while participating in the PDL Program.

(c) The Participant ~~Licensee~~ must further acknowledge that any ~~suspension or revocation of a driver license shall result in the cancellation of the Restricted~~ violation of law by the Participant resulting in the suspension or revocation of a driver license shall result in the cancellation of the Provisional Driver License and termination of the ~~licensee's participation in the~~ Participant's PDL ~~Program~~. The ~~licensee~~Participant shall be immediately returned to his or her previous license status. Upon satisfaction of the reinstatement requirements causing the cancellation of the PDL, other than payment of reinstatement fees, the Participant will be allowed to resume participation in the PDL Program by completing a new Payout Agreement and making a payment or providing a record of payment.

(d) ~~Upon acceptance into the PDL Program and paying the fifty dollar ($50.00) Provisional Driver License Program fee, and applicable Restricted Driver License fee, the Participant Licensee will be issued a Restricted Driver License. The Restricted Driver License shall be carried by the Participant Licensee at all times while operating a motor vehicle.~~ The Participant will be issued a restricted Driver License with the appropriate restrictions entered on the driving record. The license issued under the PDL Program will be dependent on the Participant's license duration eligibility. If the Participant's license is eligible for renewal, a renewal driver license, in the same driver license class held by the Participant shall be issued to the Participant at his or her expense pursuant to statutory requirements. If the Participant's driver license is not eligible for renewal the Participant shall be issued a replacement license at his or her expense pursuant to statutory requirements. The Participant is eligible for participation in the PDL Program until all outstanding driver license reinstatement fees are paid. Failure to renew the PDL prior to its expiration will result in the Participant being returned to his or her previous license status. Upon renewal of the PDL the Participant may resume participation in the PDL Program by completing a new Payout Agreement and making a payment or providing a record of payment.

**595:10-15-5.** **Terms and conditions under which the Participant Licensee can drive [REVOKED]**

~~The Restricted Driver License issued pursuant to the Provisional Driver License Program will allow the Participant Licensee to operate a motor vehicle or commercial motor vehicle under one or more of the following circumstances:~~

1. ~~Between their place of residence and their place of employment or potential employment;~~
2. ~~During the scope and course of their employment;~~
3. ~~Between their place of residence and a college, university or technology center;~~
4. ~~Between their place of residence and their child's school or day care provider;~~
5. ~~Between their place of residence and a place of worship; or~~
6. ~~Between their place of residence and any court-ordered program or treatment program.~~

**595:10-15-6.** **Proof of insurance [REVOKED]**

~~Prior to being accepted into the PDL Program, the Applicant shall provide DPS satisfactory proof of current liability insurance. Upon acceptance into the PDL Program, the Participant Licensee shall maintain liability insurance for the duration of their participation in the PDL Program.~~

**595:10-15-7.** **Completion of Required forms, payment of the initial minimum monthly payment, and payment of the Provisional License fee**

(a)    The Applicant for the PDL Program will be required to complete all required forms for DPS, including but not limited to a written Payout Agreement, prior to being accepted into the PDL Program.

(b)    The minimum monthly payment or record of payment of ~~an amount prescribed by statue toward the~~at least five dollars ($5.00) per month toward the satisfaction of all ~~outstanding driver license reinstatement~~applicable fees will be agreed upon by the Participant ~~Licensee~~ and the Department of Public Safety. At no time will the Participant ~~Licensee~~ be allowed to pay or provide record of payment in an amount less than the monthly ~~amount prescribed by statue.~~ statutory limit of five dollars ($5.00).

(c)    The method of payment shall be paid in the manner prescribed by the Department of Public Safety.

(d)    The first payment or record of payment is due and must be received by DPS on or before the last calendar day of the month in which the Applicant is accepted into the PDL Program. All subsequent payments or records of payments are due and must be received by DPS on or before the last calendar day of each month thereafter.

(e)    Failure of the Participant ~~Licensee~~ to make the required monthly payments ~~for three (3) consecutive months~~ shall result in the removal of the Participant ~~Licensee~~ from the PDL Program, the cancellation of the Restricted Driver License issued under the Provisional Driver License Program and the return of the Participant ~~Licensee~~ to his or her former driver license status.

(f) The Participant Licensee shall pay a one-time Provisional Driver License fee to the Department of Public Safety in the amount of fifty dollars ($50.00) and the Restricted Driver License fee prior to the issuance of the Restricted Driver License issued pursuant to the Provisional Driver License Program.

**595:10-15-8.** **Termination (removal) from the PDL Program, cancellation of the Restricted Driver License issued under the Provisional Driver License Program~~, ineligibility from future participation in the PDL Program, and Review~~**

(a) If a Participant Licensee has violated any of the provisions, requirements or terms of this program as determined by DPS, the Participant Licensee will be removed from the PDL program. Restricted Driver License issued under the Provisional Driver License Program shall be cancelled. The following actions will result in removal from the PDL Program~~,~~ and cancellation of the Class A, B, C or D Restricted Driver License issued ~~under the Provisional Driver License Program~~ to the Participant:

(1) Any act that results in the suspension, revocation or disqualification of a driver license. However, in the event the records of the Department reflect a disqualifying event, the Participant may still be eligible to participate in the PDL Program for Class D driving privileges only;

(2) Failure to comply with the terms and conditions under which the Participant Licensee can drive ~~as set forth in the Restricted Driver License issued under the Provisional Driver License Program, or~~ as shown by the Department's records;

(3) ~~Failure to maintain current liability insurance;~~

~~(4)~~ Failure to remit to DPS the minimum statutory monthly payment, or to timely remit the minimum statutory monthly payment, for three (3) consecutive months;

~~(5)~~(4) Failure to remit to DPS the minimum statutory monthly payment in a manner specified by the Payout Agreement;

~~(6)~~(5) Any attempt by the Participant Licensee to obtain or actually obtaining a driver license or driving privileges from another state or country while in the PDL Program;

~~(7)~~(6)    Failure to comply with any other term or condition of the signed Payout Agreement not specifically mentioned above.

(b) If terminated from the PDL Program for any of the aforementioned reasons, the ~~removed participant~~Participant may ~~appear before a Driver Compliance Hearing Officer and~~request ~~review of thereasons which caused the termination (removal) from the PDL Program~~ re-admission to the PDL Program by submitting a written request or appearing before a Driver License Services Officer.

(c) To re-enter the PDL Program after termination or removal and cancellation of the Restricted Driver License issued pursuant to the PDL Program, the person must be otherwise eligible, pay another fifty dollar ($50.00) Provisional Driver License fee and the Restricted Driver License fee, and complete all procedural requirements for an initial participation in the PDL Program.