

1 STATE OF OKLAHOMA

2 1st Session of the 47th Legislature (1999)

3 CONFERENCE COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 HOUSE BILL NO. 1474

6 By: Tyler, Calvey and Ferguson
7 of the House

8 and

9 Stipe and Weedn of the
10 Senate

11 CONFERENCE COMMITTEE SUBSTITUTE

12 An Act relating to motor vehicles; creating the
13 Motorcycle Safety and Education Program within the
14 Department of Public Safety; authorizing Commissioner
15 of Public Safety to hire Administrator; stating
16 requirements for courses of instruction; authorizing
17 motorcycle loan program; permitting Administrator to
18 contract with private schools and instructors under
19 certain circumstances; requiring evaluation and
20 inspection; providing for cost of program; permitting
21 Administrator to contract with private insurer;
22 creating Advisory Committee for Motorcycle Safety and
23 Education; providing for appointment of members;
24 stating purpose of Committee; prohibiting creation of
25 additional salaried positions; providing for travel
26 reimbursement; creating revolving fund; assessing
27 fine for certain purpose; amending 47 O.S. 1991,
28 Section 6-101, as last amended by Section 4, Chapter
29 2, O.S.L. 1997 (47 O.S. Supp. 1998, Section 6-101),
30 which relates to driver licenses; establishing
31 exemption for certain examination; providing for
32 codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 40-121 of Title 47, unless there
is created a duplication in numbering, reads as follows:

A. There is hereby created in the Department of Public Safety
the "Motorcycle Safety and Education Program". The Commissioner of
Public Safety may hire an Administrator who shall be responsible for

1 the administration and operation of the Program, as determined by
2 the Commissioner.

3 B. 1. The Program shall include courses of instruction which
4 have been established or approved by the Administrator and are
5 taught by instructors who have obtained national certification in
6 the manner and form prescribed by the Administrator. The courses
7 shall meet or exceed nationally accepted standards for courses of
8 instruction in motorcycle safety and education. The courses shall
9 include instruction for novice and experienced motorcycle operators
10 and passengers, instruction in motorist awareness and alcohol and
11 drug awareness, and any other kind of instruction the Administrator
12 deems appropriate for motorcycle safety and education.

13 2. The Program may include provisions for equipment purchases
14 or leases, marketing and promotion, improving motorcycle license
15 testing procedures, and such other provisions as deemed appropriate
16 by the Administrator.

17 3. The Administrator may participate in a motorcycle
18 manufacturer's motorcycle loan program in order to obtain equipment
19 for use in courses of instruction.

20 4. The Administrator may contract with private schools and
21 instructors to teach motorcycle safety and education courses;
22 provided, such schools shall meet standards for motorcycle safety
23 and education instruction as set by the Administrator and the
24 instructors shall be certified as required by this section.

25 5. The Administrator shall evaluate the Program every two (2)
26 years and shall periodically inspect public and private facilities
27 and equipment and periodically evaluate procedures used in the
28 courses of instruction. Evaluation and inspection reports shall be
29 submitted to the Department of Public Safety and the Advisory
30 Committee according to rules of this act.

31 C. The cost of administering and operating the Motorcycle
32 Safety and Education Program and conducting courses of instruction

1 shall be funded by the Motorcycle Safety and Education Program
2 Revolving Fund, created in Section 3 of this act. Provided,
3 reasonable tuition as set by the Administrator may be charged for
4 each course if sufficient funds are not available to cover the costs
5 of the Program, as provided in Section 3 of this act.

6 D. The Administrator, with the approval of the Risk Management
7 Administrator pursuant to Section 85.58A of Title 74 of the Oklahoma
8 Statutes, may contract with a private insurer authorized to do
9 business in this state for the purpose of purchasing insurance
10 coverage pertinent to the operation of the Program.

11 SECTION 2. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 40-122 of Title 47, unless there
13 is created a duplication in numbering, reads as follows:

14 A. There is hereby created the Advisory Committee for
15 Motorcycle Safety and Education which shall be comprised of seven
16 (7) members, six of whom shall be appointed by the Commissioner of
17 the Department of Public Safety and one of whom shall be appointed
18 by the Insurance Commissioner. One member shall be a certified
19 instructor of motorcycle safety and education; one member shall be a
20 licensed and safety course certified motorcycle operator/owner; one
21 member shall be an employee of the Department of Public Safety; one
22 member shall represent the interests of district court and municipal
23 judges that hear cases pertaining to traffic laws; one member shall
24 represent private sector motorcycle rider education schools; one
25 member shall be a representative of the Oklahoma Highway Safety
26 Office; and the member appointed by the Insurance Commissioner shall
27 be an employee of the Insurance Commissioner's office. Members
28 shall serve at the pleasure of the appointing authority.

