

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)
CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 444

By: Wright of the Senate

and

Boyd (Betty) and Weese of
the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to motor vehicles and driver education; amending 47 O.S. 1991, Section 6-101, as last amended by Section 8 of Enrolled House Bill No. 1830 of the 1st Session of the 45th Oklahoma Legislature, which relates to driver licenses; providing for certain licenses; amending 47 O.S. 1991, Section 6-105, as last amended by Section 14, Chapter 2, O.S.L. 1994 (47 O.S. Supp. 1994, Section 6-105), which relates to instruction permits; modifying certain ages; requiring issuance of certain licenses; providing for issuance and cancellation of certain licenses under certain circumstances; deleting methods for issuing certain licenses; enacting the Drunk Driving Prevention Act; stating purpose; requiring driver manual to contain certain information; requiring written portion of driver examination to contain questions on certain subjects; amending 47 O.S. 1991, Section 6-110, as last amended by Section 9 of Enrolled House Bill No. 1830 of the 1st Session of the 45th Oklahoma Legislature, which relates to driver license examinations; modifying references; amending 47 O.S. 1991, Section 6-204, as amended by Section 9, Chapter 217, O.S.L. 1992 (47 O.S. Supp. 1994, Section 6-204), which relates to court orders to surrender license; modifying references; amending 47 O.S. 1991, Section 205.2, as last amended by Section 4, Chapter 238, O.S.L. 1993 (47 O.S. Supp. 1994, Section 6-205.2), which relates to periods of license revocation; adding definitions; providing for certain notices; deleting language moved to definitions; amending 47 O.S. 1991, Section 804, which relates to driver training instructor licenses; providing exceptions; specifying qualifications; amending 70 O.S. 1991, Section 19-114, as amended by Section 2, Chapter 196, O.S.L. 1994 (70 O.S. Supp. 1994, Section 19-114), which relates to driver education; deleting requirement that school driver education course be graded on a pass/fail basis; providing for codification; 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. 1991, Section 6-101, as last amended by Section 8 of Enrolled House Bill No. 1830 of the 1st Session of the 45th Oklahoma Legislature, 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 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 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; 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 pursuant to federal law or regulation; 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. 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 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 in accordance with rules promulgated by the Department.

This restricted driver license shall be issued for ~~the same~~ a period as ~~all other licenses; provided~~ determined by federal regulation and shall be nonrenewable. However, 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 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 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 driver 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
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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 Req. No. 1256Page 6

architecture. The Department of Public Safety may promulgate rules to implement the provisions of this subsection.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 6-105, as last amended by Section 14, Chapter 2, O.S.L. 1994 (47 O.S. Supp. 1994, Section 6-105), is amended to read as follows:

Section 6-105. A. 1. 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, 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~~ shall issue to the applicant a restricted Class D license which shall ~~entitle grant to~~ entitle the applicant having such license in his immediate possession the privilege to operate a Class D motor vehicle upon the public highways while accompanied by a licensed driver who is ~~eighteen (18)~~ twenty-one (21) years of age or older and who is actually occupying a seat beside the driver.

2. This restricted ~~driver's~~ driver license shall be issued for the same period as all other ~~driver's~~ driver 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.

3. 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 licensed 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. 1. 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.

2. This restricted driver license shall be issued for the same period as all other driver 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.

3. 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, 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 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, 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~~ driver 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 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-106.1 of Title 47, unless there is created a duplication in numbering, reads as follows:

Sections 3, 4 and 5 of this act shall be known and may be cited as the "Drunk Driving Prevention Act".

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-106.2 of Title 47, unless there is created a duplication in numbering, reads as follows:

The purpose of this act is to reduce the incidence of death, injury and property damage in this state by those persons who drive while under the influence of alcohol or other intoxicating substances.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-106.3 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. In order to provide education and instruction to all applicants for an original Oklahoma driver license, the Oklahoma Driver's Manual, published and distributed by the Department of Public Safety pursuant to Section 2-114 of this title, shall contain accurate information on:

1. The hazards of driving while under the influence of alcohol or other intoxicating substances; and

2. The legal and financial consequences resulting from violations of this state's laws prohibiting the operation of a motor vehicle while under the influence of alcohol or other intoxicating substances.

