

ENROLLED HOUSE
BILL NO. 2379

By: Askins, Vaughn, Beutler,
Dank and Bonny of the
House

and

Hendrick of the Senate

An Act relating to motor vehicles; amending 47 O.S. 1991, Sections 6-101, as last amended by Section 8, Chapter 23, O.S.L. 1995, 6-105, as last amended by Section 14, Chapter 2, O.S.L. 1994 and 6-110, as last amended by Section 9, Chapter 23, O.S.L. 1995 (47 O.S. Supp. 1995, Sections 6-101, 6-105 and 6-110), which relate to procedures for issuance of driver licenses; providing for issuance of restricted commercial driver license to persons at least seventeen years of age for harvest purposes; providing termination date for provision authorizing discretionary waiver of certain examinations for motorcycle endorsement; modifying period for restricted driver license; making restricted license nonrenewable; specifying that certain fees are for approved application for original license or approved application for endorsement to current license; specifying that certain fees apply to failed examinations; authorizing any person under certain age applying for first driver license to receive restricted license after passing all parts of examination other than driving examination; providing that accompanying licensed drivers must have valid Oklahoma Class D license for certain period; authorizing restricted licensee to have restriction removed if certain conditions are met; providing for motorcycle restrictions; authorizing person to obtain license with motorcycle restriction upon meeting certain conditions; modifying requirements to obtain license with motorcycle restriction; eliminating temporary photo licenses; modifying waiver exemptions; authorizing the Department of Public Safety to waive any part of certain examination; 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, 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 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, except as provided in paragraph 5 of this subsection. 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. A person at least seventeen (17) years of age who successfully completes all examinations required by law may be issued by the Department:

- a. a restricted Class A commercial license which shall grant to the licensee the privilege to operate a Class A or Class B commercial motor vehicle for harvest purposes or a Class D motor vehicle, or
- b. a restricted Class B commercial license which shall grant to the licensee the privilege to operate a Class B commercial motor vehicle for harvest purposes or a Class D motor vehicle.

6. 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 until July 1, 2000, 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~~ examination, may issue to the applicant a restricted driver license which shall entitle the applicant having immediate possession of 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 period as all other licenses~~ a period as determined by federal regulation and shall be nonrenewable; 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 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~~ an approved application for an original Oklahoma driver license or an approved application for the addition of an endorsement to a current valid Oklahoma driver license 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~~ any failed 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 6-105, 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 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:~~

1. Is currently receiving instruction in or has satisfactorily successfully completed:

- a. a prescribed secondary school driver education course, as defined by Section provided for in Sections 19-113 ~~et seq.~~ through 19-121 of Title 70 of the Oklahoma Statutes, or
- b. a driver education course, certified by the Department of Public Safety, from a parochial, private, or other nonpublic secondary school, or
- c. a commercial driver training course, as defined by Sections 801 through 808 of this title; or

2. Whose parent or legal guardian has certified to the Department by sworn affidavit that the person will receive a minimum of twenty-five (25) hours of actual behind-the-wheel training from a licensed driver who is at least eighteen (18) years of age and who has been properly licensed to operate a Class D motor vehicle for a minimum of two (2) years,

may apply for a restricted Class D license. The Department of Public Safety, after the ~~applicant~~ person has successfully passed all parts of the examination other than the driving ~~test~~ examination, ~~may~~ shall issue to the ~~applicant~~ person a restricted Class D license which shall ~~entitle~~ grant to the applicant person, while having such license in ~~his~~ the person's immediate possession, the privilege to operate a Class D motor vehicle upon the public highways while accompanied by a licensed driver who is at least eighteen (18) years of age ~~or older~~ and who is actually occupying a seat beside the ~~driver~~ restricted licensee. This restricted ~~driver's~~ Class D license shall be issued for the same period as all other ~~driver's~~ driver licenses; ~~provided, such.~~ The restricted Class D 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~~ licensee who is at least sixteen (16) years of age who has been issued ~~such~~ a restricted Class D license for a minimum of thirty (30) days may have the restriction requiring an accompanying licensed driver removed by satisfactorily completing a ~~driver's~~ driving 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 licensee to have the restriction removed and not more than one time every three (3) months thereafter upon request of the holder thereof.

B. The Any person fourteen (14) years of age or older may apply for a restricted Class D license with a motorcycle restriction. After the person has successfully passed all parts of the motorcycle examination other than the driving examination and has met all

requirements provided for in the rules of the Department, the Department may shall issue to the person a restricted 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 which shall grant to the person, while having the license in his the person's immediate possession, the privilege to operate a motor-driven cycle with:

1. With a piston displacement not to exceed one hundred twenty-five (125) cubic centimeters, between; and
2. Between the hours of 4:30 a.m. to 9:00 p.m. only, while; and
3. While wearing approved protective headgear, while; and
4. While accompanied by and receiving instruction from a parent, legal guardian or any person who is at least twenty-one (21) years of age or older and who is properly licensed pursuant to the laws of this state 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 restricted licensee.

The holder of any such restricted license licensee may apply on or after thirty (30) days from date of issuance of the restricted Class D license with a motorcycle restriction to have the restriction of being accompanied by a licensed driver removed by successfully completing the driving portion of a test an examination.

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. AMENDATORY 47 O.S. 1991, Section 6-110, as last amended by Section 9, Chapter 23, O.S.L. 1995 (47 O.S. Supp. 1995, 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 paragraph 2 of this subsection or in subsection D of this section. Such examination shall include a test of the applicant's:

- a. eyesight, ~~his~~
- b. ability to read and understand highway signs regulating, warning and directing traffic, ~~his~~
- c. knowledge of the traffic laws of this state, and ~~shall include an actual demonstration of~~
- d. ability, by actual demonstration, 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 any part of the actual demonstration of the motor vehicle examination required in paragraph 1 of this subsection 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 examinations 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 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 13th day of May, 1996.

Speaker of the House of
Representatives

Passed the Senate the 15th day of May, 1996.

President

of the Senate