

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 747

By: Leftwich of the Senate

and

Nations of the House

COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; amending 47 O.S. 1991, Section 6-105, as last amended by Section 4, Chapter 277, O.S.L. 2000 (47 O.S. Supp. 2000, Section 6-105), which relates to driver licenses; clarifying language; authorizing the Department of Public Safety to certify certain parent-taught driver education courses; stating parameters; requiring the Department to promulgate rules; modifying hours of behind-the-wheel training for certain persons; deleting certain exceptions; requiring certain persons enrolled in a commercial driver education school to pass certain parts of the driver license examination before operating a Class D motor vehicle on the highways; providing for unrestricted Class D license for certain persons; 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 6-105, as last amended by Section 4, Chapter 277, O.S.L. 2000 (47 O.S. Supp. 2000, 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

1 education course, as set out in divisions (1) and (2) of
2 subparagraph a of paragraph 2 of this subsection by a certified
3 driver education instructor who is seated in the right front seat of
4 the motor vehicle;

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

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

8 (1) a prescribed secondary school driver education
9 course, as provided for in Sections 19-113
10 through 19-121 of Title 70 of the Oklahoma
11 Statutes, or

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

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

17 may, upon successfully passing all parts of the driver

18 license examination administered by the Department

19 except the driving examination, be issued an

20 instruction permit which will grant the permittee the

21 privilege to operate a Class D motor vehicle upon the

22 public highways while accompanied by a licensed driver

23 who is at least twenty-one (21) years of age and who

24 is actually occupying a seat beside the permittee, or

25 b. is being instructed in a parent-taught driver

26 education course, certified by the Department of

27 Public Safety, in which the student is being

28 instructed by a parent or legal guardian may, upon

29 successfully passing all parts of the driver license

30 examination except the driving examination, be issued

31 an instruction permit which will grant the permittee

32 the privilege to operate a Class D motor vehicle upon

1 the public highways while accompanied by a parent or
2 guardian who is actually occupying a seat beside the
3 permittee. The student must obtain the permit before
4 the student may operate a Class D vehicle. The
5 Department shall promulgate rules for any parent-
6 taught driver education course,

7 c. is not being instructed in a driver education course
8 as set out in subparagraph a or b of this paragraph,
9 but whose parent or legal guardian has certified to
10 the Department by sworn affidavit that the person will
11 receive a minimum of ~~twenty-five (25)~~ thirty-six (36)
12 hours of actual behind-the-wheel training from a
13 licensed driver who is at least twenty-one (21) years
14 of age and who has been properly licensed to operate a
15 Class D motor vehicle for a minimum of two (2) years,
16 may, upon successfully passing all parts of the driver
17 license examination administered by the Department
18 except the driving examination, be issued a ~~restricted~~
19 ~~Class D license~~ an instruction permit which will grant
20 the ~~licensee~~ permittee the privilege to operate a
21 Class D motor vehicle upon the public highways while
22 accompanied by a licensed driver who is at least
23 twenty-one (21) years of age and who is actually
24 occupying a seat beside the ~~restricted Class D~~
25 ~~licensee~~ permittee;

26 3. Is at least sixteen (16) years of age and has completed a
27 certified driver education course as set out in subparagraphs a and
28 b of paragraph 2 this subsection may be issued a Class D license by
29 successfully completing all parts of the driver license examination;

30 4. Is at least sixteen (16) years of age and has not completed
31 a driver education course may be issued a restricted Class D license
32 upon successfully passing all parts of the driver license

1 examinations administered by the Department. A restricted Class D
2 license shall grant to the licensee the privilege to operate a Class
3 D motor vehicle upon the public highways only during daylight hours
4 except for driving to and from work, school, school activities, and
5 church activities, or if a parent or guardian is a passenger in the
6 front seat of the vehicle, the person may drive at any time, and may
7 not operate a motor vehicle with more than one passenger unless all
8 passengers live in the same household or unless the parent or
9 guardian is a passenger in the front seat of the vehicle; or

10 ~~4. 5. Is at least sixteen and one-half (16 1/2) years of age,~~
11 ~~has been issued a restricted Class D license for a minimum of thirty~~
12 ~~(30) days,~~ and who has not been convicted of, pled guilty to, or
13 pled no contest to any moving vehicle violations may be issued a
14 Class D license; ~~provided, if the licensee holds a restricted Class~~
15 ~~D the licensee must successfully pass a driving examination. The~~
16 ~~Department shall conduct a driving examination not more than three~~
17 ~~(3) times during the first six (6) months after date of eligibility~~
18 ~~of the restricted licensee to have the restriction removed for a~~
19 ~~Class D license and not more than one time every three (3) months~~
20 ~~thereafter upon request of the restricted licensee;~~

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

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

1 B. Restricted Class D licenses shall be issued for the same
2 period as all other driver licenses. The licenses may be suspended
3 or canceled at the discretion of the Department for violation of
4 restrictions, for failing to give the required or correct
5 information on the application or for violation of any traffic laws
6 of this state pertaining to the operation of a motor vehicle.