B. In addition to the subjects set forth in Section 6-110 of this title, the written examination administered by the Department of Public Safety to every applicant for an original Oklahoma driver license shall contain questions on the subjects listed in subsection A of this section.

SECTION 6. AMENDATORY 47 O.S. 1991, Section 6-110, as last amended by Section 9 of Enrolled House Bill No. 1830 of the 1st Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 6-110. A. 1. 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 license being applied for. Any licensee seeking to apply for a driver license of another class which is not covered by ~~his~~ the licensee's current driver license shall be considered an applicant for an original license for that class.

2. 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 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.

3. All applicants requiring a hazardous materials endorsement shall be required to successfully complete the examination for the renewal of such endorsement.

4. The Department of Public Safety shall give the complete examination as provided for in this section within thirty (30) days from the date the application is received, and the examination shall be given at a location within one hundred (100) miles of the residence of the applicant.

B. Any person holding a valid Oklahoma Class D license and applying for a Class A, B or C commercial license shall be required to successfully complete all testing as required for the specified class.

C. Except as provided in subsection E of Section 6-101 of this title, any person holding a valid Oklahoma Class A, B or C

commercial 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 of the Oklahoma driving examination as required for a driver education course or Class D license. The required driving skills portion of the Oklahoma driving examination may be given by such certified driver education instructor 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 7. AMENDATORY 47 O.S. 1991, Section 6-204, as amended by Section 9, Chapter 217, O.S.L. 1992 (47 O.S. Supp. 1994, Section 6-204), is amended to read as follows:

Section 6-204. A. Whenever any person is convicted of any offense for which this ~~act~~ title makes mandatory the revocation of the ~~driver's~~ driver license of such person by the Department as provided in Section 6-205 of this title, the court in which such conviction occurred may require the surrender to it of all ~~driver's~~ driver licenses then held by the person so convicted and the court shall thereupon forward the same together with a record of such conviction to the Department.

B. Every court, including courts not of record, having jurisdiction over offenses committed under this ~~act~~ title, or any other ~~act~~ law of this state or municipal ordinance regulating the operation of motor vehicles on highways, shall forward to the Department a record of the conviction of any person in said court for a violation of any said laws other than regulations governing

standing or parking, and may recommend the suspension of the ~~driver's license~~ driving privileges of the person so convicted.

C. For the purposes of Section 6-101 et seq. of this title, ~~except for Section 6-205.2,~~ the term "conviction" shall mean a final conviction or shall mean a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated.

SECTION 8. AMENDATORY 47 O.S. 1991, Section 6-205.2, as last amended by Section 4, Chapter 238, O.S.L. 1993 (47 O.S. Supp. 1994, Section 6-205.2), is amended to read as follows:

Section 6-205.2 A. As used in this section, ~~"person" shall mean a resident of this state or an Oklahoma licensee. Also, as used in this section, "conviction" shall mean:~~

1. ~~An~~ "Conviction" shall mean:

- ~~a.~~ a. an unvacated adjudication of guilt ~~;~~ or
- ~~2.~~ b. A a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal ~~;~~ or
- ~~3.~~ c. An an unvacated forfeiture of bail or collateral deposited to secure a person's appearance in court ~~;~~ or
- ~~4.~~ d. The the payment of a fine and court costs ~~;~~ or
- ~~5.~~ e. Violation violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated;

2. "Disqualifying offense" shall mean:

- a. driving, operating or being in actual physical control of a Class A, B or C commercial motor vehicle while having a blood alcohol concentration, as defined in Section 756 of this title, or as defined by the state in which the arrest occurred, of four-hundredths (0.04) or more, or
- b. refusing to submit to a test for determination of alcohol concentration, as required by Section 751 of this title, or as required by the state in which the

arrest occurred, while operating a Class A, B or C commercial motor vehicle, or

- c. driving or being in actual physical control of a Class A, B or C commercial motor vehicle while under the influence of alcohol or any other intoxicating substance or the combined influence of alcohol and any other intoxicating substance, or
- d. knowingly failing to stop and render aid as required under the laws of this state in the event of a motor vehicle accident which occurs while operating a Class A, B or C commercial motor vehicle, or
- e. any felony during the commission of which a Class A, B or C commercial motor vehicle is used, except a felony involving the manufacture, distribution or dispensation of a controlled dangerous substance;
and

3. "Official notice" shall mean the report of a duly appointed and commissioned law enforcement officer of any of the disqualifying offenses specified in subparagraphs a, b and c of paragraph 2 of subsection A of this section.

B. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for a period of not less than one (1) year upon receiving official notice of the person's commission of any disqualifying offense or upon receiving a record of such person's conviction of any of the following offenses disqualifying offense, when such conviction has become final:

~~1. Driving, operating or being in actual physical control of a Class A, B or C commercial motor vehicle while having a blood or breath alcohol concentration, as defined in Section 756 of this title, or as defined by the state in which the arrest occurred, of four-hundredths (0.04) or more;~~

~~2. Refusing to submit to a test for determination of alcohol concentration, as required by Section 751 of this title, or as required by the state in which the arrest occurred, while operating a Class A, B or C commercial motor vehicle;~~

~~3. Driving or being in actual physical control of a Class A, B or C commercial motor vehicle while under the influence of alcohol or any other intoxicating substance or the combined influence of alcohol and any other intoxicating substance;~~

~~4. Knowingly failing to stop and render aid as required under the laws of this state in the event of a motor vehicle accident which occurs while operating a Class A, B or C commercial motor vehicle; or~~

~~5. Any felony during the commission of which a Class A, B or C commercial motor vehicle is used, except a felony involving the manufacture, distribution or dispensation of a controlled dangerous substance.~~

Provided, however, the Department shall not disqualify such person pursuant to this section if said person's driving privilege has previously been disqualified in this state as a result of any violation arising from the same incident.

C. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for a period of not less than three (3) years upon receiving official notice of such person's commission of any disqualifying offense or upon receiving a record of such person's conviction of any ~~of the following offenses~~ disqualifying offense, committed in connection with the operation of a motor vehicle which is required to be placarded for hazardous materials under 49 C.F.R., Part 172, subpart F, when such conviction has become final:

~~1. Driving, operating or being in actual physical control of a Class A, B or C commercial motor vehicle while having a blood or breath alcohol concentration, as defined in Section 756 of this title, or as defined by the state in which the arrest occurred, of four-hundredths (0.04) or more;~~

~~2. Refusing to submit to a test for determination of alcohol concentration, as required by Section 751 of this title, or as required by the state in which the arrest occurred, while operating a Class A, B or C commercial motor vehicle;~~

~~3. Driving or being in actual physical control of a Class A, B or C commercial motor vehicle while under the influence of~~

~~alcohol or any other intoxicating substance or the combined influence of alcohol and any other intoxicating substance;~~

~~4. Knowingly failing to stop and render aid as required under the laws of this state in the event of a motor vehicle accident which occurs while operating a Class A, B or C commercial motor vehicle; or~~

~~5. Any felony during the commission of which a Class A, B or C commercial motor vehicle is used, except a felony involving the manufacture, distribution or dispensation of a controlled dangerous substance.~~

Provided, however, the Department shall not disqualify such person pursuant to this section if said person's driving privilege has previously been disqualified in this state as a result of any violation arising from the same incident.

D. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for life upon receiving official notice of such person's commission of any disqualifying offense or upon receiving a record of such person's conviction in any court of any of the following offenses after a former conviction of any of the following offenses, disqualifying offense when such second conviction has become final:

~~1. Driving, operating or being in actual physical control of a Class A, B or C commercial motor vehicle while having a blood or breath alcohol concentration, as defined in Section 756 of this title, or as defined by the state in which the arrest occurred, of four-hundredths (0.04) or more;~~

~~2. Refusing to submit to a test for determination of alcohol concentration, as required by Section 751 of this title, or as required by the state in which the arrest occurred, while operating a Class A, B or C commercial motor vehicle;~~

~~3. Driving or being in actual physical control of a Class A, B or C commercial motor vehicle while under the influence of alcohol or any other intoxicating substance or the combined influence of alcohol and any other intoxicating substance;~~

~~4. Knowingly failing to stop and render aid as required under the laws of this state in the event of a motor vehicle accident which occurs while operating a Class A, B or C commercial motor vehicle; or~~

~~5. Any felony during the commission of which a Class A, B or C commercial motor vehicle is used, except a felony involving the manufacture, distribution or dispensation of a controlled dangerous substance.~~

Provided, however, the Department shall not disqualify such person pursuant to this section if said person's driving privilege has previously been disqualified in this state as a result of any violation arising from the same incident.

