

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 365

By: Laughlin

AS INTRODUCED

An Act relating to motor vehicles and schools; amending 47 O.S. 1991, Section 6-110, as last amended by Section 1, Chapter 229, O.S.L. 1999 (47 O.S. Supp. 2000, Section 6-110), which relates to examination of applicants for driver license; requiring the Department of Public Safety to make available at certain sites certain alternative reading proficiency test; amending Section 3, Chapter 190, O.S.L. 1998 (70 O.S. Supp. 2000, Section 1210.515), which relates to demonstration of satisfactory reading ability to apply for driver license or permit; requiring the Department of Public Safety to offer at certain sites certain alternative reading proficiency tests; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 6-110, as last amended by Section 1, Chapter 229, O.S.L. 1999 (47 O.S. Supp. 2000, Section 6-110), is amended to read as follows:

Section 6-110. A. 1. The Department of Public Safety shall examine every applicant for an original Class A, B, C or D license and for any endorsements thereon, except as otherwise provided in Sections 6-101 through 6-309 of this title or as provided in paragraph 2 of this subsection or in subsection D of this section. Such examination shall include a test of the applicant's:

- a. eyesight,
- b. ability to read and understand highway signs regulating, warning and directing traffic,
- c. knowledge of the traffic laws of this state, and
- d. ability, by actual demonstration, to exercise ordinary and reasonable control in the operation of a motor

vehicle. The actual demonstration shall be conducted in the type of motor vehicle for the class of driver license being applied for.

Any licensee seeking to apply for a driver license of another class which is not covered by the licensee's current driver license shall be considered an applicant for an original license for that class.

2. The Department of Public Safety shall have the authority to waive the requirement of any part of the examination required in paragraph 1 of this subsection for those applicants who surrender a valid unexpired driver license issued by any state or country for the same type or types of vehicles, provided that the applicant's driving record meets the standards set by the Department of Public Safety.

3. All applicants requiring a hazardous materials endorsement shall be required to successfully complete the examination for the renewal of such endorsement.

4. The Department of Public Safety shall give the complete examination as provided for in this section within thirty (30) days from the date the application is received, and the examination shall be given at a location within one hundred (100) miles of the residence of the applicant. The Department shall make every effort to make the examination locations and times convenient for applicants. The Department shall consider giving the examination at various school sites if the district board of education for the district in which the site is located agrees and if economically feasible and practicable.

B. Any person holding a valid Oklahoma Class D license and applying for a Class A, B or C commercial license shall be required to successfully complete all examinations as required for the specified class.

C. Except as provided in subsection E of Section 6-101 of this title, any person holding a valid Oklahoma Class A, B or C commercial license shall, upon time for renewal thereof, be entitled to a Class D license without any type of testing or examination, except for any endorsements thereon as otherwise provided for by Section 6-110.1 of this title.

D. Under the direction of the Department of Public Safety, any certified driver education instructor may administer the written portion of the Oklahoma driving examination as required for a driver education course or Class D license. The required driving skills portion of the Oklahoma driving examination may be given by such certified driver education instructor to a student who has successfully completed one of the following:

1. A prescribed secondary school driver education course, as defined by Section 19-113 et seq. of Title 70 of the Oklahoma Statutes;

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.

E. For purposes of paragraph 2 of subsection A of Section 6-107.3 of this title, the Department of Public Safety shall make available at all driver license testing sites an alternative reading proficiency test approved by the State Department of Education.

SECTION 2. AMENDATORY Section 3, Chapter 190, O.S.L. 1998 (70 O.S. Supp. 2000, Section 1210.515), is amended to read as follows:

Section 1210.515 A. Pursuant to the provisions of paragraph 2 of subsection A of Section 6-107.3 of Title 47 of the Oklahoma Statutes, any person under the age of eighteen (18) years wishing to apply for a driver license or permit shall successfully demonstrate

a satisfactory reading ability at the eighth-grade reading level by meeting the following criteria:

1. A student enrolled in a public school shall successfully complete the reading portion of the state criterion-referenced test offered in the eighth grade. Following the administration of this test in the eighth grade, any student not successfully completing the reading portion shall be assigned a plan of remedial reading. The student may either retake the reading portion of the state criterion-referenced test upon its administration the following year, or take an alternative reading proficiency test in order to satisfy the criteria for a driver license or permit. Alternative reading proficiency tests shall be approved by the State Department of Education. Subsequent successful completion of an alternative reading proficiency test shall serve to satisfy any test retaking requirement which may be required for the reading portion of the state criterion-referenced test in the eighth grade in the Oklahoma School Testing Program. School districts shall notify, in writing, each student who takes the reading portion of the state criterion-referenced test for the eighth grade or who takes an alternative reading proficiency test and the student's parent or legal guardian of the test results. If the student fails to perform satisfactorily on the test, the notice shall inform the student of the reading proficiency driver license requirement and the school's remediation plan for the student. Upon the student's successful completion of the test, the school shall furnish the student with the documentation needed for the driver license application in Oklahoma;

2. Unless alternatively documented according to the provisions of subsection C of this section, students under the age of eighteen (18) years shall successfully complete a reading proficiency test approved by the State Department of Education; and

3. Any student who wishes to apply for a restricted license to operate a motorcycle may take an alternative reading proficiency test, subject to the provisions of this section.

B. Alternative reading proficiency tests shall be offered by testing sites, which shall include the public schools at least four (4) times per calendar year, and may include any of the following which ~~choose~~ choose to participate, the area vocational-technical school districts, Regional Education Service Centers, colleges, accredited private schools, and other sites approved by the State Department of Education. In addition, the State Department of Public Safety shall offer at all driver license testing sites an alternative reading proficiency test approved by the State Department of Education. A student may take the test as often as wished, subject to the provisions of this section. Testing sites shall provide the first alternative reading proficiency test for each student at no cost to the student. Students may be assessed a fee not to exceed Twenty-five Dollars (\$25.00) by the testing site for each subsequent alternative reading proficiency test taken.

C. A school district shall provide for alternative documentation of reading proficiency for the purposes of paragraph 2 of subsection A of Section 6-107.3 of Title 47 of the Oklahoma Statutes for any student with an individualized education plan. The alternative documentation shall be furnished to such student who is performing satisfactorily in reading pursuant to the student's individualized education plan. Parents of disabled students educated pursuant to the provisions of Section 4 of Article XIII of the Oklahoma Constitution may satisfy the requirement of paragraph 2 of subsection A of Section 6-107.3 of Title 47 of the Oklahoma Statutes by signing an affidavit that, based upon their best information and belief, their child would qualify for an individualized education plan if enrolled in public school, and that in their judgment their child is performing satisfactorily in

reading and is therefore academically qualified to satisfy the requirement of paragraph 2 of subsection A of Section 6-107.3 of Title 47 of the Oklahoma Statutes.

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

SECTION 4. 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.

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