

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 2352

By: Bengé

COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; amending 47 O.S. 2001, Section 6-105, as amended by Section 4, Chapter 392, O.S.L. 2003 (47 O.S. Supp. 2003, Section 6-105), which relates to issuance, expiration, and renewal of driver licenses; modifying age requirement for occupants accompanying certain drivers; requiring certain persons to possess an instruction permit; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2001, Section 6-105, as amended by Section 4, Chapter 392, O.S.L. 2003 (47 O.S. Supp. 2003, 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, as set out in divisions (1) and (2) of subparagraph a of paragraph 2 of this subsection, 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,
  - (2) 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,
- may, upon successfully passing all parts of the driver license examination administered by the Department except the driving examination, be issued an instruction permit which will grant the permittee 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)~~ eighteen (18) years of age and who is actually occupying a seat beside the permittee,
- b. is being instructed in a parent-taught driver education course, certified by the Department of Public Safety, in which the student is being instructed by a parent or legal guardian may, upon successfully passing all parts of the driver license examination except the driving examination, be issued an instruction permit which will grant the permittee the privilege to operate a Class D motor vehicle upon the public highways while accompanied by a parent or guardian who is actually occupying a seat beside the permittee. The student must obtain the permit before the student may operate a Class D vehicle. The

Department shall promulgate rules for any parent-taught driver education course, or

- c. is not being instructed in a driver education course as set out in subparagraph a or b of this paragraph, but whose parent or legal guardian has certified to the Department by sworn affidavit that the person will receive a minimum of thirty-six (36) 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 an instruction permit which will grant the permittee 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)~~ eighteen (18) years of age and who is actually occupying a seat beside the permittee;

3. Is at least sixteen (16) years of age and, has completed a certified driver education course as set out in subparagraphs a and b of paragraph 2 of this subsection, and has applied for, been issued, and has possessed an instruction permit for a minimum of six (6) months, may be issued a Class D license by successfully completing all parts of the driver license examination;

4. Is at least sixteen (16) years of age and, has not completed a driver education course, and has applied for, been issued, and has possessed an instruction permit for a minimum of six (6) months, 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; ~~or~~

5. Is at least sixteen and one-half (16 1/2) years of age ~~and~~, who has not been convicted of, pled guilty to, or pled no contest to any moving vehicle violations, and has applied for, been issued, and has possessed an instruction permit for a minimum of six (6) months, may be issued a Class D license; or

6. Any person under eighteen (18) years of age who has been issued an instruction permit and has not previously been licensed to drive in Oklahoma or in another jurisdiction, must apply for, be issued, and possess an instruction permit for not less than six (6) months before applying for a restricted or unrestricted Class D driver license.

B. ~~Restricted~~ Instruction permits and restricted Class D licenses shall be issued for the same period as all other driver licenses. The licenses may be suspended or canceled 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, who is not subject to the provisions of Section 6-107.3 of this title, who is enrolled in a commercial driver education course, as defined by Sections 801 through 808 of this title, may be issued, upon successfully passing all parts of the driver license examination administered by the Department except the driving examination, an instruction permit which will grant the permittee 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)~~ eighteen (18) years of age and who is actually occupying a seat beside the permittee. The student must obtain the permit before the student may operate a Class D vehicle. The permittee may be issued a Class D license upon successfully passing the driving examination.

E. 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 and has met all requirements provided for in the rules of the Department, 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 the person's immediate possession, the privilege to operate a motor-driven cycle:

1. With a piston displacement not to exceed two hundred fifty (250) cubic centimeters;
2. Between the hours of 4:30 a.m. to 9:00 p.m. only;
3. While wearing approved protective headgear; and
4. While accompanied by and receiving instruction from any person who is at least ~~twenty-one (21)~~ eighteen (18) 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.

F. 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.

G. 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 or 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 or 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.

H. 1. In addition to the licenses to operate motor vehicles, the Department may issue cards to Oklahoma residents for purposes of identification only. The identification cards shall be issued, renewed, canceled and denied in the same manner as driver licenses in 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.

2. The fee charged for the issuance or renewal of an identification card which is not in computerized image format pursuant to this section shall be Seven Dollars (\$7.00); however, no person sixty-five (65) years of age or older shall be charged a fee for an identification card. The fees derived pursuant to this paragraph shall be apportioned as provided in Section 1104 of this title.

3. The fee charged for the issuance or renewal of an identification card which is in computerized image format pursuant to this section shall be Ten Dollars (\$10.00); however, no person sixty-five (65) years of age or older shall be charged a fee for an

identification card. Of each fee charged pursuant to the provisions of this paragraph:

- a. Seven Dollars (\$7.00) shall be apportioned as provided in Section 1104 of this title, and
- b. Three Dollars (\$3.00) shall be credited to the Department of Public Safety Computer Imaging System Revolving Fund to be used solely for the purpose of the administration and maintenance of the computerized imaging system of the Department.

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

SECTION 2. This act shall become effective November 1, 2004.

49-2-8514            GRS            02/16/04