ENGROSSED SENATE
BILL NO. 760

BY: LEFTWICH and LONG (Ed) of the SENATE

and

HAMILTON (Jeff) of the HOUSE

[MOTOR VEHICLES AND SCHOOLS - HIGH SCHOOL ATTENDANCE BE A CONDITION OF LICENSING FOR OPERATION OF MOTOR VEHICLES FOR CERTAIN STUDENTS - AMENDING 47 O.S., SECTIONS 6-103 AND 6-105 - WHAT PERSONS SHALL NOT BE LICENSED - INSTRUCTION PERMITS AND RESTRICTED CLASS D LICENSES - EFFECTIVE DATE]

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-107.3 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. The Department of Public Safety shall deny a license, restricted license, or instruction permit for the operation of a motor vehicle to any person under eighteen (18) years of age who does not, at the time of application, present documentation that the person:

1. Is enrolled in a public or private secondary school, including any area vocational-technical school, of this state or any other state;

2. Has received a diploma or certificate of completion issued to the person from a secondary school of this state or any other state;

3. Is enrolled and making satisfactory progress in a program leading to a Certificate of High School Equivalency issued from the State Department of Education, or has obtained such certificate; or

4. Is excused from such requirement pursuant to any lawful excuse as defined in this section or due to circumstances beyond the control of the person.

B. 1. Persons under eighteen (18) years of age who are receiving education by other means including education at home, pursuant to Section 4 of Article XIII of the Oklahoma Constitution, shall satisfy the documentation requirement of subsection A of this section by providing a written statement from the parent or guardian of the child to the Department of Public Safety that the child is receiving instruction by other means pursuant to Section 4 of Article XIII of the Oklahoma Constitution. The documentation shall be signed by the parents, custodial parent, or legal guardian.

2. Any person who falsifies the information required in such documentation, upon conviction, shall be guilty of a misdemeanor.

C. School district attendance officers, upon request, shall provide documentation of the enrollment status of a student on a form which has been established and approved by the Department of Public Safety to any student under eighteen (18) years of age who is properly enrolled in a school under the jurisdiction of the attendance officer, for presentation to the Department of Public Safety on application for or reinstatement of an instruction permit, restricted license, or license to operate a motor vehicle. Except as provided in subsection D of this section, whenever a student over fourteen (14) years of age and under eighteen (18) years of age withdraws from school, the attendance officer shall notify the Department of Public Safety of such withdrawal through a

documentation of enrollment status form. Within fifteen (15) working days of receipt of such notice, the Department of Public Safety shall provide written notice by certified mail with return receipt requested to the student that the license of the student will be canceled or the application of the student will be denied thirty (30) days following the date the notice to the student was sent unless documentation of compliance with the provisions of this section is received by the Department of Public Safety before such time. After the thirty-day period, the Department of Public Safety shall forthwith cancel the driving privileges of the student.

D. When the withdrawal from school of a student is due to circumstances beyond the control of the student or is pursuant to any lawful excuse or is for the purpose of transfer to another school as confirmed in writing by a parent or guardian of the student, no notice as required by subsection C of this section shall be sent to the Department of Public Safety and if the student is applying for a license, restricted license, or instruction permit, the attendance officer shall provide the student with documentation to present to the Department of Public Safety to excuse the student from the provisions of this section. The board of education of a public school district or the appropriate school official of any private secondary school shall be the sole judge of whether the withdrawal of a student is due to circumstances beyond the control of the student or is made pursuant to lawful excuse.

E. As used in this section:

1. "Withdrawal" means more than ten (10) consecutive days or parts of days of unexcused absences or fifteen (15) days or parts of days total unexcused absences during a single semester;

2. "Lawful excuse" means absence from school pursuant to any valid physical or mental illness or pursuant to any legal excuse as provided in Section 10-105 of Title 70 of the Oklahoma Statutes; and

3. "Documentation of Enrollment Status" means the necessary identifying information concerning a student's eligibility to be issued or to retain a license or permit. Such documentation shall not include any information which is considered an education record pursuant to the Family Education Rights and Privacy Act, 20 U.S.C., Section 1232g et seq., unless the restrictions regarding disclosure of the information are fully complied with.

F. The provisions of this section shall be inapplicable with respect to any minor upon whom rights of majority have been conferred pursuant to Section 91 et seq. of Title 10 of the Oklahoma Statutes.