29 B. The Committee shall advise and assist the Commissioner in
30 the development, administration and operation of the Motorcycle
31 Safety and Education Program, the promulgation of rules pursuant
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1 thereto and the setting of goals, objectives and priorities for the
2 Program.

3 C. The provisions of this section shall not be construed to
4 authorize the creation of any additional salaried position within
5 the Department of Public Safety.

6 D. Members of the Committee shall receive no compensation for
7 serving on the Committee, but shall be entitled to reimbursement for
8 any actual and necessary traveling expenses pursuant to the State
9 Travel Reimbursement Act.

10 SECTION 3. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 40-123 of Title 47, unless there
12 is created a duplication in numbering, reads as follows:

13 There is hereby created in the State Treasury a revolving fund
14 for the Department of Public Safety to be designated the "Motorcycle
15 Safety and Education Program Revolving Fund". The fund shall be a
16 continuing fund, not subject to fiscal year limitations, and shall
17 consist of all tuition, fees, donations, federal funds and grants
18 received for the purpose of motorcycle safety and education
19 programming. All monies accruing to the credit of said fund are
20 hereby appropriated and may be budgeted and expended by the
21 Commissioner of Public Safety for the purpose of operating the
22 Motorcycle Safety and Education Program; provided, a portion of said
23 fund shall be dedicated for the purpose of subsidizing up to seventy
24 percent (70%) of any tuition charged for motorcycle safety and
25 education courses. Expenditures from said fund shall be made upon
26 warrants issued by the State Treasurer against claims filed as
27 prescribed by law with the Director of State Finance for approval
28 and payment.

29 SECTION 4. NEW LAW A new section of law to be codified
30 in the Oklahoma Statutes as Section 40-124 of Title 47, unless there
31 is created a duplication in numbering, reads as follows:

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1 There shall be an additional fine of Ten Dollars (\$10.00) placed
2 on all misdemeanor and felony convictions for operating or being in
3 actual physical control of a motor vehicle while under the influence
4 of alcohol or other intoxicating substance, which shall be credited
5 to the Motorcycle Safety and Education Program Revolving Fund.

6 SECTION 5. AMENDATORY 47 O.S. 1991, Section 6-101, as
7 last amended by Section 4, Chapter 2, O.S.L. 1997 (47 O.S. Supp.
8 1998, Section 6-101), is amended to read as follows:

9 Section 6-101. A. No person, except those hereinafter
10 expressly exempted in Section 6-102 of this title, shall operate any
11 motor vehicle upon a highway in this state unless the person has a
12 valid Oklahoma driver license for the class of vehicle being
13 operated under the provisions of this title. No person shall be
14 permitted to possess more than one valid license at any time.

15 B. 1. No person shall operate a Class A commercial motor
16 vehicle unless the person is eighteen (18) years of age or older and
17 holds a valid Class A commercial license, except as provided in
18 paragraph 5 of this subsection. Any person holding a valid Class A
19 commercial license shall be permitted to operate motor vehicles in
20 Classes A, B, C, and D, except as provided for in paragraph 4 of
21 this subsection.

22 2. No person shall operate a Class B commercial motor vehicle
23 unless the person is eighteen (18) years of age or older and holds a
24 valid Class B commercial license. Any person holding a valid Class
25 B commercial license shall be permitted to operate motor vehicles in
26 Classes B, C, and D, except as provided for in paragraph 4 of this
27 subsection.

28 3. No person shall operate a Class C commercial motor vehicle
29 unless the person is eighteen (18) years of age or older and holds a
30 valid Class C commercial license. Any person holding a valid Class
31 C commercial license shall be permitted to operate motor vehicles in
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1 Classes C and D, except as provided for in paragraph 4 of this
2 subsection.

