ENGROSSED HOUSE AMENDMENT
TO
ENGROSSED SENATE BILL NO. 1115 By: Henry of the Senate

and

Weaver of the House

(driver license - 47 O.S. 1991 - requirements - rules - effective date)

AUTHORS: Add the following House Coauthors: Smith (Dale), Stites, Key, Greenwood, Coleman and Worthen

AMENDMENT NO. 1. Strike the stricken title, enacting clause and entire bill and insert

"(motor vehicles - amending 47 O.S., Sections 6-101, 6-103, 6-105 and 6-105.1 - driver licenses and permits - effective date)

SECTION 1. AMENDATORY 47 O.S. 1991, Section 6-101, as last amended by Section 8, Chapter 23, O.S.L. 1995 (47 O.S. Supp. 1995, 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~~ the person has a valid Oklahoma driver 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~~ the 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~~ the 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~~ the 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; provided, the Department of Public Safety shall provide by rule promulgated pursuant to the Administrative Procedures Act, Section 250 et seq. of Title 75 of the Oklahoma Statutes, that a person under twenty-one (21) years of age may be licensed to operate~~:~~

~~a.~~ a farm vehicle~~,~~ or,

~~b.~~ if such person is the operator of or employed by the operator of a farm retail outlet, any vehicle~~,~~

which is required to be placarded for hazardous materials pursuant to 49 C.F.R., Part 172, subpart F, if such licensure will not result in the loss of federal funds to ~~the State of Oklahoma~~ this state pursuant to federal law or regulation; and

5. No person shall operate a Class D motor vehicle unless ~~such~~ the person is sixteen (16) years of age or older and holds a valid

Class D license, except as provided for in Section 6-102 or 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. Any person issued a driver license pursuant to this section may exercise the privilege thereby granted upon all streets and highways in this state.

D. No person shall operate a motorcycle, motor-driven cycle, or a motorized bicycle without having a valid Class A, B, C, or D license with a motorcycle endorsement. Except as otherwise ~~may be~~ provided ~~for~~ by law, any new applicant for an original driver 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.

E. Except as otherwise ~~may be~~ provided ~~for~~ by law, any person who lawfully possesses a valid Oklahoma driver license which is eligible for renewal 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.

F. Any person eighteen (18) years of age or older may apply for a restricted Class A, B, or C commercial 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 commercial license other than the driving test, may issue to the applicant a restricted driver license which shall entitle the applicant having ~~such~~ the license in his ~~immediate~~ or her 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 in accordance with rules promulgated by the Department.

This restricted driver 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 lawful possessor of ~~such~~ a restricted license who has been issued ~~such~~ a 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~~ a 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~~ an examination to be conducted not more than three times during the first six (6) months after the date of issuance of ~~said~~ the restricted license and not more than one time every three (3) months thereafter upon request of the lawful possessor thereof.

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

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.

H. The fee charged for an examination other than a successful examination shall be Four Dollars ($4.00) for any license classification. Notwithstanding the provisions of Section 1104 of this title, all monies collected from such examination fees pursuant to the provisions of this subsection shall be deposited in the General Revenue Fund of the state.

I. In addition to any fee charged for a successful examination pursuant to the provisions of subsection G 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 driver 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. The ~~Oklahoma~~ Department of Public Safety and the Oklahoma Tax Commission are authorized to promulgate rules for the issuance and ~~for the~~ renewal of driver licenses authorized ~~to be issued~~ pursuant to the provisions of Sections 6-101 through 6-309 of this title. Applications, upon forms approved by the Department of Public Safety, 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. Each motor license agent accepting applications for ~~such~~ driver 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.

M. For the fiscal year beginning July 1, 1994, and for each fiscal year thereafter, notwithstanding the provisions of Section 1104 of this title and subsection L of this section and except as provided in subsection G 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 in the General Revenue Fund of the State Treasury.

