

ENROLLED SENATE
BILL NO. 444

By: Wright of the Senate

and

Boyd (Betty) and Weese of
the House

An Act relating to motor vehicles and driver education; providing short title; 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 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. 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 1, 2 and 3 of this act shall be known and may be cited as the "Drunk Driving Prevention Act".

SECTION 2. 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 3. 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 4. 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 5. 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 6. This act shall become effective July 1, 1995.

SECTION 7. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 18th day of May, 1995.

President of the Senate
Passed the House of Representatives the 22nd day of May, 1995.

Speaker of the House of
Representatives