3 4. No person under twenty-one (21) years of age shall be
4 licensed to operate any motor vehicle which is required to be
5 placarded for hazardous materials pursuant to 49 C.F.R., Part 172,
6 subpart F; provided, the Department of Public Safety shall provide
7 by rule promulgated pursuant to the Administrative Procedures Act,
8 Section 250 et seq. of Title 75 of the Oklahoma Statutes, that a
9 person under twenty-one (21) years of age may be licensed to operate
10 a farm vehicle or, if such person is the operator of or employed by
11 the operator of a farm retail outlet, any vehicle which is required
12 to be placarded for hazardous materials pursuant to 49 C.F.R., Part
13 172, subpart F, if such licensure will not result in the loss of
14 federal funds to this state pursuant to federal law or regulation.

15 5. A person at least seventeen (17) years of age who
16 successfully completes all examinations required by law may be
17 issued by the Department:

18 a. a restricted Class A commercial license which shall
19 grant to the licensee the privilege to operate a Class
20 A or Class B commercial motor vehicle for harvest
21 purposes or a Class D motor vehicle, or

22 b. a restricted Class B commercial license which shall
23 grant to the licensee the privilege to operate a Class
24 B commercial motor vehicle for harvest purposes or a
25 Class D motor vehicle.

26 6. No person shall operate a Class D motor vehicle unless the
27 person is sixteen (16) years of age or older and holds a valid Class
28 D license, except as provided for in Section 6-102 or 6-105 of this
29 title. Any person holding a valid Class D license shall be
30 permitted to operate motor vehicles in Class D only.

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1 C. Any person issued a driver license pursuant to this section
2 may exercise the privilege thereby granted upon all streets and
3 highways in this state.

4 D. No person shall operate a motorcycle, motor-driven cycle, or
5 a motorized bicycle without having a valid Class A, B, C, or D
6 license with a motorcycle endorsement. Except as otherwise provided
7 by law, any new applicant for an original driver license shall be
8 required to successfully complete a written examination, vision
9 examination, and driving examination for a motorcycle as prescribed
10 by the Department of Public Safety to be eligible for a motorcycle
11 endorsement thereon. The driving examination for a motorcycle may
12 be waived by the Department of Public Safety upon verification that
13 the person has completed a certified Motorcycle Safety Foundation
14 rider course approved by the Department.

15 E. Except as otherwise provided by law, any person who lawfully
16 possesses a valid Oklahoma driver license which is eligible for
17 renewal shall be required to successfully complete a written
18 examination, vision examination, and driving examination for a
19 motorcycle as prescribed by the Department to be eligible for a
20 motorcycle endorsement; provided, however, the Department may waive
21 all such examinations until July 1, 2000, upon satisfactory proof
22 that the applicant has regularly operated a motorcycle, motor-driven
23 cycle, or motorized bicycle for a minimum of two (2) years
24 immediately preceding the application.

25 F. 1. Any person eighteen (18) years of age or older may apply
26 for a restricted Class A, B, or C commercial license. The
27 Department, after the applicant has passed all parts of the
28 examination for and has been issued a Class D license and has
29 successfully passed all parts of the examination for a Class A, B,
30 or C commercial license other than the driving examination, may
31 issue to the applicant a restricted driver license which shall
32 entitle the applicant having immediate possession of the license to

1 operate a Class A, B, or C commercial motor vehicle upon the public
2 highways solely for the purpose of behind-the-wheel training in
3 accordance with rules promulgated by the Department.

4 2. This restricted driver license shall be issued for a period
5 as determined by federal regulation and shall be nonrenewable;
6 provided, such restricted license may be suspended, revoked,
7 canceled, or denied at the discretion of the Department for
8 violation of the restrictions, for failing to give the required or
9 correct information on the application, or for violation of any
10 traffic laws of this state pertaining to the operation of a motor
11 vehicle. Except as otherwise provided, the lawful possessor of a
12 restricted license who has been issued a restricted license for a
13 minimum of thirty (30) days may have the restriction requiring an
14 accompanying driver removed by satisfactorily completing a driver's
15 examination; provided, the removal of a restriction shall not
16 authorize the operation of a Class A, B, or C commercial motor
17 vehicle if such operation is otherwise prohibited by law. The
18 Department shall cause an examination to be conducted not more than
19 three times during the first six (6) months after the date of
20 issuance of the restricted license and not more than one time every
21 three (3) months thereafter upon request of the lawful possessor
22 thereof.

