

ENROLLED SENATE
BILL NO. 118

By: Cain of the Senate

and

Gray of the House

An Act relating to driver's license; amending 47 O.S. 1991, Sections 6-105, 6-205.1, as amended by Section 11, Chapter 217, O.S.L. 1992, 754.1, 755, 801 and 803 (47 O.S. Supp. 1992, Section 6-205.1), which relate to instruction permits, periods of license revocation, modification due to hardship, appeals, definitions and school license; modifying language; deleting language; authorizing certain permits for commercial driver training course; limiting certain mandatory revocation period; expanding grounds for modification of revocation; requiring certain classroom and driving instruction; and declaring an emergency.

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

SECTION 1. 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, or a commercial driver training course, as defined by Sections 801 through 808 of this title 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 or a commercial driver training course instructor as provided for in Sections 801 through 808 of this title. 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 or a commercial driver training course as defined by Sections 801 through 808 of this title 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 2. AMENDATORY 47 O.S. 1991, Section 6-205.1, as amended by Section 11, Chapter 217, O.S.L. 1992 (47 O.S. Supp. 1992, Section 6-205.1), is amended to read as follows:

Section 6-205.1 ~~(a)~~ A. The driver's license or driving privilege of a person who is convicted of any offense as provided in paragraph 2 of subsection A of Section 6-205 of this title, or a person who has refused to submit to a test or tests as provided in Section 753 of this title, or a person whose alcohol concentration is ten-hundredths (0.10) or more as provided in Section 754 of this title, shall be revoked or denied by the Department of Public Safety for the following period, as applicable:

1. The first license revocation under Section 753 of this title shall be for one hundred eighty (180) days, of which the first ninety (90) days shall not be modified;

2. The first license revocation under paragraph 2 of subsection A of Section 6-205 of this title or under Section 754 of this title shall be for ninety (90) days, of which the first thirty (30) days shall not be modified;

3. A revocation pursuant to paragraph 2 of subsection A of Section 6-205, 753 or 754 of this title shall be for a period of one (1) year if within five (5) years preceding the date of arrest relating thereto, a prior revocation commenced under paragraph 2 of subsection A of Section 6-205, 753 or 754 of this title as shown by the Department's records. Such period shall not be modified; or

4. A revocation pursuant to paragraph 2 of subsection A of Section 6-205, 753 or 754 of this title shall be for a period of

three (3) years if within five (5) years preceding the date of arrest relating thereto, two or more prior revocations commenced under paragraph 2 of subsection A of Section 6-205, 753 or 754 of this title as shown by the Department's records. ~~Such period~~ The first eighteen (18) months shall not be modified.

~~(b)~~ B. The term "revocation" as used in this section includes a denial by the Department to issue a driver's license.

~~(c)~~ C. Each period of license revocation not subject to modification shall be mandatory and neither the Department nor any court shall grant a license or permit to drive a motor vehicle based upon hardship or otherwise for the duration of such period. The balance of the revocation period, if any, may be modified as provided for in Section 754.1 or 755 of this title.

~~(d)~~ D. Any appeal shall be governed by Section 6-211 of this title.

SECTION 3. AMENDATORY 47 O.S. 1991, Section 754.1, is amended to read as follows:

Section 754.1 A. The Department of Public Safety, prior to an administrative hearing for a revocation or denial arising under the provisions of Sections 751 through 754 of this title or under the provisions of Section ~~2~~ 6-205.1 of this ~~act~~ title, may modify the revocation or denial in cases of extreme and unusual hardship when it is determined by the Department that no other adequate means of transportation exists for the person whose license has been revoked or denied to allow driving in any or all of the following situations, subject to the limitations of Section ~~2~~ 6-205.1 of this ~~act~~ title:

1. To and from a place of employment;
2. To and from a child care facility, providing the person is a parent or legal guardian with no other means of transporting the child so the parent or legal guardian can maintain employment or attend classes;
3. To and from a medical facility;
4. In the course of employment;
- ~~3-~~ 5. To and from an educational institution for the purpose of attending classes if the person is enrolled and regularly attending classes at such institution;
- ~~4-~~ 6. To attend a course for drinking drivers, when required by the court; or
- ~~5-~~ 7. To permit the person to comply with any existing court order.

