

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1741

BY: HAMILTON (Jeff)

AS INTRODUCED

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

1981, SECTION 6-101, AS LAST AMENDED BY SECTION 10, CHAPTER 219, O.S.L. 1990 (47 O.S. SUPP. 1990, SECTION 6-101), WHICH RELATES TO CLASS REQUIREMENTS FOR LICENSE; CREATING THE MOTORCYCLE RIDER EDUCATION REVOLVING FUND; PROVIDING FOR APPROPRIATION AND EXPENSES; PROVIDING FOR RULES AND REGULATIONS; PROVIDING FOR EXPENDITURES; PROVIDING FOR CERTAIN COOPERATION; PROVIDING FOR REGISTRATION FEE; PROVIDING FOR ASSESSMENT ON LICENSE RENEWAL AND ENDORSEMENT FEE; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

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 1132.2 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. The Motorcycle Rider Education Revolving Fund is hereby created in the State Treasury. The fund shall be a continuing fund,

not subject to fiscal year limitations, and shall consist of motorcycle licensing and registration fees apportioned to the fund pursuant to law. All monies accruing to the credit of said fund are hereby appropriated and may be expended by the Oklahoma Department of Transportation Highway Safety Division for the administration of the statewide program to be known as the Motorcycle Rider Education Program, and expenses relating to the said program utilized for, including but not limited to, public awareness and operational costs for implementing and maintaining said program.

B. The Oklahoma Department of Transportation Highway Safety Division shall promulgate the rules and regulations of the statewide program and establish said program's curriculum adhering to the national standards in motorcycle safety.

C. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of Finance for approval and payment.

D. The Oklahoma Department of Transportation Highway Safety Division and the Department of Public Safety shall cooperate in developing tests for licensing of motorcycle operators and permits and developing guidelines for said program's motorcycle operator's manuals and developing any other component necessary to effectuate the Motorcycle Rider Education Program.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1132.3 of Title 47, unless there is created a duplication in numbering, reads as follows:

In addition to the vehicle registration fees levied pursuant to the provisions of the Oklahoma Vehicle License and Registration Act, Section 1101 et seq. of Title 47 of the Oklahoma Statutes, there is hereby levied a fee of Five Dollars (\$5.00) upon the registration of any motorcycle in this state. Such fee shall be deposited to the Motorcycle Rider Education Revolving Fund created in Section 1 of this act.

SECTION 3. AMENDATORY 47 O.S. 1981, Section 6-101, as last amended by Section 10, Chapter 219, O.S.L. 1990 (47 O.S. Supp. 1990, Section 6-101), is amended to read as follows:

Section 6-101. A. No person, except those hereinafter expressly exempted in Section 6-102 of this title, shall operate any motor vehicle upon a highway in this state unless such person has a valid Oklahoma license for the class of vehicle being operated under the provisions of this title. No person shall be permitted to possess more than one valid license at any time.

B. 1. No person shall operate a Class A commercial motor vehicle unless such person is eighteen (18) years of age or older and holds a valid Class A commercial license. Any person holding a valid Class A commercial license shall be permitted to operate motor vehicles in Classes A, B, C and D, except as provided for in paragraph 4 of this subsection;

2. No person shall operate a Class B commercial motor vehicle unless such person is eighteen (18) years of age or older and holds a valid Class B commercial license. Any person holding a valid Class B commercial license shall be permitted to operate motor vehicles in Classes B, C and D, except as provided for in paragraph 4 of this subsection;

3. No person shall operate a Class C commercial motor vehicle unless such person is eighteen (18) years of age or older and holds a valid Class C commercial license. Any person holding a valid Class C commercial license shall be permitted to operate motor vehicles in Classes C and D, except as provided for in paragraph 4 of this subsection;

4. No person under twenty-one (21) years of age shall be licensed to operate any motor vehicle which is required to be placarded for hazardous materials pursuant to 49 C.F.R., Part 172, subpart F; and

5. No person shall operate a Class D motor vehicle unless such person is sixteen (16) years of age or older and holds a valid Class D license, except as provided for in Section 6-105 of this title. Any person holding a valid Class D license shall be permitted to operate motor vehicles in Class D only.

C. No person shall operate a motorcycle, motor-driven cycle or a motorized bicycle without first having obtained a Class A, B, C or D license with a motorcycle endorsement.

D. Any person issued a classified driver's license pursuant to this section may exercise the privilege thereby granted upon all streets and highways in this state.

E. Except as otherwise may be provided for by law, any new applicant for an original classified license shall be required to successfully complete a written examination, vision examination and driving examination for a motorcycle as prescribed by the Department of Public Safety to be eligible for a motorcycle endorsement thereon.

F. Except as otherwise may be provided for by law, any holder of an Oklahoma commercial chauffeur, chauffeur or operator driver's license which is eligible for renewal who applies for a Class A, B, C or D license shall be required to successfully complete a written examination, vision examination and driving examination for a motorcycle as prescribed by the Department to be eligible for a motorcycle endorsement thereon; provided, however, the Department may waive all such examinations upon being furnished satisfactory proof that the applicant has regularly operated a motorcycle, motor-driven cycle or motorized bicycle for a minimum of two (2) years immediately preceding the application.

