

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 1432

By: Askins

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 1991, Section 18-101, as last amended by Section 2, Chapter 245, O.S.L. 1996 (47 O.S. Supp. 1996, Section 18-101), which relates to records of traffic cases; requiring date to be included in abstract of record; amending 47 O.S. 1991, Section 804, as amended by Section 4, Chapter 320, O.S.L. 1995 (47 O.S. Supp. 1996, Section 804), which relates to driving school instructor licenses; modifying terms; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 18-101, as last amended by Section 2, Chapter 245, O.S.L. 1996 (47 O.S. Supp. 1996, Section 18-101), is amended to read as follows:

Section 18-101. A. Every magistrate or judge of a court shall keep or cause to be kept a record of every traffic complaint, traffic citation, or other legal form of traffic charge deposited with or presented to the court or its traffic-violations bureau, and

shall keep a record of every official action by the court or its traffic-violations bureau, including, but not limited to, a record of every conviction, forfeiture of bail, judgment of acquittal, and the amount of fine or forfeiture resulting from every traffic complaint, citation or other legal form of traffic charge deposited with or presented to the court or traffic-violations bureau.

B. Within ten (10) days after the conviction or forfeiture of bail of a person upon a charge of violating any law regulating the operation of vehicles on highways every magistrate of the court or clerk of the court of record, in which the conviction was had or bail was forfeited, shall prepare and immediately forward to the Department of Public Safety an abstract of the record covering the case in which the person was convicted or forfeited bail, which shall be certified by the person required to prepare the abstract to be true and correct. A report shall not be made of any conviction:

1. Involving the illegal parking or standing of a vehicle;
2. Involving speeding if the speed limit is not exceeded by more than ten (10) miles per hour; or

3. Rendered by a nonlawyer judge, unless, within a period not to exceed the preceding reporting period for Mandatory Continuing Legal Education, the judge has completed courses held for municipal judges which have been approved by the Oklahoma Bar Association Mandatory Legal Education Commission for at least six (6) hours of continuing legal education credit or attendance of at least one (1) day of a state judicial conference, and the Department of Public Safety receives verification of such attendance, from the judge. In the case of attendance of a continuing legal education course, verification may be made by a statement of attendance signed by the course registration personnel. In the case of verification of attendance of a state judicial conference, a statement of attendance signed by the Administrative Director of the Courts or a designee shall be sufficient verification.

C. The abstract must be made upon a form furnished by the Department and shall include:

1. The name, address and driver license number, if any, of the person charged;
2. The registration number of the vehicle involved; and
3. The nature and date of the offense, the date of hearing, the plea, the judgment, or if bail was forfeited, the amount of the fine or forfeiture.

D. Every court of record shall also forward a like report to the Department upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

E. The failure, refusal, or neglect of any judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be ground for removal.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 804, as amended by Section 4, Chapter 320, O.S.L. 1995 (47 O.S. Supp. 1996, Section 804), is amended to read as follows:

Section 804. ~~(A)~~ A. No person shall act as an instructor on or after ~~the effective date of this act~~ August 10, 1967, unless such person applies for and obtains from the Commissioner a license in the manner and form prescribed by the Commissioner.

~~(B)~~ B. ~~Regulations~~ Rules 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)~~ 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~~ biennially;
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; and
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 3. This act shall become effective November 1, 1997.

46-1-5746

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