B. Such modification order shall state the specific times and circumstances under which driving is permitted.

C. Upon the issuance of a modification order pursuant to this section or Section 755 of this title, the person shall pay a modification fee of One Hundred Dollars (\$100.00) to the Department. Fees collected pursuant to the provisions of this section shall be remitted to the State Treasurer to be credited to the General Revenue Fund in the State Treasury.

SECTION 4. AMENDATORY 47 O.S. 1991, Section 755, is amended to read as follows:

Section 755. A. If the revocation or denial is sustained the person whose license or permit to drive or nonresident operating privilege has been revoked or denied may file a petition for appeal in the district court in the manner provided in Section 6-211 of this title, and the proceedings upon said appeal shall be the proceedings prescribed by Section 6-211 of this title. The district court may modify the revocation or denial in cases of extreme and unusual hardship when it is determined by the court that the person whose license or permit to drive has been revoked or denied has no

other adequate means of transportation and enter a written order directing the Department of Public Safety to allow driving in any or all of the following situations, subject to the limitations of Section ~~2~~ 6-205.1 of this ~~act~~ title:

1. To and from a place of employment; ~~or~~
 2. To and from a child care facility, providing the person is a parent or legal guardian with no other means of transporting the child so the parent or legal guardian can maintain employment or attend classes;
 3. To and from a medical facility;
 4. In the course of employment; ~~or~~
 - ~~3.~~ 5. To and from an educational institution for the purpose of attending classes if the person is enrolled and regularly attending classes at such institution; ~~or~~
 - ~~4.~~ 6. To attend a course for drinking drivers, when required by the court; or
 - ~~5.~~ 7. To permit the person to comply with any existing court order filed of record prior to the filing of a petition for appeal.
- B. Any such modification order shall state the specific times and circumstances under which driving is permitted.

SECTION 5. AMENDATORY 47 O.S. 1991, Section 801, is amended to read as follows:

Section 801. As used in this act:

(A) "Commercial driver training school" or "school" means a business enterprise conducted by an individual, association, partnership, or corporation, for the education and training of persons, either practically or theoretically, or both, to operate or drive motor vehicles and/or to prepare an applicant for an examination given by the state for ~~an operator's or chauffeur's a~~ classified driver's license or learner's permit including a restricted Class D license for persons fifteen and one-half (15 1/2) years old as defined in Section 6-105 of this title, and charging a consideration or tuition for such services.

(B) "Instructor" means any person, whether acting for himself as operator of a commercial driver training school or for any such school for compensation, who teaches, conducts classes of, gives demonstrations to, or supervises practice of persons learning to operate or drive motor vehicles or preparing to take an examination for ~~an operator's or chauffeur's a~~ classified driver's license or learner's permit including a restricted Class D license for persons fifteen and one-half (15 1/2) years old as defined in Section 6-105 of this title, and any person who supervises the work of any other such instructor.

(C) "Commissioner" means the Commissioner of Public Safety.

SECTION 6. AMENDATORY 47 O.S. 1991, Section 803, is amended to read as follows:

Section 803. (A) No commercial driver training school shall be established nor any such existing school continued on or after the effective date of this act, unless such school applies for and obtains from the Commissioner a license in the manner and form prescribed by the Commissioner.

(B) Regulations adopted by the Commissioner shall state the requirements for a school license, including requirements ~~for a school license, including requirements~~ concerning location, equipment, courses of instruction, instructors, previous records of the school and instructors, financial statements, schedule of fees and charges, character and reputation of the operators and instructors, insurance in such sum and with such provisions as the Commissioner deems necessary to protect adequately the interests of

the public, and such other matters as the Commissioner may prescribe for the protection of the public.

(C) Every school offering instruction for a restricted Class D license for persons fifteen and one-half (15 1/2) years old as defined in Section 6-105 of this title must provide for a minimum number of hours of actual classroom and field driving instruction as determined by the Commissioner.

SECTION 7. 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.

Passed the Senate the 11th day of May, 1993.

President of the Senate

Passed the House of Representatives the 28th day of May, 1993.

Speaker of the House of Representatives