

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 1429

By: Leftwich

COMMITTEE SUBSTITUTE

[ Schools and driving privileges - driver's education  
- amending 47 O.S., Section 6-101 - effective date  
-

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 4, Chapter 2, O.S.L. 1997 (47 O.S. Supp. 1997, 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 the 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 the 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 the 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 the 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 farm vehicle or, 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 this state pursuant to federal law or regulation.

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 the person is ~~sixteen (16)~~ eighteen (18) years of age or older and holds a valid Class D license, except as provided for in Section 6-102 or 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 provided 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 provided 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; provided, however, the Department may waive all such examinations until July 1, 2000, upon 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. 1. 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 examination, may issue to the applicant a restricted driver license which shall entitle the applicant having immediate possession of the license 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.

2. This restricted driver license shall be issued for 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 a restricted license who has been issued a 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 a 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 an examination to be conducted not more than three times during the first six (6) months after the date of issuance of the restricted license and not more than one time every three (3) months thereafter upon request of the lawful possessor thereof.

G. 1. The fee charged for 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

2. Notwithstanding the provisions of Section 1104 of this title, all monies collected from the 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 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 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 Department of Public Safety and the Oklahoma Tax Commission are authorized to promulgate rules for the issuance and renewal of driver licenses authorized 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, the Department of Public Safety is authorized to assume these duties in any county of this state. Each motor license agent accepting applications for 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 6-103, as last amended by Section 2, Chapter 201, O.S.L. 1997 (47 O.S. Supp. 1997, Section 6-103), is amended to read as follows:

Section 6-103. A. Except as otherwise provided by law, the Department of Public Safety shall not issue a driver's license to:

1. Any person who is under eighteen (18) years of age, except that the Department may issue a Class D license to any person who:
  - a. ~~is sixteen (16) years of age before January 1, 1997,~~
  - ~~or~~
  - b. attains sixteen (16) years of age on or after ~~January 1, 1997~~ August 15, 2000, and meets the requirements of ~~Section~~ Sections 6-105 and 6-107.3 of this title;
2. Any unemancipated person who is ~~sixteen (16) or seventeen (17)~~ younger than eighteen (18) years of age and whose custodial

parent or guardian objects to the issuance of a license or permit by filing an objection pursuant to Section 6-103.1 of this title;

3. Any person whose driving privilege has been suspended, revoked, canceled or denied in this state or any other state until the driving privilege has been reinstated by the state withdrawing the privilege;

4. Any person whose driving privilege has been revoked for a period of three (3) years pursuant to the provisions of paragraph 4 of Section 6-205.1 of this title, until the passage of the three-year period;

5. Any person who is required by Section 6-101 et seq. of this title to take an examination, unless the person shall have successfully passed the examination;

6. Any person who is required under the laws of this state to deposit proof of financial responsibility and who has not deposited such proof;

7. Any person who is physically deformed or who is afflicted with any mental disease or physical condition that would impair the driving ability of the person or when the Commissioner of Public Safety, from information concerning the person or from the records and reports on file in the Department of Public Safety, determines that the operation of a motor vehicle by such person on the highways would be inimical to public safety or welfare;

8. Any person who is a nonresident, as defined in Section 1-137 of this title;

9. Any alien unless such person presents valid documentation of identity issued pursuant to the laws of the United States; or

10. Any person who possesses a valid license to operate a motor vehicle issued by another state until the other state license has been surrendered.

B. Any applicant who is denied a license under the provisions of subsection A of this section shall have the right to an appeal as provided in Section 6-211 of this title.

SECTION 3. AMENDATORY 47 O.S. 1991, Section 6-105, as last amended by Section 6, Chapter 2, O.S.L. 1997 (47 O.S. Supp. 1997, Section 6-105), is amended to read as follows:

Section 6-105. A. Unless a custodial parent or guardian has filed an objection to licensure pursuant to Section 6-103.1 of this title, any person under ~~sixteen (16)~~ eighteen (18) years of age 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)~~ (15) years of age and:

