

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

CONFERENCE COMMITTEE SUBSTITUTE

FOR ENGROSSED

HOUSE BILL NO. 2577

By: Dunegan of the House

and

Mickle of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; amending 47 O.S. 1991, Sections 6-102, as amended by Section 5, Chapter 217, O.S.L. 1992, 6-206.1, as last amended by Section 8, Chapter 373, O.S.L. 1992, and 230.6 (47 O.S. Supp. 1997, Sections 6-102 and 6-206.1), which relate to driver licenses, driver education and operation of a commercial vehicle; authorizing additional class of nonresidents to operate motor vehicles; deleting certain requirements relating to qualified driving instructors; prohibiting employers from allowing, requiring, permitting or authorizing an employee to operate commercial motor vehicles during specified periods of time; providing for penalties; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 6-102, as amended by Section 5, Chapter 217, O.S.L. 1992 (47 O.S. Supp. 1997, Section 6-102), is amended to read as follows:

Section 6-102. A nonresident who is sixteen (16) years of age or older who is: ~~properly~~

1. Properly licensed in ~~his~~ the home state or country to operate a commercial or noncommercial motor vehicle and who has ~~in~~ ~~his~~ immediate possession of a valid ~~driver's~~ driver license issued by ~~his~~ the home state or country; and

2. A member of the armed forces of the United States or the spouse of such member who has been issued and is in possession of

a valid driver license issued by an overseas component of the armed forces of the United States;

may operate a motor vehicle in this state as authorized by the class, restrictions and endorsements specified on the license.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 6-206.1, as last amended by Section 8, Chapter 373, O.S.L. 1992 (47 O.S. Supp. 1997, Section 6-206.1), is amended to read as follows:

Section 6-206.1 A. Driver improvement or defensive driving course is a course which offers an educational setting, provides for driving concepts which encourage attitude or behavioral changes in the responsibility of operating a motor vehicle in a safe and responsible manner.

B. It shall be the responsibility of the institution or organization to provide:

1. Adequate facilities which meet or exceed state and local fire, health and safety codes;

2. Adequate equipment, in good working order, and instructional materials for such courses;

3. Qualified instructors who shall:

- a. possess an undergraduate degree and have nine (9) college or university credit hours in traffic safety education, ~~unless said instructor has instructed a complete course of instruction within the preceding twelve (12) months prior to July 1, 1991, for an organization or institution previously recognized for point credits by the Department of Public Safety,~~ or is a peace officer certified by the Council on Law Enforcement Education and Training (CLEET) who is employed by a municipality ~~and who has also been certified as an instructor by the Oklahoma Safety Council or the National Safety Council,~~
- b. have no alcohol or drug related convictions or revocations in the past five (5) years,

- c. have no more than five (5) points accumulated on the driving record in the past three (3) years in accordance with the Oklahoma Mandatory Point System,
- d. have a valid Oklahoma ~~driver's~~ driver license, and
- e. complete a course of training through the approved organization or institution;

4. A course of study designed to inform the participant of driver improvement and defensive driving concepts while encouraging attitude or behavioral changes in the responsibility of operating a motor vehicle in a safe and responsible manner. The curriculum, which means the complete lesson plans which include instructional strategy, presentation methods and resources utilized to incorporate the concepts of traffic safety, must provide for but not be limited to the following:

- a. driver personality traits - behavioral attitudes,
- b. driver qualifications and limitations,
- c. effects of alcohol and other drugs,
- d. current accident prevention and defensive driving techniques: speed control, perception, reactions, lane positioning, safe turning and passing, occupant restraints, following distance and rules of the road; and

5. Provide at least eight (8) hours of classroom instruction.

C. Organizations or institutions desirous of making application shall submit the following to the Department of Public Safety:

1. Evidence of organizational or institutional status which meet statutory requirements;

2. Copy of proposed course curriculum which includes lesson objectives, presentation materials, instructional strategy and resources utilized;

3. Certification that instructors meet statutory requirements; and

4. Upon Department of Public Safety approval said organization or institution shall be considered for point credits as set forth in this section.

D. The Department of Public Safety is authorized to grant a two point credit towards the Oklahoma Point System Regulations to any person who successfully completes a course pursuant to this section provided only one such course shall be acknowledged once every twenty-four (24) months.

E. The Department upon giving of notice and hearing may decline to grant credit points to any organization or institution for:

1. Unethical conduct of an instructor or official of an institution or organization;
2. Failure to satisfactorily resolve citizens' complaints;
3. Falsifying or misrepresenting any document or information to the Department or student;
4. Failure of organization or instructor to meet statutory requirements;
5. Conflict of interest by the organization or institution and/or its personnel; or
6. Failure of organization, institution or instructor to continue to meet statutory requirements as provided for in this section.

F. Course enrollment will be limited to not more than thirty ~~(30)~~ students with an enrollment fee of Twenty-five Dollars (\$25.00) per student.

G. Enrollment in the course shall not be limited to persons ordered to enroll, attend and successfully complete the course.

H. The organization or institution shall within fifteen (15) days of the completion certify to the Department of Public Safety all persons who successfully complete the course on a form approved or furnished by the Department. This shall include the person's full name, address, date of birth and ~~driver's~~ driver license number.

I. Department personnel shall be admitted to any course without charge, upon request and display of proper credentials.

J. Each organization or institution shall develop auditing procedures which could be utilized to show compliance with this section.

K. Any point credit allowed must comply with the Department's Point System Regulations.

SECTION 3. AMENDATORY 47 O.S. 1991, Section 230.6, is amended to read as follows:

Section 230.6 A. No person prohibited from operating a commercial vehicle shall operate such commercial motor vehicle, nor shall any person authorize or require a person who has been prohibited from such operation of a motor vehicle to operate a commercial motor vehicle.

B. No person shall operate, authorize, or require the operation of any vehicle or the use of any container that has been marked out of service until all required corrections have been made, except upon approval of the Department such vehicle or container may be moved to another location for the purpose of repair or correction.

C. No person shall remove an out-of-service marking from a transport vehicle or container unless all required corrections have been made and the vehicle or container has been inspected and approved by an authorized officer, employee, or agent of the Department.

D. No employer shall knowingly allow, require, permit or authorize an employee to operate a commercial motor vehicle during any period:

1. In which the employee:

- a. has had driving privileges to operate a commercial motor vehicle suspended, revoked, canceled, denied or disqualified,
- b. has had driving privileges to operate a commercial motor vehicle disqualified for life,
- c. is not licensed to operate a commercial motor vehicle, or
- d. has more than one commercial driver license; or

2. In which the employee, the commercial motor vehicle which the employee is operating, the motor carrier business or operation, or the employer is subject to an out-of-service order.

E. An employer who is convicted of a violation of subsection D of this section shall be subject to a civil penalty of not less than Two Thousand Five Hundred Dollars (\$2,500.00) nor more than Ten Thousand Dollars (\$10,000.00).

F. An employee who shall be deemed to have violated any provision of this section shall be subject to a civil penalty of not less than One Thousand Dollars (\$1,000.00) nor more than Two Thousand Five Hundred Dollars (\$2,500.00).

SECTION 4. This act shall become effective November 1, 1998.

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