

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1465

BY: RICE

AS INTRODUCED

AN ACT RELATING TO MOTOR VEHICLES; AMENDING 47 O.S.

1981, SECTION 6-105, AS LAST AMENDED BY SECTION 13, CHAPTER 219, O.S.L. 1990 (47 O.S. SUPP. 1990, SECTION 6-105), WHICH RELATES TO RESTRICTED DRIVER LICENSES AND SPECIAL PERMITS; PROVIDING FOR A RESTRICTED CLASS D LICENSE FOR PERSONS UNDER A CERTAIN AGE; RESTRICTING OPERATION OF A VEHICLE BY SUCH PERSONS DURING A CERTAIN PERIOD OF TIME; PROVIDING EXCEPTIONS; PROVIDING FOR REMOVAL OF RESTRICTION; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 47 O.S. 1981, Section 6-105, as last amended by Section 13, Chapter 219, O.S.L. 1990 (47 O.S. Supp. 1990, 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, 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 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 shall issue a restricted Class D license to any person under the age of eighteen (18) years, who has met all of the requirements of the Department for the operation of a Class D motor vehicle. The Department shall issue such license restricting such person to operate a Class D motor vehicle between the hours of 5:00 a.m. to 1:00 a.m. only. Provided, the provisions of this subsection shall not apply to persons under the age of eighteen (18) years who are lawfully operating a Class D motor vehicle as follows:

1. The person is operating the vehicle either to or from such person's workplace or job location; or

2. The person is accompanied by such person's parent or legal guardian who is properly licensed to operate a Class A, B or C commercial motor vehicle or a Class D motor vehicle and who is actually occupying a seat beside the driver.

When a person who has been issued a restricted Class D license pursuant to this subsection attains the age of eighteen (18) years, such person may obtain a duplicate license without such restriction

upon payment of the fee specified in Section 6-114 of this title for a duplicate license and by furnishing proof satisfactory to the Department of Public Safety or the motor license agent that such person has attained the age of eighteen (18) years.

€ D. 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.

⊕ E. 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.

~~F~~ F. 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~~ G. 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 2. This act shall become effective July 1, 1991.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

43-1-5146

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