STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

SENATE BILL 887 By: Easley

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 1991, Section 6-105, as last amended by Section 2, Chapter 161, O.S.L. 1999 and Section 2, Chapter 128, O.S.L. 1994 (47 O.S. Supp. 1999, Sections 6-105 and 6-105.1), which relate to restricted and special driver licenses and permits; modifying size of motorcycle that may be driven by persons with restricted licenses; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 6-105, as last amended by Section 2, Chapter 161, O.S.L. 1999 (47 O.S. Supp. 1999, 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 provided in this section. Any secondary school student who is in compliance with Section 6-107.3 of this title and:

1. Is at least fifteen (15) years of age may drive during a session in which the driver is being instructed in a driver education course by a certified driver education instructor who is seated in the right front seat of the motor vehicle;

2. Is at least fifteen and one-half (15 1/2) years of age and:

a. is currently receiving instruction in or has successfully completed:

(1) 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

(2) a driver education course, certified by the Department of Public Safety, from a parochial, private, or other nonpublic secondary school, or

(3) a commercial driver training course, as defined by Sections 801 through 808 of this title, or

b. 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 twenty-one (21) years of age and who has been properly licensed to operate a Class D motor vehicle for a minimum of two (2) years,

may, upon successfully passing all parts of the driver license examination administered by the Department except the driving examination, be issued a restricted Class D license which will grant the licensee the privilege to operate a Class D motor vehicle upon the public highways while accompanied by a licensed driver who is at least twenty-one (21) years of age and who is actually occupying a seat beside the restricted Class D licensee;

3. Is at least sixteen (16) years of age and has not completed a driver education course may be issued a restricted Class D license upon successfully passing all parts of the driver license examinations administered by the Department. A restricted Class D license shall grant to the licensee the privilege to operate a Class D motor vehicle upon the public highways only during daylight hours except for driving to and from work, school, school activities, and church activities, or if a parent or guardian is a passenger in the front seat of the vehicle, the person may drive at any time, and may not operate a motor vehicle with more than one passenger unless all

passengers live in the same household or unless the parent or guardian is a passenger in the front seat of the vehicle;

4. Is at least sixteen and one-half (16 1/2) years of age, has been issued a restricted Class D license for a minimum of thirty (30) days, and who has not been convicted of, pled guilty to, or pled no contest to any moving vehicle violations may be issued a Class D license; provided, if the licensee holds a restricted Class D license, the licensee must successfully pass a driving examination. The Department shall conduct a driving examination not more than three ~~(3)~~ times during the first six (6) months after date of eligibility of the restricted licensee to have the restriction removed for a Class D license and not more than one time every three (3) months thereafter upon request of the restricted licensee;

5. Is at least sixteen (16) years of age, and has completed driver education, or is at least seventeen (17) years of age, may be issued a Class D license by successfully passing all parts of the driver license examination if the examinations have not been successfully passed in connection with a restricted Class D license application; or

6. Is at least sixteen (16) years of age, has not completed driver education, and resides in or is enrolled in a school district that does not offer driver education shall be exempt from the driver education requirement for a Class D license and may be issued a Class D license upon successfully completing all parts of the driver license examination.

B. Restricted Class D licenses shall be issued for the same period as all other driver licenses. The licenses may be suspended or cancelled 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.

C. The Department of Public Safety shall promulgate rules establishing proceedings for removal of the restriction from the license upon the license holder qualifying for an unrestricted license. The restriction shall have no force or effect upon or after the seventeenth birthday of the restricted licensee.

D. 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)~~ two hundred fifty (250) 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.

E. 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.

F. 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 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.

G. 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 or renewal of driver license. 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 or driver license 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 Tax Commission shall develop procedures for claims for reimbursement.

SECTION 2. AMENDATORY Section 2, Chapter 128, O.S.L. 1994 (47 O.S. Supp. 1999, Section 6-105.1), is amended to read as follows:

Section 6-105.1 The Commissioner of Public Safety may in his discretion issue a special permit to any person who has attained fourteen (14) years of age authorizing such person to operate a motor-driven cycle with a piston displacement in excess of the ~~one hundred twenty-five cubic centimeters~~ <u>two hundred fifty-cubic-</u>

centimeters restriction prescribed in subsection ~~B~~ D of Section 6-105 of this title and with no time limitations as to when such motor-driven cycle may be operated. Provided that such special permit:

1. Shall be temporary and shall expire not more than thirty (30) days after the issuance thereof; and

2. Shall be issued only to a person who is participating in competitive events sanctioned by the Commissioner.

The Commissioner shall not issue a special permit pursuant to this section until the Commissioner is fully satisfied after the examination of said application and other evidence furnished in support thereof that said person is physically and mentally developed to such a degree that the operation of such motor-driven cycle by said person would not be inimical to public safety.

SECTION 3. This act shall become effective November 1, 2000.

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