

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 1356

By: Newport

AS INTRODUCED

An Act relating to motor vehicles; amending Sections 34 and 37, Chapter 247, O.S.L. 1996 (47 O.S. Supp. 1996, Sections 6-107.3 and 6-107.6), which relate to conditions for licenses or permits for persons under a certain age; providing that passage of classes or courses be a condition of licensing for operation of motor vehicles for certain student; providing for certain documentation; defining term; expanding acts which are declared unlawful; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 34, Chapter 247, O.S.L. 1996 (47 O.S. Supp. 1996, Section 6-107.3), is amended to read as follows:

Section 6-107.3 A. The Department of Public Safety shall deny a license, restricted license, or instruction permit for the operation of a motor vehicle to any person under eighteen (18) years of age who does not, at the time of application, present documentation that the person:

1. Is enrolled in a public or private secondary school, including any area vocational-technical school, of this state or any other state and is maintaining a passing grade-point average or is receiving a passing grade in all classes or courses in which the person is enrolled;

2. Has received a diploma or certificate of completion issued to the person from a secondary school of this state or any other state;

3. Is enrolled and making satisfactory progress in a program leading to a Certificate of High School Equivalency issued from the State Department of Education, or has obtained such certificate;

4. Is excused from such requirement pursuant to any lawful excuse as defined in this section or due to circumstances beyond the control of the person; or

5. Is excused from such requirement pursuant to subsection C of this section.

B. 1. Persons under eighteen (18) years of age who are receiving education by other means including education at home, pursuant to Section 4 of Article XIII of the Oklahoma Constitution, shall satisfy the documentation requirement of subsection A of this section by providing a written statement from the parent or guardian of the child to the Department of Public Safety that the child is receiving instruction by other means pursuant to Section 4 of Article XIII of the Oklahoma Constitution. The documentation shall be signed by the parents, custodial parent, or legal guardian.

2. Any person who falsifies the information required in such documentation, upon conviction, shall be guilty of a misdemeanor.

C. 1. Persons under eighteen (18) years of age, who do not meet the provisions of paragraphs 1 through 4 of subsection A of this section or the provisions of subsection B of this section, may retain or be issued a driver license if:

- a. the person is employed at least twenty-four (24) hours per week, and
- b. the employer of the person verifies the employment on a form prescribed by the Department of Public Safety.

2. Any person who has retained or been issued a driver license pursuant to this subsection who leaves the employment shall have fifteen (15) days from the date of termination of employment to provide verification of employment from a new employer.

3. Any employer who falsifies verification of employment shall be subject to an administrative fine of not more than Fifty Dollars (\$50.00) to be assessed by the Department of Public Safety.

D. School district attendance officers, upon request, shall provide documentation of the enrollment and grade status of a student on a form which has been established and approved by the Department of Public Safety to any student under eighteen (18) years of age who is properly enrolled in a school under the jurisdiction of the attendance officer, for presentation to the Department of Public Safety on application for or reinstatement of an instruction permit, restricted license, or license to operate a motor vehicle. Except as provided in subsection E of this section, whenever a student over fourteen (14) years of age and under eighteen (18) years of age withdraws from school or fails to pass, the attendance officer shall notify the Department of Public Safety of such withdrawal or failure to pass through a documentation of enrollment and grade status form. Within fifteen (15) working days of receipt of such notice, the Department of Public Safety shall provide written notice by certified mail with return receipt requested to the student that the license of the student will be canceled or the application of the student will be denied thirty (30) days following the date the notice to the student was sent unless documentation of compliance with the provisions of this section is received by the Department of Public Safety before such time. After the thirty-day

period, the Department of Public Safety shall cancel the driving privileges of the student.

E. When the withdrawal from school or failure to pass of a student is due to circumstances beyond the control of the student or is pursuant to any lawful excuse or is for the purpose of transfer to another school, including education at home, pursuant to Section 4 of Article XIII of the Oklahoma Constitution, as confirmed in writing by a parent or guardian of the student, no notice as required by subsection D of this section shall be sent to the Department of Public Safety, or if sent, such notice will be disregarded by the Department of Public Safety. If the student is applying for a license, restricted license, or instruction permit, the attendance officer shall provide the student with documentation to present to the Department of Public Safety to excuse the student from the provisions of this section. The board of education of a public school district or the appropriate school official of any private secondary school shall be the sole judge of whether the withdrawal of a student is due to circumstances beyond the control of the student or is made pursuant to lawful excuse.

F. As used in this section:

1. "Withdrawal" means more than ten (10) consecutive days or parts of days of unexcused absences or fifteen (15) days or parts of days total unexcused absences during a single semester;

2. "Lawful excuse" means absence from school pursuant to any valid physical or mental illness or pursuant to any legal excuse as provided in Section 10-105 of Title 70 of the Oklahoma Statutes, but shall not include marriage;

3. "Circumstances beyond the control of the person" shall not include marriage, suspension or expulsion from school, or imprisonment in a jail, penitentiary or other correctional institution; ~~and~~

4. "Documentation of enrollment and grade status" means the necessary identifying information concerning a student's eligibility to be issued or to retain a license or permit. Such documentation shall not include any information which is considered an education record pursuant to the Family Education Rights and Privacy Act, 20 U.S.C., Sections 1232g through 1232i, unless compliance is made with the restrictions regarding disclosure of the information; and

5. "Failure to pass" means when the grade-point average of the person falls below the level necessary to successfully pass to the next grade level or the person fails to pass a majority of the classes or courses the person is enrolled in.

G. The provisions of this section shall be inapplicable with respect to any minor upon whom rights of majority have been conferred pursuant to Sections 91 through 94 of Title 10 of the Oklahoma Statutes.

H. The Department of Public Safety shall establish the necessary and appropriate documentation forms sufficient to enable school districts to comply with the provisions of this section. Upon establishment of such forms, the State Department of Public Safety shall notify each school district and the State Board of Education of the content thereof.

SECTION 2. AMENDATORY Section 37, Chapter 247, O.S.L. 1996 (47 O.S. Supp. 1996, Section 6-107.6), is amended to read as follows:

Section 6-107.6 Any person who creates, writes, publishes, enters, or submits false information relating to the attendance, nonattendance, verification of attendance or enrollment or grade status of a person in a school or a program of education pursuant to Section ~~34~~ 6-107.3 of this ~~act~~ title, knowing that such information is false, or any person who knowingly aids or abets another in the creation or submission of such information, upon conviction, shall be guilty of a misdemeanor.

SECTION 3. This act shall become effective July 1, 1997.

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.

46-1-5244

KB