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

12 D. Any person, who is not subject to the provisions of Section
13 6-107.3 of this title, who is enrolled in a commercial driver
14 education course, as defined by Sections 801 through 808 of this
15 title, may be issued, upon successfully passing all parts of the
16 driver license examination administered by the Department except the
17 driving examination, an instruction permit which will grant the
18 permittee the privilege to operate a Class D motor vehicle upon the
19 public highways while accompanied by a licensed driver who is at
20 least twenty-one (21) years of age and who is actually occupying a
21 seat beside the permittee. The student must obtain the permit
22 before the student may operate a Class D vehicle. The permittee may
23 be issued a Class D license upon successfully passing the driving
24 examination.

25 E. Any person fourteen (14) years of age or older may apply for
26 a restricted Class D license with a motorcycle restriction. After
27 the person has successfully passed all parts of the motorcycle
28 examination other than the driving examination and has met all
29 requirements provided for in the rules of the Department, the
30 Department shall issue to the person a restricted Class D license
31 with a motorcycle restriction which shall grant to the person, while
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1 having the license in the person's immediate possession, the
2 privilege to operate a motor-driven cycle:

3 1. With a piston displacement not to exceed one hundred twenty-
4 five (125) cubic centimeters; ~~and~~

5 2. Between the hours of 4:30 a.m. to 9:00 p.m. only; ~~and~~

6 3. While wearing approved protective headgear; and

7 4. While accompanied by and receiving instruction from any
8 person who is at least twenty-one (21) years of age and who is
9 properly licensed pursuant to the laws of this state to operate a
10 motorcycle, and who has visual contact with the restricted licensee.

11 The restricted licensee may apply on or after thirty (30) days
12 from date of issuance of the restricted Class D license with a
13 motorcycle restriction to have the restriction of being accompanied
14 by a licensed driver removed by successfully completing the driving
15 portion of an examination.

16 ~~E.~~ F. The Department may in its discretion issue a special
17 permit to any person who has attained the age of fourteen (14)
18 years, authorizing such person to operate farm vehicles between the
19 farm and the market to haul commodities grown on such farm;
20 provided, that such special permit shall be temporary and shall
21 expire not more than thirty (30) days after the issuance thereof.
22 Special permits shall be issued only to farm residents and shall be
23 issued only during the time of the harvest of the principal crops
24 grown on such farm. Provided, however, the Department shall not
25 issue a special permit pursuant to this subsection until the
26 Department is fully satisfied after the examination of the
27 application and other evidence furnished in support thereof, that
28 the person is physically and mentally developed to such a degree
29 that the operation of a motor vehicle by the person would not be
30 inimical to public safety.

31 ~~F.~~ G. The Department may issue an instructor's permit to any
32 qualified secondary school driver education instructor as defined by

1 the Oklahoma State Board of Education Rules and Regulations for
2 Oklahoma High School Driver and Traffic Safety Education or any
3 driver education instructor, certified by the Department of Public
4 Safety, of a parochial, private, or other nonpublic secondary school
5 upon a proper application to the State Board of Education or the
6 Department of Public Safety in the case of secondary schools that
7 are not regulated by the State Board of Education or a commercial
8 driver training course instructor as provided for in Sections 801
9 through 808 of this title. The Department shall promulgate rules
10 for the issuance of such permits. Any instructor as defined in this
11 subsection who has been issued a permit may instruct any person who
12 is at least fifteen and one-half (15 1/2) years of age or who is at
13 least fifteen (15) years of age and of secondary school or higher
14 educational standing while regularly enrolled and certified by the
15 instructor as a student taking a prescribed course of secondary
16 school driver education or a driver education course, certified by
17 the Department of Public Safety, from a parochial, private, or other
18 nonpublic secondary school or a commercial driver training course as
19 defined by Sections 801 through 808 of this title to operate a motor
20 vehicle while accompanied by and receiving instruction from the
21 instructor who is actually occupying a seat beside the driver.

22 G. H. In addition to the licenses to operate motor vehicles,
23 the Department may issue cards for purposes of identification only.
24 The identification cards shall be issued, renewed, canceled and
25 denied in the same manner as driver licenses in this state and for a
26 fee of Seven Dollars (\$7.00) to any resident of this state. The
27 application for an identification card by any person under the age
28 of sixteen (16) shall be signed and verified by the parent or legal
29 guardian before a person authorized to administer oaths. Such cards
30 shall be valid for a period of four (4) years from the month of
31 issuance; however, the identification cards issued to persons sixty-
32 five (65) years of age or older shall be valid indefinitely from the

1 month of issuance, and no person sixty-five (65) years of age or
2 older shall be charged a fee for an identification card or renewal
3 driver license. The fees derived pursuant to this section shall be
4 apportioned as provided in Section 1104 of this title.

5 The Oklahoma Tax Commission is hereby authorized to reimburse,
6 from funds available to that agency, each motor license agent
7 issuing an identification card to a person sixty-five (65) years of
8 age or older, an amount not to exceed One Dollar (\$1.00) for each
9 card or driver license so issued. The Tax Commission shall develop
10 procedures for claims for reimbursement.

11 SECTION 2. The provisions of subparagraph b of paragraph 2 of
12 subsection A of Section 1 of this act shall become effective
13 November 1, 2001.

14 SECTION 3. This act shall become effective July 1, 2001.

15 SECTION 4. It being immediately necessary for the preservation
16 of the public peace, health and safety, an emergency is hereby
17 declared to exist, by reason whereof this act shall take effect and
18 be in full force from and after its passage and approval.

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