G. Any person eighteen (18) years of age or older may apply for a restricted Class A, B or C license. The Department, after the applicant has passed all parts of the examination for and has been issued a Class D license and has successfully passed all parts of

the examination for a Class A, B or C license other than the driving test, may issue to the applicant a restricted driver's license which shall entitle the applicant having such license in his immediate possession to operate a Class A, B or C commercial motor vehicle upon the public highways solely for the purpose of behind-the-wheel training while accompanied by a licensed driver twenty-one (21) years of age or older holding a valid license for the class of vehicle being driven including any and all required endorsements.

This restricted driver's license shall be issued for the same period as all other licenses; provided, such restricted license may be suspended, revoked, canceled or denied at the discretion of the Department for violation of the 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. Except as otherwise provided, the holder of such restricted license 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; provided, the removal of such restriction shall not authorize the operation of a Class A, B or C commercial motor vehicle if such operation is otherwise prohibited by law. The Department shall cause such examination to be conducted not more than three times during the first six (6) months after date of issuance of said restricted license and not more than one time every three (3) months thereafter upon request of the holder thereof.

H. The fee charged for a successful examination shall be assessed in accordance with the following schedule:

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|----------------------------|---------|
| Class A Commercial License | \$25.00 |
| Class B Commercial License | \$15.00 |
| Class C Commercial License | \$15.00 |
| Class D License | \$ 4.00 |

Motorcycle Examination \$ 4.00

Notwithstanding the provisions of Section 1104 of this title, all monies collected from the examination fees charged for Class A, B and C Commercial Licenses pursuant to the provisions of this subsection shall be deposited in the General Revenue Fund of this state.

I. In addition to any fee charged for a successful examination pursuant to the provisions of subsection H of this section, the fee charged for the issuance or renewal of an Oklahoma license shall be in accordance with the following schedule:

| | |
|----------------------------|---------|
| Class A Commercial License | \$35.00 |
| Class B Commercial License | \$35.00 |
| Class C Commercial License | \$25.00 |
| Class D License | \$15.00 |

J. All original and renewal classified licenses shall expire four (4) years from the last day of the month in which the license was issued.

K. Any person sixty-two (62) years of age or older during the calendar year of issuance or renewal of a Class D license or motorcycle endorsement shall be charged the following prorated fee:

| | |
|--------|---------|
| Age 62 | \$11.25 |
| Age 63 | \$ 7.50 |
| Age 64 | \$ 3.75 |
| Age 65 | -0- |

L. An additional fee of Five Dollars (\$5.00) shall be assessed for the issuance or renewal of a Class D license or a motorcycle endorsement. Such fee shall be deposited to the Motorcycle Rider Education Revolving Fund.

M. The Oklahoma Department of Public Safety and the Oklahoma Tax Commission are authorized to promulgate rules and regulations for the issuance and for the renewal of driver's licenses authorized to be issued pursuant to the provisions of Sections 6-101 through 6-

309 of this title. Applications for such licenses shall be handled by the motor license agents, provided that the Department of Public Safety is authorized to assume these duties in any county of this state. Except for driver's licenses issued pursuant to subsection K of this section, each motor license agent accepting applications for such drivers' licenses shall receive Two Dollars (\$2.00) to be deducted from the total collected for each license or renewal application accepted. The two-dollar fee received by the motor license agent shall be used for operating expenses. The Oklahoma Tax Commission is hereby authorized to reimburse, from funds available to that agency, each motor license agent issuing a license pursuant to subsection K of this section, an amount not to exceed One Dollar (\$1.00) for each license so issued. The Oklahoma Tax Commission shall develop procedures for claims for such reimbursement.

~~M.~~ N. Notwithstanding the provisions of Section 1104 of this title and subsection ~~H~~ M of this section and except as provided in subsection H of this section, the first Sixty Thousand Dollars (\$60,000.00) of all monies collected pursuant to this section shall be paid by the Oklahoma Tax Commission to the State Treasurer to be deposited each fiscal year under the provisions of this section to the credit of the Department of Public Safety Revolving Fund for the purpose of the Department of Public Safety Share the Road Program as that program pertains to the operation of commercial vehicles in this state with a gross vehicle weight rating of twenty-six thousand one (26,001) or more pounds. The next Five Hundred Thousand Dollars (\$500,000.00) of monies collected pursuant to this section shall be paid by the Oklahoma Tax Commission to the State Treasurer to be deposited each fiscal year under the provisions of this section to the credit of the Department of Public Safety Revolving Fund for the purpose of the Statewide Law Enforcement Communications System. All other monies collected in excess of Five Hundred Sixty Thousand

Dollars (\$560,000.00) each fiscal year shall be apportioned as provided in Section 1104 of this title, except as provided in subsection ~~±~~ M of this section.

~~N.~~ O. The Commissioner of the Department of Public Safety is authorized to employ such additional personnel as shall be necessary to administer the provisions of Sections 6-101 through 6-309 of this title.

SECTION 4. This act shall become effective July 1, 1991.

SECTION 5. 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.

43-1-5347

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