

ENROLLED HOUSE
BILL NO. 1830

By: Tyler of the House

and

Smith of the Senate

An Act relating to motor vehicles; amending 47 O.S. 1991, Sections 1-108, 1-128, 1-140 and 1-152.1, which relate to definitions of words and phrases; modifying definitions; amending 47 O.S. 1991, Sections 2-109, 2-112 and 2-114, which relate to the responsibilities of the Commissioner and Department of Public Safety; providing for certain applications, forms and law summaries; amending 47 O.S. 1991, Sections 6-101, as last amended by Section 1, Chapter 18, O.S.L. 1994, 6-110, as last amended by Section 1, Chapter 196, O.S.L. 1994, and 6-309, as last amended by Section 6, Chapter 97, O.S.L. 1993 (47 O.S. Supp. 1994, Sections 6-101, 6-110 and 6-309), which relate to issuance of licenses; providing for certain licenses; amending 47 O.S. 1991, Section 8-103, which relates to renting a motor vehicle to another; requiring licensure of certain individuals; amending 47 O.S. 1991, Section 10-104, as amended by Section 1, Chapter 192, O.S.L. 1993 and 10-106 (47 O.S. Supp. 1994, Section 10-104), which relate to motor vehicle accidents; requiring exhibiting of certain licenses; amending 47 O.S. 1991, Section 18-101, which relates to traffic citation records; requiring certain items be furnished to Department of Public Safety; amending 47 O.S. 1991, Section 180m, which relates to identification device enforcement; providing for certain statutory references; amending 47 O.S. 1991, Section 801, as amended by Section 5, Chapter 314, O.S.L. 1993 (47 O.S. Supp. 1994, Section 801), which relates to commercial driving training schools; providing for certain licenses; amending 47 O.S. 1991, Section 1006, which relates to ridesharing; designating certain individuals as not being commercial drivers; amending 47 O.S. 1991, Section 1171, which relates to tour buses; authorizing rule promulgation; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 1-108, is amended to read as follows:

Section 1-108. Commercial ~~chauffeur and chauffeur~~ Operator or Driver.

~~(a) Commercial chauffeur.~~ Every person who operates, drives or is in actual physical control of a Class A, B or C commercial motor vehicle while in use as a common carrier of persons or property.

~~(b) Chauffeur. Every person who is employed by another for the principal purpose of operating a motor vehicle and every person who operates a motor vehicle of more than two (2) tons rated capacity that is required by law to have a commercial tag attached thereto and every person who operates a school bus transporting school children to and from school, as defined in Sections 1-107.1, 1-107.2 and 1-107.3 of this title.~~

SECTION 2. AMENDATORY 47 O.S. 1991, Section 1-128, is amended to read as follows:

Section 1-128. License to operate a motor vehicle.

A. Any operator's commercial chauffeur's or chauffeur's valid driver license or any other license or permit to operate a motor vehicle issued under the laws of this state including:

~~1. Any any temporary license or instruction permit;~~

~~2. The privilege of any person to drive a motor vehicle whether or not such person holds a valid license;~~ the lawful possession of which by a resident of this state shall be evidence that the resident has been granted the privilege to operate a motor vehicle.

~~3. B. Any nonresident's operating privilege as defined herein in Section 1-138 of this title, which is evidenced by the lawful possession of a valid driver license or permit to operate a motor vehicle issued under the laws of another state.~~

SECTION 3. AMENDATORY 47 O.S. 1991, Section 1-140, is amended to read as follows:

Section 1-140. Operator or Driver.

Every person, ~~other than including~~ a commercial chauffeur operator or chauffeur driver, as defined in Section 1-108 of this title, who operates, drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.

SECTION 4. AMENDATORY 47 O.S. 1991, Section 1-152.1, is amended to read as follows:

Section 1-152.1 Recreational Vehicle.

For the sole purpose of ~~a classified driver's license system the classification of vehicles as provided in Sections 1-107.1 through 1-107.4 of this title,~~ a recreational vehicle shall be defined as deemed to be a Class D motor vehicle, provided such vehicle is a self-propelled or towed vehicle that is equipped to serve as temporary living quarters for recreational, camping or travel purposes and is used solely as a family or personal conveyance.