G. The Department of Public Safety shall establish the necessary and appropriate documentation forms sufficient to enable school districts to comply with the provisions of this section. Upon establishment of such forms, the State Department of Public Safety shall notify each school district and the State Board of Education of the content thereof.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-107.4 of Title 47, unless there is created a duplication in numbering, reads as follows:

Whenever a license or instruction permit for the operation of a motor vehicle is canceled or denied pursuant to Section 1 of this act, the license or privilege to operate a motor vehicle shall remain canceled or denied for a minimum period of sixty (60) days or until the person whose license or permit has been canceled or denied reaches eighteen (18) years of age, whichever period is the shortest. After the minimum period, the licensee or applicant may at any time apply for reinstatement of driving privileges by presenting sufficient documentation to the Department of Public Safety pursuant to Section 1 of this act and paying any required fees. A reinstatement fee no greater than Twenty-Five Dollars ($25.00) may be charged.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-107.5 of Title 47, unless there is created a duplication in numbering, reads as follows:

The Department of Public Safety shall cancel or deny the license of any male, regardless of attendance status, who causes a female to withdraw from school by reason of impregnation, should such female subsequently lose her license pursuant to Section 1 of the act, for a period of time equal to that of the female's cancelation or denial of driving privileges.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-107.6 of Title 47, unless there is created a duplication in numbering, reads as follows:

Any person aggrieved by a denial or cancellation of driving privileges pursuant to Section 1 of this act may submit, within thirty (30) days of the denial or of the receipt of notice of cancellation, a written request to the Department of Public Safety for a hearing before the Department of Public Safety. The hearing shall be held within ten (10) days of the receipt by the Department of the request, to determine whether the person is entitled to a license or is subject to cancellation of a license under the provisions of this act. Appeal from the decision of the Department may be taken to any court of competent jurisdiction as provided for in Section 6-211 of this title.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-107.7 of Title 47, unless there is created a duplication in numbering, reads as follows:

Any person who creates, writes, publishes, enters, or submits false information relating to the attendance, nonattendance, verification of attendance or enrollment of a person in a school or a program of education pursuant to Section 1 of this act, knowing that such information is false, or any person who knowingly aids or

abets another in the creation or submission of such information, upon conviction, shall be guilty of a misdemeanor.

SECTION 6. AMENDATORY 47 O.S. 1991, Section 6-103, is amended to read as follows:

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

1. Any person who is under the age of ~~sixteen (16)~~ eighteen (18) years, except that the Department may issue a Class D license to any person who:

a. is sixteen (16) years of age before January 1, 1993, or

b. attains sixteen (16) years of age on or after January 1, 1993, and meets the requirements of Section 1 of this act;

2. Any person whose driving privilege is under suspension, revocation, cancellation or denial in this or any other state until such privilege has been reinstated by the state withdrawing such privilege;

3. Any person whose driving privilege has been revoked for a period of three (3) years pursuant to the provisions of paragraph 4 of Section 6-205.1 of this title, until the person has furnished a report from a licensed physician that the person has been free from alcohol or drug abuse for at least the preceding twelve-month period;

4. Any person who is required by this chapter to take an examination, unless such person shall have successfully passed such examination;

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

6. Any person who is physically deformed or who is afflicted with any mental disease or physical condition that would impair the

driving ability of such a person or when the Commissioner of Public Safety, from information concerning such person or from the records and reports on file in the Department of Public Safety, determines that the operation of a motor vehicle by such person on the highways to be inimical to public safety or welfare;

7. Any person who is a nonresident as defined in Section 1-137 of this title;

8. Any alien unless such person presents valid documentation of identity issued pursuant to the laws of the United States; or

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

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

SECTION 7. AMENDATORY 47 O.S. 1991, Section 6-105, is amended to read as follows:

Section 6-105. A. Any person under the age of sixteen (16) years may be permitted to operate a motor vehicle as follows:

Any secondary school student who is at least fifteen and one-half (15 1/2) years of age and is regularly enrolled and receiving instruction in or has satisfactorily completed a prescribed secondary school driver education course, as defined by Section 19-113 et seq. of Title 70 of the Oklahoma Statutes, or a driver education course, certified by the Department of Public Safety, from a parochial, private, or other nonpublic secondary school may apply for a restricted Class D license. The Department of Public Safety, after the applicant has successfully passed all parts of the examination other than the driving test <u>and is in compliance with Section 1 of this act</u>, may issue to the applicant a restricted Class D license which shall entitle the applicant having such license in his immediate possession to operate a Class D motor

vehicle upon the public highways while accompanied by a licensed driver who is eighteen (18) years of age or older and who is actually occupying a seat beside the driver. This restricted driver's license shall be issued for the same period as all other driver's licenses; provided, such restricted license may be suspended or canceled at the discretion of the Department for violation of restrictions, for failing to give the required or correct information on the application or for violation of any traffic laws of this state pertaining to the operation of a motor vehicle. The holder of such restricted license who is at least sixteen (16) years of age who has been issued such restricted license for a minimum of thirty (30) days may have the restriction requiring an accompanying driver removed by satisfactorily completing a driver's examination. The Department shall cause such examination to be conducted not more than three times during the first six (6) months after date of eligibility of the holder of said restricted license to have the restriction removed and not more than one time every three (3) months thereafter upon request of the holder thereof.