N. 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 L of this section.

O. If funds are appropriated for purposes specified by this subsection, the Department of Public Safety may implement a procedure whereby images displayed on licenses issued pursuant to the provisions of Sections 6-101 through 6-309 of this title can be maintained by the Department to create photographs which may be used only by a law enforcement agency for purposes of criminal investigations, missing person investigations, or any law

enforcement purpose which is deemed necessary by the Commissioner of Public Safety. The computer system acquired for this purpose must conform to industry standards for interoperability and open architecture. The Department of Public Safety may promulgate rules to implement the provisions of this subsection.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 6-103, as amended by Section 6, Chapter 217, O.S.L. 1992 (47 O.S. Supp. 1995, 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) years;

2. Any unemancipated person who is sixteen (16) or seventeen (17) years of age without the notarized written consent of the person's custodial parent or guardian;

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

~~3.~~ 4. 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.~~ 5. Any person who is required by Section 6-101 et seq. of this title to take an examination, unless ~~such~~ the person shall have successfully passed ~~such~~ the examination;

~~5.~~ 6. 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.~~ 7. 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~~ the person or when the Commissioner of Public Safety, from information concerning ~~such~~ the 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 would be inimical to public safety or welfare;

~~7.~~ 8. Any person who is a nonresident, as defined in Section 1-137 of this title;

~~8.~~ 9. Any alien unless such person presents valid documentation of identity issued pursuant to the laws of the United States; or

~~9.~~ 10. Any person who possesses a valid license to operate a motor vehicle issued by another state until ~~such~~ the other state license has been surrendered.

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

C. Any custodial parent or guardian who has given written consent for a license of a minor child may withdraw their consent by filing a notarized statement with the Department. The Department shall promulgate rules and procedures for the cancellation of a license when consent has been withdrawn by a custodial parent or guardian. Upon the withdrawal of consent, the license shall remain cancelled for a period of six (6) months or until the child attains eighteen (18) years of age, whichever is less.

SECTION 3. AMENDATORY 47 O.S. 1991, Section 6-105, as last amended by Section 14, Chapter 2, O.S.L. 1994 (47 O.S. Supp. 1995, 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 with the notarized written consent of his or her custodial parent or guardian 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, 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 with the notarized written consent of his or her custodial parent or guardian which shall entitle the applicant having such license in his ~~immediate~~ or her 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~~ a 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~~ a restricted license who is at least sixteen (16) years of age who has been issued ~~such~~ a 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~~ an examination to be conducted not more than three times during the first six (6) months after date of eligibility of the holder of ~~said~~ the 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 unemancipated person who is fourteen (14), fifteen (15), sixteen (16), or seventeen (17) years of age ~~or older~~ with the notarized written consent of his or her custodial parent or guardian, or to any emancipated person who is fourteen (14) years of age or older, ~~who~~ if the applicant has met all of the requirements of the rules ~~and regulations~~ of the Department except the driving test on the motor-driven cycle ~~to~~. The license shall enable the person to gain knowledge and experience in handling and operation of such vehicle. The Department may issue ~~such~~ a license restricting the person while having the license in his or her 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, or D ~~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~~; 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~~ such farm. Provided ~~that~~, however, the Department shall not issue a special permit pursuant to this subsection until the Department is fully satisfied after the examination of ~~said~~ the application, and other evidence furnished in support thereof, that ~~said~~ the person is physically and mentally developed to such a degree that the operation of a motor vehicle by ~~said~~ the 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, 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 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~~ who is at least fifteen and one-half (15 1/2) years of age~~;~~ or

~~2. Who~~ 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~~ the instructor as a student taking a prescribed course of secondary school driver education, 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~~ the 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~~ The 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 of this state. 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~~ the 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~~ a fee ~~to obtain~~ for 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 4. This act shall become effective November 1, 1996."

Passed the House of Representatives the 15th day of April, 1996.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1996.

President of the Senate