

SHORT TITLE: Schools and driving privileges; adding classes of restricted licenses. Effective dates. Emergency.

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

SENATE BILL NO. 1429

By: Leftwich

AS INTRODUCED

An act relating to schools and driving privileges; amending 47 O.S. 1991, Sections 6-103, as last amended by Section 2, Chapter 201, O.S.L. 1997, and 6-105, as last amended by Section 6, Chapter 2, O.S.L. 1997 (47 O.S. Supp. 1997, Sections 6-103 and 6-105), which relate to driver licenses; deleting obsolete language; modifying requirements for issuing certain driver licenses; modifying classes of licenses; adding restricted licenses; providing age requirements for certain restricted licenses; restricting driving privileges for certain holders of restricted licenses; restricting passengers in vehicles driven by certain restricted licensees; providing for removal of certain restrictions; amending 70 O.S. 1991, Sections 19-114, as last amended by Section 5, Chapter 320, O.S.L. 1995, 19-115 and 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 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 and allowing courses to be offered for credit; requiring persons previously holding driver education certificates to have certification reinstated; providing for codification; providing effective dates; and declaring an emergency.

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

SECTION 1. 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 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) 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 2. 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) 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 $\text{\textcircled{D}}$ 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 $\text{\textcircled{D}}$ 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 or D2 license for

a minimum of thirty (30) days may have the restriction requiring an accompanying licensed driver removed by satisfactorily completing a driving examination. A person who is at least seventeen (17) years of age and holds a Class D3 license may have the restrictions removed and may be granted an unrestricted Class D license upon application to the Department of Public Safety for removal of the restriction. 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 3. 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, 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 and may offer driver education courses for credit.

SECTION 4. 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 5. 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 6. 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 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 during the regular school day;

2. In the amount of Sixty-five Dollars (\$65.00) per pupil for courses offered before or after 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 7. 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 8. Sections 1 and 2 of this act shall become effective August 15, 2000.

SECTION 9. Sections 3, 4, 5, 6 and 7 of this act shall become effective July 1, 1998.

SECTION 10. 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.

46-2-1937

PHB