

SHORT TITLE: Driver licenses; merging provisions from duplicate section; clarifying language and notice; effective date.

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

SENATE BILL NO. 357

By: Stipe

AS INTRODUCED

An Act relating to driver licenses; amending 47 O.S. 1991, Sections 6-103, as amended by Section 2, Chapter 254, O.S.L. 1996, Section 34, Chapter 247, O.S.L. 1996, and 6-212, as amended by Section 6, Chapter 218, O.S.L. 1994 (47 O.S. Supp. 1996, Sections 6-103, 6-107.3 and 6-212), which relate to the issuance of driver licenses; merging provisions from duplicate section; clarifying language; clarifying notice requirements; deleting obsolete language; repealing 47 O.S. 1991, Section 6-103, as last amended by Section 38, Chapter 247, O.S.L. 1996 (47 O.S. Supp. 1996, Section 6-103), which is a duplicate section relating to issuance of driver licenses; repealing Section 36, Chapter 247, O.S.L. 1996 (47 O.S. Supp. 1996, Section 6-107.5), which relates to the rights of a hearing and an appeal; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 6-103, as amended by Section 2, Chapter 254, O.S.L. 1996 (47 O.S. Supp. 1996, 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~~ driver license to:

1. Any person who is under ~~sixteen (16)~~ 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, and meets the requirements of Section 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 ~~3~~ 6-103.1 of this ~~act~~ 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 Any person whose driving privilege has been revoked for a period of three (3) years pursuant to the provisions of paragraph 4 of Section 6-205.1 of this title, until the person has furnished a report from a licensed physician that the person has been free from alcohol or drug abuse for at least the preceding twelve-month 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.~~ 5. 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.~~ 6. 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.~~ 7. Any person who is a nonresident, as defined in Section 1-137 of this title;

~~9.~~ 8. Any alien unless such person presents valid documentation of identity issued pursuant to the laws of the United States; or

~~10.~~ 9. 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 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;

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 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, the attendance officer shall notify the Department of Public Safety of such withdrawal through a documentation of enrollment 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,~~ as prescribed by Section 2-116 of this title, 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. Any person aggrieved by a denial of driving privileges pursuant to this section may request a hearing before the Department of Public Safety. The hearing shall be held within ten (10) days of the request. The student may appeal the decision of the Department as provided by Section 6-211 of this title.

E. When the withdrawal from school 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 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.

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 3. AMENDATORY 47 O.S. 1991, Section 6-212, as amended by Section 6, Chapter 218, O.S.L. 1994 (47 O.S. Supp. 1996, Section 6-212), is amended to read as follows:

Section 6-212. A. Effective April 1, 1995, the Department of Public Safety shall:

1. Abolish and cease the policy and procedure of assessing and collecting multiple reinstatement fees when reinstating the driving privilege of any person having more than one suspension or revocation affecting his driving privilege at the time of reinstatement; and

2. Suspend or revoke a person's driving privilege for each basis as delineated within the Oklahoma Statutes; and

3. Require any person having more than one suspension or revocation affecting his driving privilege to meet the statutory requirements for each action as a condition precedent to the reinstatement of any driving privilege. Provided, however, reinstatement fees shall not be cumulative, and a single reinstatement fee, as provided for in subsection B of this section,

shall be paid for all suspensions or revocations as shown by the Department's records at the time of reinstatement.

B. Whenever a person's privilege to operate a motor vehicle is suspended or revoked pursuant to any provision as authorized by the Oklahoma Statutes, the license or privilege to operate a motor vehicle shall remain under suspension or revocation and shall not be reinstated until:

1. The expiration of each such revocation or suspension order;  
and

2. The person has paid to the Department:

a. if such privilege is suspended or revoked pursuant to Section 1115.5 of Title 22 of the Oklahoma Statutes or Section 623 of Title 70 of the Oklahoma Statutes or pursuant to any provisions of this title, except as provided in subparagraph b of this paragraph, a processing fee of Twenty-five Dollars (\$25.00) for each such suspension or revocation as shown by the Department's records, or

b. if such privilege is suspended or revoked pursuant to the provisions of Section 6-205, 6-205.1, 7-506, 7-608, 753, 754 or 761 of this title or pursuant to subsection A of Section 7-605 of this title for a conviction for failure to maintain the mandatory motor vehicle insurance required by law or pursuant to subsection B of Section 6-206 of this title for a suspension other than for points accumulation, a processing fee of Seventy-five Dollars (\$75.00) for each such suspension or revocation as shown by the Department's records; and

3. The person has paid to the Department a single reinstatement fee of Twenty-five Dollars (\$25.00).

SECTION 4. REPEALER 47 O.S. 1991, Section 6-103, as last amended by Section 38, Chapter 247, O.S.L. 1996 (47 O.S. Supp. 1996, Section 6-103) is hereby repealed.

SECTION 5. REPEALER Section 36, Chapter 247, O.S.L. 1996 (47 O.S. Supp. 1996, Section 6-107.5), is hereby repealed.

SECTION 6. This act shall become effective November 1, 1997.

46-1-0599 JT