1. Is currently receiving instruction in or has successfully completed:
  - a. a prescribed secondary school driver education course, as provided for in Sections 19-113 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~~ D1 license. The Department of Public Safety, after the person has successfully passed all parts of the examination other than the driving examination and is in compliance with Section 6-107.3 of this title, shall issue to the

person a restricted Class ~~D~~ D1 license which shall grant to the person, while having such license in his or her possession, the privilege to operate a Class D motor vehicle upon the public highways during a session in which the restricted licensee is being instructed in a driver education course by a person who holds a certified instructor's permit or a licensed driver who is training the licensee pursuant to the parent's or legal guardian's affidavit filed as required in this section. A secondary student who is at least fifteen and one-half (15 1/2) years of age who has held a D1 license for at least thirty (30) days or who does not hold a D1 license but meets the requirements for a Class D1 license may be granted a restricted Class D2 license. A restricted Class D2 license shall grant to the licensee the privilege to operate a Class D motor vehicle upon the public highways, subject to the limitations set out in this paragraph, while accompanied by a licensed driver who is at least eighteen (18) years of age and who is actually occupying a seat beside the restricted licensee. ~~This restricted Class D license~~ A holder of Class D2 license may operate a Class D motor vehicle only during daylight hours and may not operate the vehicle carrying any passenger except a licensed driver who is at least eighteen (18) years of age occupying the seat beside the licensee. A secondary student who is at least sixteen (16) years of age who has not completed a driver education course may be granted a Class D3 license upon satisfactory completion of the written and driving examinations required by the Department of Public Safety. A restricted Class D3 license shall grant to the licensee the privilege to operate a Class D motor vehicle upon the public highways, subject to the limitations set out in this paragraph. A holder of a Class D3 license may operate a Class D motor vehicle only during daylight hours except for driving to and from work, school, school activities, and church activities. At no time may a Class D3 licensee operate a vehicle with more than one passenger.

The restricted licenses shall be issued for the same period as all other driver licenses. The restricted ~~Class D license~~ licenses 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. A restricted licensee who is at least sixteen (16) years of age who has been issued a restricted Class ~~D~~ D1, D2 or D3 license for a minimum of thirty (30) days and who has successfully completed a driver education course as certified by a driver education instructor qualified as provided in subsection D of this section may have the restriction requiring an accompanying licensed driver removed by satisfactorily completing a driving examination. The Department shall cause an examination to be conducted not more than three times during the first six (6) months after date of eligibility of the restricted licensee to have the restriction removed and not more than one time every three (3) months thereafter upon request of the holder thereof.

B. 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, has met all requirements provided for in the rules of the Department, is in compliance with Section 6-107.3 of this title, and unless a custodial parent or guardian has filed an objection pursuant to Section 6-103.1 of this title, the Department shall issue to the person a restricted Class D license with a motorcycle restriction which shall grant to the person, while having the license in his or her immediate possession, the privilege to operate a motor-driven cycle:

1. With a piston displacement not to exceed one hundred twenty-five (125) cubic centimeters; and

2. Between the hours of 4:30 a.m. to 9:00 p.m. only; and
3. While wearing approved protective headgear; and
4. While accompanied by and receiving instruction from any person who is at least twenty-one (21) years of age and who is properly licensed pursuant to the laws of this state to operate a motorcycle, and who has visual contact with the restricted licensee.

The restricted 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 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 such farm. Provided, however, the Department shall not issue a special permit pursuant to this subsection until the Department is fully satisfied after the examination of the application, and other evidence furnished in support thereof, that the person is physically and mentally developed to such a degree that the operation of a motor vehicle by the 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 who is at least fifteen and one-half (15 1/2) years of age or who is at least fifteen (15) years of age and of secondary school sophomore or higher educational standing while regularly enrolled and certified by the 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 the 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. The identification cards shall be issued and renewed in the same manner as driver licenses in this state and for a fee of Seven Dollars (\$7.00) to any resident of this state. 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; however, the 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 a fee for 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 reimbursement.

SECTION 4. 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 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 5. 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. 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. A state coordinator of driver education programs shall 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 6. 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 7. 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. A. Funds 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 to the lesser of the actual cost of the program ~~but shall not exceed Sixty-five Dollars (\$65.00) per pupil~~ or the reimbursement as provided below:

1. In the amount of Seventy-five Dollars (\$75.00) per pupil for courses offered before or after the regular school day;

2. In the amount of Sixty Dollars (\$60.00) per pupil for courses offered during the regular school day; and

3. In the amount of Fifty Dollars (\$50.00) 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), or the difference between the actual cost of the driver education program and the amount of the state reimbursement, whichever is less.

SECTION 8. 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 has held a valid certificate to teach driver education in this state shall be eligible to have the certification to teach driver education reinstated upon request.

SECTION 9. Sections 1, 2 and 3 of this act shall become effective August 15, 2000.

SECTION 10. Sections 4, 5, 6, 7 and 8 of this act shall become effective July 1, 1998.

SECTION 11. 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.

46-2-2705

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