SECTION 5. AMENDATORY 47 O.S. 1991, Section 2-109, is amended to read as follows:

Section 2-109. The Commissioner shall prescribe and provide suitable forms of applications, ~~certificates of title, registration cards, operators' and chauffeurs' driver licenses~~ and all other forms requisite or deemed necessary to carry out the provisions of this act title and any other laws the enforcement and administration of which are vested in the Department.

SECTION 6. AMENDATORY 47 O.S. 1991, Section 2-112, is amended to read as follows:

Section 2-112. The Department shall examine and determine the genuineness, regularity and legality of every application ~~for registration of a vehicle, for a certificate of the title therefor, and for an operator's or chauffeur's,~~ driver license and any other application lawfully made to the Department, and may in all cases make investigation as may be deemed necessary or require additional information, and shall reject any such application if not satisfied of the genuineness, regularity or legality thereof or the truth of any statement contained therein, or for any other reason, when authorized by law.

SECTION 7. AMENDATORY 47 O.S. 1991, Section 2-114, is amended to read as follows:

Section 2-114. The Department may publish a synopsis or summary of the laws of this state regulating the operation of vehicles and may deliver a copy thereof ~~without charge with each original vehicle registration and with each original operator's or chauffeur's license to any person.~~

SECTION 8. AMENDATORY 47 O.S. 1991, Section 6-101, as last amended by Section 1, Chapter 18, O.S.L. 1994 (47 O.S. Supp. 1994, Section 6-101), is amended to read as follows:

Section 6-101. A. No person, except those hereinafter expressly exempted in Section 6-102 of this title, shall operate any motor vehicle upon a highway in this state unless such person has a valid Oklahoma 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. 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.~~

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

~~E.~~ 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 ~~classified 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.

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

~~G.~~ 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's~~ 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's~~ 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 ~~holder~~ 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 ~~holder~~ lawful possessor thereof.

~~H.~~ 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~~ commercial licenses pursuant to the

provisions of this subsection shall be deposited in the General Revenue Fund of this state.

~~I.~~ 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.

~~J.~~ I. In addition to any fee charged for a successful examination pursuant to the provisions of subsection ~~H~~ 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

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

~~L.~~ 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-

~~M.~~ 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's~~ 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 ~~drivers'~~ 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.

~~N.~~ 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 ~~M~~ L of this section and except as provided in subsection ~~H~~ 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.

~~O.~~ 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 ~~M~~ L of this section.

~~P.~~ 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 9. AMENDATORY 47 O.S. 1991, Section 6-110, as last amended by Section 1, Chapter 196, O.S.L. 1994 (47 O.S. Supp. 1994, Section 6-110), 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's~~ driver license being applied for. Any licensee seeking to apply for a ~~driver's~~ driver license of another class which is not covered by his current ~~driver's~~ 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's~~ 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 ~~must~~ 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 ~~commercial chauffeur, chauffeur or operator driver's~~ 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 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~~ E of Section 6-101 of this title, any person holding a valid Oklahoma Class A, B or C ~~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 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 10. AMENDATORY 47 O.S. 1991, Section 6-309, as last amended by Section 6, Chapter 97, O.S.L. 1993 (47 O.S. Supp. 1994, Section 6-309), is amended to read as follows:

Section 6-309. ~~A.~~ Notwithstanding any other provision of law, any person who lawfully possesses a valid Oklahoma commercial chauffeur's license, chauffeur's license or operator's Class A, B or C commercial license shall be entitled to operate a Class D motor vehicle or motorcycle, motor-driven cycle or motorized bicycle in accordance with the driver's driver license granted and the endorsements thereon until the expiration of said license, except for any period of time in which said driver's the license has been canceled, suspended or revoked.

