

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2146

By: Boyd (Betty)

COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; amending 47 O.S. 1991, Section 6-105, as amended by Section 1, Chapter 70, O.S.L. 1993 (47 O.S. Supp. 1993, Section 6-105), which relates to restricted Class D driver licenses; removing driver education requirement; amending 47 O.S. 1991, Section 6-110, as amended by Section 1, Chapter 206, O.S.L. 1992 (47 O.S. Supp. 1993, Section 6-110), which relates to examination of drivers; authorizing certain instructors to administer the driving examination; amending 70 O.S. 1991, Section 19-114, which relates to automobile driver education courses in secondary schools; requiring grading on a pass/fail basis; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 6-105, as amended by Section 1, Chapter 70, O.S.L. 1993 (47 O.S. Supp. 1993, 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 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. Any instructor as defined in this subsection who has been issued a permit may instruct 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. The application for an identification card by any person under the age of sixteen (16) shall be signed and verified by the parent or legal guardian before a person authorized to administer oaths. 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 replacement license.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 6-110, as amended by Section 1, Chapter 206, O.S.L. 1992 (47 O.S. Supp. 1993, Section 6-110), is amended to read as follows:

Section 6-110. A. The Department of Public Safety shall examine every applicant for an original Class A, B, C or D license and for any endorsements thereon, except as otherwise provided in Sections 6-101 through 6-309 of this title or as provided in subsection D of this section. Such examination shall include a test of the applicant's eyesight, his ability to read and understand highway signs regulating, warning and directing traffic, his knowledge of the traffic laws of this state, and shall include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle. The actual demonstration shall be conducted in the type of motor vehicle for the class of driver's license being applied for. Any licensee seeking to apply for a driver's license of another class which is not covered by his current driver's license shall be considered an applicant for an original license for that class. The Department of Public Safety shall have the authority to waive the requirement of the actual demonstration of the motor vehicle for those applicants who surrender a valid unexpired driver's license issued by any state for the same type or types of vehicles, provided that the applicant's driving record meets the standards set by the Department of Public Safety. All applicants requiring a hazardous materials endorsement shall be required to successfully complete the examination for the renewal of such endorsement. The Department of Public Safety must give the complete examination as provided for in this section within thirty (30) days from the date the application is received at a location within one hundred (100) miles of the residence of the applicant.

B. Any person holding a valid Oklahoma commercial chauffeur, chauffeur or operator driver's license and applying for a Class A, B or C license shall be required to successfully complete all

testing as required for an original applicant for the specified class; provided, however, the Department may, by rule, waive the driving test requirement.

C. Except as provided in subsection F of Section 6-101 of this title, any person holding a valid Oklahoma commercial chauffeur, chauffeur or operator driver's license shall, upon time for renewal thereof, be entitled to a Class D license without any type of testing or examination, except for any endorsements thereon as otherwise provided for by Section 6-110.1 of this title.

D. Under the direction of the Department of Public Safety, any certified driver education instructor may administer the written portion and the required driving skills portion of the Oklahoma driving examination to a student who has successfully completed one of the following:

1. A prescribed secondary school driver education course, as defined by Section 19-113 et seq. of Title 70 of the Oklahoma Statutes;

2. A driver education course, certified by the Department of Public Safety, from a parochial, private or other nonpublic secondary school; or

3. A commercial driver training course, as defined by Sections 801 through 808 of this title.

SECTION 3. AMENDATORY 70 O.S. 1991, Section 19-114, is amended to read as follows:

Section 19-114. The school board of any school district maintaining a secondary school, which includes any of the grades nine through twelve, inclusive, may, establish and maintain automobile driver education for pupils enrolled in the day secondary public schools in that district. Any such automobile driver education course shall be graded on a pass/fail basis.

SECTION 4. This act shall become effective September 1, 1994.

44-2-8847 SD