23 G. 1. The fee charged for an approved application for an
24 original Oklahoma driver license or an approved application for the
25 addition of an endorsement to a current valid Oklahoma driver
26 license shall be assessed in accordance with the following schedule:

27	Class A Commercial License	\$25.00
28	Class B Commercial License	\$15.00
29	Class C Commercial License	\$15.00
30	Class D License	\$ 4.00
31	Motorcycle Examination	\$ 4.00

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1 2. Notwithstanding the provisions of Section 1104 of this
2 title, all monies collected from the fees charged for Class A, B,
3 and C commercial licenses pursuant to the provisions of this
4 subsection shall be deposited in the General Revenue Fund of this
5 state.

6 H. The fee charged for any failed examination shall be Four
7 Dollars (\$4.00) for any license classification. Notwithstanding the
8 provisions of Section 1104 of this title, all monies collected from
9 such examination fees pursuant to the provisions of this subsection
10 shall be deposited in the General Revenue Fund of ~~the~~ this state.

11 I. In addition to any fee charged pursuant to the provisions of
12 subsection G of this section, the fee charged for the issuance or
13 renewal of an Oklahoma license shall be in accordance with the
14 following schedule:

15 Class A Commercial License	\$35.00
16 Class B Commercial License	\$35.00
17 Class C Commercial License	\$25.00
18 Class D License	\$15.00

19 J. All original and renewal driver licenses shall expire four
20 (4) years from the last day of the month in which the license was
21 issued.

22 K. Any person sixty-two (62) years of age or older during the
23 calendar year of issuance or renewal of a Class D license or
24 motorcycle endorsement shall be charged the following prorated fee:

25 Age 62	\$11.25
26 Age 63	\$ 7.50
27 Age 64	\$ 3.75
28 Age 65	-0-

29 L. The Department of Public Safety and the Oklahoma Tax
30 Commission are authorized to promulgate rules for the issuance and
31 renewal of driver licenses authorized pursuant to the provisions of
32 Sections 6-101 through 6-309 of this title. Applications, upon

1 forms approved by the Department of Public Safety, for such licenses
2 shall be handled by the motor license agents; provided, the
3 Department of Public Safety is authorized to assume these duties in
4 any county of this state. Each motor license agent accepting
5 applications for driver licenses shall receive Two Dollars (\$2.00)
6 to be deducted from the total collected for each license or renewal
7 application accepted. The two-dollar fee received by the motor
8 license agent shall be used for operating expenses.

9 M. For the fiscal year beginning July 1, 1994, and for each
10 fiscal year thereafter, notwithstanding the provisions of Section
11 1104 of this title and subsection L of this section and except as
12 provided in subsection G of this section, the first Sixty Thousand
13 Dollars (\$60,000.00) of all monies collected pursuant to this
14 section shall be paid by the Oklahoma Tax Commission to the State
15 Treasurer to be deposited in the General Revenue Fund of the State
16 Treasury.

17 N. The next Five Hundred Thousand Dollars (\$500,000.00) of
18 monies collected pursuant to this section shall be paid by the
19 Oklahoma Tax Commission to the State Treasurer to be deposited each
20 fiscal year under the provisions of this section to the credit of
21 the Department of Public Safety Revolving Fund for the purpose of
22 the Statewide Law Enforcement Communications System. All other
23 monies collected in excess of Five Hundred Sixty Thousand Dollars
24 (\$560,000.00) each fiscal year shall be apportioned as provided in
25 Section 1104 of this title, except as provided in subsection L of
26 this section.

27 O. If funds are appropriated for purposes specified by this
28 subsection, the Department of Public Safety may implement a
29 procedure whereby images displayed on licenses issued pursuant to
30 the provisions of Sections 6-101 through 6-309 of this title can be
31 maintained by the Department to create photographs which may be used
32 only by a law enforcement agency for purposes of criminal

1 investigations, missing person investigations, or any law
2 enforcement purpose which is deemed necessary by the Commissioner of
3 Public Safety. The computer system acquired for this purpose must
4 conform to industry standards for interoperability and open
5 architecture. The Department of Public Safety may promulgate rules
6 to implement the provisions of this subsection.

7 SECTION 6. This act shall become effective November 1, 1999.

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