~~B. Notwithstanding any other provision of law, the holder of a valid Oklahoma commercial chauffeur's license or chauffeur's license which expires on or after April 1, 1992, shall not be entitled to operate a Class A, B or C commercial motor vehicle under the authority of such license on or after April 1, 1992.~~

~~C. Notwithstanding any other provision of law, the Department of Public Safety may require that the holder of a valid Oklahoma commercial chauffeur's license or chauffeur's license which expires on or after January 1, 1991, or a person applying for an original Class A, B or C license after January 1, 1991, complete all required parts of the examination for a Class A, B or C license as a condition for renewal or issuance of a Class A, B or C license. Notwithstanding any other provision of law, the Department of Public Safety may require that the holder of a valid Oklahoma commercial chauffeur's license or chauffeur's license, which expires on or after April 1, 1992, complete all required parts of the examination for a Class A, B or C license prior to April 1, 1992. The fee for a successful examination shall be as provided in subsection H of Section 6-101 of this title.~~

~~D. A holder of a commercial chauffeur's or chauffeur's license who has successfully completed the examination for a Class A, B or C license as required by this section shall be issued a Class A, B or C license upon:~~

~~1. Expiration of his commercial chauffeur's license or chauffeur's license on or before April 1, 1992, whichever occurs first;~~

~~2. Completion of any other requirements of the Oklahoma Vehicle License and Registration Act, Section 1101 et seq. of this title; and~~

~~3. Payment of the fee as provided in subsection H of Section 6-101 of this title and payment of the appropriate fee for replacement or renewal as applicable.~~

SECTION 11. AMENDATORY 47 O.S. 1991, Section 8-103, is amended to read as follows:

Section 8-103. ~~(a)~~ A. No person shall rent a motor vehicle to any other person unless the ~~latter~~ person to whom the vehicle is to be rented is then duly licensed to operate a motor vehicle as required under this act or, in the case of a nonresident, then duly

licensed under the laws of the state or country of his residence ~~except a nonresident whose home state or country does not require that an operator be licensed.~~

~~(b)~~ B. No person shall rent a motor vehicle to another until he has inspected the ~~operator's or chauffeur's~~ driver license of the person to whom the vehicle is to be rented and compared and verified the signature thereon with the signature of such person written in his presence.

~~(c)~~ C. Every person renting a motor vehicle to another shall keep a record of the registration number of the motor vehicle so rented, the name and address and driver license number of the person to whom the vehicle is rented, ~~the number of the license of said latter person~~ and the date and place when and where said license was issued. Such record shall be open to inspection by any police officer or officer or employee of the Department.

SECTION 12. AMENDATORY 47 O.S. 1991, Section 10-104, as amended by Section 1, Chapter 192, O.S.L. 1993 (47 O.S. Supp. 1994, Section 10-104), is amended to read as follows:

Section 10-104. A. The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his correct name, address and registration number of the vehicle he is driving, and shall upon request exhibit his ~~operator's or chauffeur's~~ driver license and his security verification form, as defined in Section 7-600 of this title, to the person struck or the driver or occupant of or person attending any vehicle collided with, and shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person. Any driver who provides information required by this section which is intentionally inaccurate shall be subject to the provisions of Section 10-103 of this title.

B. Any driver of any vehicle involved in an accident who is cited for any traffic offense where said accident resulted in the immediate death of any person shall submit to drug and alcohol testing as soon as practicable after such accident occurs. The traffic offense violation shall constitute probable cause for purposes of Section 752 of this title and the procedures found in Section 752 of this title shall be followed to determine the presence of alcohol or controlled dangerous substances within the driver's blood system.

SECTION 13. AMENDATORY 47 O.S. 1991, Section 10-106, is amended to read as follows:

Section 10-106. The driver of any vehicle involved in an accident resulting only in damage to fixtures or other property legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of ~~his~~ the driver's name and address and of the registration number of the vehicle ~~he is driving~~ being driven and shall upon request ~~and if available~~ exhibit ~~his operator's or chauffeur's~~ a driver license and ~~his~~ security verification form, as defined in Section 7-600 of this title, and shall make report of such accident when and as required in Section 10-108 ~~hereof~~ of this title.

SECTION 14. AMENDATORY 47 O.S. 1991, Section 18-101, is amended to read as follows:

Section 18-101. ~~(a)~~ A. Every magistrate or judge of a court shall keep or cause to be kept a record of every traffic complaint,

traffic citation or other legal form of traffic charge deposited with or presented to said court or its traffic-violations bureau, and shall keep a record of every official action by said court or its traffic-violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal and the amount of fine or forfeiture resulting from every said traffic complaint or citation deposited with or presented to said court or traffic-violations bureau.