B. The Department may issue a Class D license with a motorcycle restriction to any person fourteen (14) years of age or older, who <u>is in compliance with Section 1 of this act and</u> has met all the requirements of the rules and regulations of the Department except the driving test on the motor-driven cycle to enable the person to gain knowledge and experience in handling and operation of such vehicle. The Department may issue such license restricting the person while having the license in his immediate possession to operate a motor-driven cycle with a piston displacement not to exceed one hundred twenty-five (125) cubic centimeters, between the hours of 4:30 a.m. to 9:00 p.m. only, while wearing approved protective headgear, while accompanied by and receiving instruction from a parent, legal guardian or any person twenty-one (21) years of

age or older who is properly licensed to operate a Class A, B or C commercial motor vehicle with a motorcycle endorsement or a Class D motor vehicle with a motorcycle endorsement, and who has visual contact with the operator.

The holder of any such restricted license may apply on or after thirty (30) days from date of issuance to have the restriction of being accompanied by a licensed driver removed by successfully completing the driving portion of a test.

C. The Department may in its discretion issue a special permit to any person who has attained the age of fourteen (14) years, authorizing such person to operate farm vehicles between the farm and the market to haul commodities grown on such farm. Provided that such special permit shall be temporary and shall expire not more than thirty (30) days after the issuance thereof. Special permits shall be issued only to farm residents and shall be issued only during the time of the harvest of the principal crops grown on said farm. Provided that the Department shall not issue a special permit pursuant to this subsection until the Department is fully satisfied after the examination of said application and other evidence furnished in support thereof that said person is physically and mentally developed to such a degree that the operation of a motor vehicle by said person would not be inimical to public safety.

D. The Department may issue an instructor's permit to any qualified secondary school driver education instructor as defined by the Oklahoma State Board of Education Rules and Regulations for Oklahoma High School Driver and Traffic Safety Education or any driver education instructor, certified by the Department of Public Safety, of a parochial, private, or other nonpublic secondary school upon a proper application to the State Board of Education or the Department of Public Safety in the case of secondary schools that are not regulated by the State Board of Education. The Department

shall promulgate rules and regulations for the issuance of such permits. Such permit may authorize any person:

1. Who is at least fifteen and one-half (15 1/2) years of age; or

2. Who is at least fifteen (15) years of age and of secondary school sophomore or higher educational standing~~;~~,

while regularly enrolled and certified by said instructor as a student taking a prescribed course of secondary school driver education or a driver education course, certified by the Department of Public Safety, from a parochial, private, or other nonpublic secondary school to operate a motor vehicle while accompanied by and receiving instruction from said instructor who is actually occupying a seat beside the driver.

E. In addition to the licenses to operate motor vehicles, the Department may issue cards for purposes of identification only. Said identification cards shall be issued and renewed in the same manner as driver's licenses in this state and for a fee of Seven Dollars ($7.00) to any Oklahoma resident twelve (12) years of age or older. Such cards shall be valid for a period of four (4) years from the month of issuance. Provided, however, such identification cards issued to persons sixty-five (65) years of age or older shall be valid indefinitely from the month of issuance, and no person sixty-five (65) years of age or older shall be charged any type of fee to obtain an identification card. The fees derived pursuant to this section shall be apportioned as provided in Section 1104 of this title.

The Oklahoma Tax Commission is hereby authorized to reimburse, from funds available to that agency, each motor license agent issuing an identification card to a person sixty-five (65) years of age or older, an amount not to exceed One Dollar ($1.00) for each card so issued. The Oklahoma Tax Commission shall develop procedures for claims for such reimbursement.

F. The Department may issue a temporary photo license bearing appropriate restrictions to any person who has been authorized a limited or modified license for a specified period of time. The Department shall collect a fee of Twenty-five Dollars ($25.00) for such temporary photo license, in addition to any other fee, which shall be deposited in the General Revenue Fund. The Department or a motor license agent, upon receipt of authorization from the Department, upon issuance of a temporary photo license, shall additionally collect a fee of Five Dollars ($5.00), to be allocated in the same manner as for a duplicate license.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 10-106.1 of Title 70, unless there is created a duplication in numbering, reads as follows:

It shall be the duty of the attendance officer of each school district to carry out the duties and responsibilities required of the attendance officers by Section 1 of this act. If the attendance officer is unable to carry out the duties and responsibilities, the school district superintendent shall be charged with such duties and responsibilities. Documentation of enrollment status shall be provided to a student by the school district last attended by the student and shall be based upon the last semester's attendance if the student requires documentation during a time when school is not in session.

SECTION 9. This act shall become effective January 1, 1993.

Passed the Senate the 2d day of March, 1992.

President of the Senate

Passed the House of Representatives the ____ day of _____, 1992.

Speaker of the House of Representatives