

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

CONFERENCE COMMITTEE SUBSTITUTE

FOR ENGROSSED

SENATE BILL NO. 1429

By: Leftwich and Rozell of
the Senate

and

Boyd (Betty), Sullivan
(Leonard) and Tyler of
the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to driver education; amending 70 O.S. 1991, Sections 19-114, as last amended by Section 5, Chapter 320, O.S.L. 1995, 19-115, 19-120, and Section 17, Chapter 305, O.S.L. 1995 (70 O.S. Supp. 1997, Sections 19-114 and 19-122), which relate to driver education; allowing district boards of education to establish driver education for students residing in the district; requiring a state coordinator of driver education programs to provide oversight; stating responsibilities of such coordinator; modifying eligibility for the receipt of driver education allowance by school districts; modifying reimbursement amount of allocations to school districts for driver education programs; allowing school districts to charge a driver education fee; stating criteria for reimbursement; allowing persons previously holding driver education certificates to have certification reinstated; amending 47 O.S. 1991, Section 6-110, as last amended by Section 3, Chapter 203, O.S.L. 1996 (47 O.S. Supp. 1997, Section 6-110), which relates to driver license examinations; requiring State Department of Public Safety to make examination locations and times convenient; requiring State Department of Public Safety to consider feasibility of testing at school sites; providing for codification; providing effective dates; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 1991, Section 19-114, as last amended by Section 5, Chapter 320, O.S.L. 1995 (70 O.S. Supp. 1997, 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~~r~~ establish and maintain

automobile driver education for ~~pupils enrolled in the day~~
students that reside in that district and attend secondary public
schools in that district. Only students who are enrolled and
passing in all of the core curriculum courses appropriate for
their grade levels shall be allowed to enroll in driver education
courses during the regular school day.

SECTION 2. AMENDATORY 70 O.S. 1991, Section 19-115, is amended to read as follows:

Section 19-115. A. The establishment, conduct and scope of the driver education program for secondary schools shall be the program established by rules ~~and regulations~~ adopted and promulgated by the State Board of Education, subject to the requirements and exceptions set forth in ~~this act~~ Section 19-113 et seq. of this title. Said program shall be established and maintained only in accordance with such ~~regulations~~ rules and laws. The State Superintendent of Public Instruction shall prepare an administrative budget from funds made available under this article, which budget shall be approved by the State Board of Education. It shall be the responsibility of the State Superintendent of Public Instruction to ~~administer this program in accordance with rules and regulations established by the State Board of Education and to~~ appoint supervisors of safety education and the necessary clerical personnel.

B. The State Department of Education shall designate or employ a state coordinator of driver education programs to provide oversight of all driver education programs throughout the state. The responsibilities of such coordinator shall include, but not be limited to:

1. Assuring quality driver education programs in this state;
2. Serving as a liaison between the State Department of Education and the Department of Public Safety;
3. Promoting driver safety throughout the state; and
4. Coordinating the activities of the supervisors of safety education and the necessary clerical staff.

SECTION 3. AMENDATORY 70 O.S. 1991, Section 19-120, is amended to read as follows:

Section 19-120. No ~~allowance reimbursement~~ shall be made ~~under this act to a school district~~ for the instruction of pupils in driver education unless the school district has provided such instruction pursuant to state law and has complied with the rules and regulations set forth by the State Board of Education governing the establishment, conduct, and scope of driver education.

SECTION 4. AMENDATORY Section 17, Chapter 305, O.S.L. 1995 (70 O.S. Supp. 1997, Section 19-122), is amended to read as follows:

Section 19-122. ~~Funds~~ A. Contingent upon the availability of funds, monies appropriated to the State Board of Education for the driver education program shall be allocated to each school district which provided a driver education program during the preceding fiscal year in accordance with state law and the rules established by the State Board of Education. ~~Allocations Contingent upon funds being made available, allocations~~ to each school district shall be equal reimbursed on a first-come first-serve basis ~~the actual cost of the program but shall not exceed Sixty-five Dollars (\$65.00) per pupil as provided below:~~

1. In the amount of Ninety-five Dollars (\$95.00) per pupil for courses offered before or after the regular school day;
2. In the amount of Eighty-five Dollars (\$85.00) per pupil for courses offered during the regular school day; and
3. In the amount of Eighty Dollars (\$80.00) per pupil for courses offered to students during the summer or on Saturdays.

B. School districts may charge students a fee not to exceed Seventy Dollars (\$70.00) for driver education courses.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 19-123 of Title 70, unless there is created a duplication in numbering, reads as follows:

Any person who held a valid certificate to teach driver education in this state, between 1980 and the effective date of this act, and whose certificate has lapsed shall be eligible to have the certification to teach driver education reinstated upon

request provided the person is otherwise eligible for teacher certification.

SECTION 6. AMENDATORY 47 O.S. 1991, Section 6-110, as last amended by Section 3, Chapter 203, O.S.L. 1996 (47 O.S. Supp. 1997, 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,
- b. ability to read and understand highway signs regulating, warning and directing traffic,
- c. knowledge of the traffic laws of this state, and
- 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 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 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. The Department shall make every effort to make the examination locations and times convenient for applicants. The Department shall consider giving the examination at various school sites if the district board of education for the district in which the site is located agrees and if economically feasible and practicable.

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 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 7. Section 4 of this act shall become effective July 1, 1999.

SECTION 8. Sections 1, 2, 3, 5 and 6 of this act shall become effective July 1, 1998.

SECTION 9. 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.

46-2-3275

SB

(<time=system>)