~~(b)~~ B. Within ten (10) days after the conviction or forfeiture of bail of a person upon a charge of violating any provision of this ~~act~~ title or other law regulating the operation of vehicles on highways every said magistrate of the court or clerk of the court of record, in which such conviction was had or bail was forfeited shall prepare and immediately forward to the Department an abstract of the record of said court covering the case in which said person was so convicted or forfeited bail, which abstract must be certified by the person so required to prepare the same to be true and correct. A report need not be made of any conviction involving the illegal parking or standing of a vehicle. A magistrate of a municipal court shall not make such a report of a conviction involving speeding if the speed limit is not exceeded by more than ten (10) miles per hour.

~~(c)~~ C. Said abstract must be made upon a form furnished by the Department and shall include ~~the~~ :

1. The name ~~and~~, address ~~of the party charged, the~~ and driver license number, if any, of his operator's or chauffeur's license, the of the person charged;

2. The registration number of the vehicle involved, ~~the;~~ and

3. The nature of the offense, the date of hearing, the plea, the judgment, or whether bail forfeited and the amount of the fine or forfeiture as the case may be.

~~(d)~~ D. Every court of record shall also forward a like report to the Department upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

~~(e)~~ E. The failure, refusal or neglect of any such judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be ground for removal therefrom.

SECTION 15. AMENDATORY 47 O.S. 1991, Section 180m, is amended to read as follows:

Section 180m. ~~Duties of State and Local Officers:~~ In addition to all other duties as provided by law, it is hereby declared to be, and shall be the duty of all sheriffs, deputy sheriffs, district attorneys, enforcement officers appointed by the Corporation Commission of the State of Oklahoma, and all highway patrolmen within the State of Oklahoma, ~~to~~ :

1. To enforce the provisions of ~~this act.~~ Sections 180 through 180m of this title;

2. To apprehend and detain any motor vehicle or vehicles and driver or ~~chauffeur~~ operator and their ~~aids~~ aides who are operating any motor vehicle, upon or along the ~~Highways~~ highways of this state, without the specific identification plate so attached thereto as provided herein, for a reasonable length of time, for the purpose of investigating and determining whether such vehicle is being operated in violation of any of the provisions of ~~this act~~ Sections 180 through 180m of this title; ~~and to~~

3. To make arrests for the violation of the provisions of ~~this act~~ Sections 180 through 180m of this title, without the necessity of procuring a warrant; ~~and to~~

4. To sign the necessary complaint and to cause the violator or violators to be promptly arraigned before a court of competent jurisdiction for trial ~~and to;~~

5. To aid and assist in the prosecution of the violator or violators in the name of the State of Oklahoma to the end that this law shall be enforced~~;~~

~~(a) It shall be the further duty of the arresting officer to~~

6. To report all such arrests for violations of Sections 180 through 180m of this title to the Corporation Commission of Oklahoma within ten (10) days after making such arrest and to furnish such information concerning same as the Commission may request-

~~(b) It shall be the further duty of the officers herein, at; and~~

7. At the request of the Corporation Commission, to seize and confiscate any and all certificates of registration and identification plates and to forward the same to the Corporation Commission for cancellation.

SECTION 16. AMENDATORY 47 O.S. 1991, Section 801, as amended by Section 5, Chapter 314, O.S.L. 1993 (47 O.S. Supp. 1994, Section 801), is amended to read as follows:

Section 801. As used in ~~this act~~ Section 801 et seq. of this title:

(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 a ~~classified driver's~~ driver license 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 a ~~classified driver's~~ driver license 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 17. AMENDATORY 47 O.S. 1991, Section 1006, is amended to read as follows:

Section 1006. The driver in a ridesharing arrangement shall not be deemed a ~~chauffeur~~ commercial operator or driver nor shall he be deemed to be transporting persons for compensation under the driver licensing provisions of Title 47 of the Oklahoma Statutes.

SECTION 18. AMENDATORY 47 O.S. 1991, Section 1171, is amended to read as follows:

Section 1171. A. As used in this section, "tour bus" means an intercity bus or buses owned, leased or operated to transport passengers by charter or special service as defined by the Interstate Commerce Commission who are assembled into a travel group through a sale to each individual passenger of a ticket covering a comprehensive trip from any point within the State of Oklahoma with visits to places of established interest and a return in conjunction with packages offered by travel agencies or professional tour operators. The term "tour bus" shall not include regular route passenger service.