The Department of Public Safety may promulgate rules establishing conditions under which a disqualification for life pursuant to the provisions of this paragraph may be reduced to a period of not less than ten (10) years.

E. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for life upon receiving a record of such person's conviction for any felony related to the manufacture, distribution or dispensation of a controlled dangerous substance in the commission of which a Class A, B or C commercial motor vehicle is used, when such conviction has become final.

F. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for sixty (60) days upon receiving a record of such person's second conviction for a serious traffic offense arising out of separate transactions or occurrences within a three-year period, when such convictions have become final. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for one hundred twenty (120) days upon receiving a record of such person's third conviction for a serious traffic offense arising out of separate transactions or occurrences within a three-year period, when such convictions have become final. As used in this subsection, "serious traffic

offense" shall mean any of the following offenses committed while operating a commercial motor vehicle:

1. Speeding in excess of fifteen (15) miles per hour over the limit;
2. Reckless driving;
3. Any traffic offense committed that results in or in conjunction with a motor vehicle accident resulting in a fatality;
4. Erratic or unsafe lane change;
5. Following too close; or
6. Violating a lawful out-of-service order issued by the Department as authorized by the Commissioner of Public Safety.

G. Any person who drives a Class A, B or C commercial motor vehicle on any public roads, streets, highways, turnpikes or any other public place of this state at a time when he is disqualified or when his privilege to do so is canceled, denied, suspended or revoked shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00), or by imprisonment for not more than one (1) year, or by both such fine and imprisonment. Each act of driving as prohibited shall constitute a separate offense.

H. Such periods of disqualification as defined by this section shall not be modified. A person may not be granted driving privileges to operate a Class A, B or C commercial vehicle until the disqualification is reinstated.

I. When any official notice or record of conviction, as specified in this section, is received by the Department and pertains to a nonresident operator of a Class A, B or C commercial motor vehicle, the Department shall report the official notice or the final conviction to the licensing jurisdiction in which the person's license to operate such commercial vehicle was issued.

SECTION 9. AMENDATORY 47 O.S. 1991, Section 804, is amended to read as follows:

Section 804. (A) No person shall act as an instructor on or after the effective date of this act, unless such person 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 an instructor's license, including requirements concerning moral character, physical condition, knowledge of the courses of instruction, motor vehicle laws and safety principles and practices, previous personnel and employment records, and such other matters as the Commissioner may prescribe for the protection of the public.

(C) Except for instructors of commercial truck driver training schools and motorcycle operator training courses, instructors of commercial driver training schools shall:

1. Possess a valid Oklahoma driver license and be properly licensed for the type of vehicle used for instruction;

2. Be at least twenty-one (21) years of age;

3. Not have been previously convicted of a felony;

4. Not have had driving privileges suspended, canceled, revoked or denied within the last one (1) year;

5. Not have been previously convicted of unlawfully possessing or using alcohol or drugs within the last three (3) years;

6. Not have a driving record reflecting more than five (5) point violations;

7. Receive a score of at least eighty percent (80%) on a driver license written examination administered biannually;

8. Receive a score of at least eighty percent (80%) on a standard driver license road test administered biannually;

9. Possess a high school diploma or General Equivalency Diploma;

10. Possess a minimum of six (6) semester hours of Driver Education I and Driver Education II, and a minimum of three (3) semester hours of General Safety Education at an accredited college or university or an equivalent course offered by a nationally recognized commercial driver instructor course approved by the Department of Public Safety.

SECTION 10. AMENDATORY 70 O.S. 1991, Section 19-114, as amended by Section 2, Chapter 196, O.S.L. 1994 (70 O.S. Supp. 1994, 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 11. This act shall become effective July 1, 1995.

SECTION 12. 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.

45-1-1256

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