B. It shall be unlawful for the Oklahoma Tourism and Recreation Department or any other agency of the state to discriminate in any

way against a company, corporation, partnership or sole proprietorship operating tour buses on an intrastate or interstate basis in this state.

C. Upon application, the Marketing Services Division of the Department of Tourism and Recreation shall issue a permit to any applicant for a tour bus permit in the State of Oklahoma. The fee for such permit shall be Twenty Dollars (\$20.00) per year for each tour bus company. The fee shall be paid to the Marketing Services Division and said fees shall be deposited by the State Treasurer in the Oklahoma Tourism and Recreation Department Revolving Fund.

D. Prior to the issuance of any such permit, all tour bus operators must file with the Marketing Services Division of the Department of Tourism and Recreation proof of compliance with all insurance requirements and safety standards required by the State of Oklahoma.

E. The public policy of this state, as declared by the Legislature, is to encourage tour bus operations within the state and to simplify permit application procedures for providers of tour bus services. Rules and regulations adopted by the Oklahoma Tourism and Recreation Commission shall implement the stated public policy and also protect the public's interest by mandating that tour bus operators shall conduct their operations in accordance with all applicable laws of the state, and all applicable rules established by the Oklahoma Tourism and Recreation Commission.

F. No person shall operate a tour bus as a carrier of persons or property unless such person holds a valid ~~commercial chauffeur's~~ driver license.

G. No tour bus shall be operated on the public highways of the state that does not comply with safety criteria established by state law or by rule promulgated by the Department of Public Safety. No tour bus shall be operated by any person who is intoxicated or under the influence of alcohol or under the influence of amphetamines, stimulants, controlled dangerous substances, or other drugs. Any tour bus which fails to meet safety criteria, or which is operated by a person under the influence of alcohol, amphetamines, stimulants, controlled dangerous substances, or other drugs shall be denied continued use of the public highways of the state.

H. No tour bus operator shall conduct any operations in this state until after such tour bus operator shall have filed with the Marketing Services Division of the Oklahoma Tourism and Recreation Department a liability insurance policy or bond covering public liability and property damage, issued by an insurance or bonding company or insurance carrier authorized to do business in this state and shall be in such sum and amount as fixed by rules as approved by the Oklahoma Tourism and Recreation Commission; and such liability and property damage insurance policy or bond shall bind the obligor thereunder to make compensation for injuries to, or death of, persons, and loss or damage to property, resulting from the operation of any such tour bus for which such carrier is legally liable.

Providing further that such tour bus operator shall maintain all insurance required by state law and the rules of the Oklahoma Tourism and Recreation Commission during the operation of such tour bus and that the failure for any cause to maintain such coverage in full force and effect shall immediately, without any notice from the Oklahoma Tourism and Recreation Commission, suspend the rights of the tour bus operator to operate such tour bus until proper insurance is provided.

Any tour bus operator engaged in interstate operations shall comply with all provisions of this section; however, valid

Interstate Commerce Commission certification shall be recognized in lieu of a liability insurance policy or bond and safety inspection by an Oklahoma Department of Public Safety authorized inspection.

I. Every owner of any tour bus operated within this state, such agents, employees and every other person who violates or fails to comply with or procures, aids or abets in the violation of any provision of this section shall be deemed guilty of a misdemeanor. Upon conviction in a criminal court of competent jurisdiction, such misdemeanor is punishable by a fine not exceeding One Thousand Dollars (\$1,000.00).

J. The Department of Public Safety shall be responsible for enforcement of this section, and monthly, shall notify the Marketing Services Division of the Oklahoma Tourism and Recreation Department of any citations issued for violations of this section.

K. The Marketing Services Division of the Oklahoma Tourism and Recreation Department may enter into an agreement with any person or corporation located within or without the state for transmission of tour bus permits by way of a facsimile machine or other device if the Department determines that such agreement is in the best interests of the state.

L. The Oklahoma Tourism and Recreation Commission may adopt such rules and regulations as it deems necessary to administer the provisions of this section. The Department may prescribe an application form for the permit and such other forms as it deems appropriate.

SECTION 19. This act shall become effective November 1, 1995.

Passed the House of Representatives the 2nd day of March, 1995.

Speaker of the House of
Representatives

Passed the Senate the 27th day of March, 1995.

President of the Senate