

and

Leftwich of the Senate

An Act relating to driver licenses; amending 47 O.S. 2001, Sections 6-102, as last amended by Section 8, Chapter 418, O.S.L. 2004 and 6-105, as last amended by Section 1, Chapter 139, O.S.L. 2004 (47 O.S. Supp. 2004, Section 6-102 and 6-105), which relate to issuance of Class D licenses; modifying statutory reference; increasing age requirement for operation of certain vehicles; defining term; modifying requirements for issuance of certain license; deleting certain requirements for instruction permit; providing for issuance of learner permit; stating requirements and restrictions; providing for issuance of intermediate Class D license; stating requirements and restrictions; providing for issuance of Class D driver license; stating requirements and restrictions; expanding scope of prohibited act; clarifying language; deleting requirements for issuance of instructor's permits; deleting procedures and fees for issuance of identification cards; authorizing issuance of instructor permit to certain driver education instructors; providing for promulgation of certain rules; authorizing instruction of certain persons under certain circumstances; authorizing issuance of identification cards; stating eligibility requirements for identification card; stating term of issuance; setting fees for issuance and renewal of identification cards; providing exceptions; providing for apportionment of fees; authorizing certain reimbursement to motor license agents; authorizing development of procedures for reimbursements; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2001, Section 6-102, as last amended by Section 8, Chapter 418, O.S.L. 2004 (47 O.S. Supp. 2004, Section 6-102), is amended to read as follows:

Section 6-102. A. A nonresident who is sixteen (16) years of age or older may operate a motor vehicle in this state as authorized

by the class, restrictions, and endorsements specified on the license, if the nonresident is:

1. Properly licensed in the home state or country to operate a commercial or noncommercial motor vehicle and who has immediate possession of a valid driver license issued by the home state or country; or

2. A member of the Armed Forces of the United States or the spouse or dependent of such member who has been issued and is in possession of a valid driver license issued by an overseas component of the Armed Forces of the United States.

B. A resident who is at least fifteen (15) years of age may operate a vehicle in this state without a driver license, if the resident is:

1. Operating a vehicle pursuant to subsection A B of Section 6-105 of this title; or

2. Taking the driving skills examination as required by Section 6-110 of this title, when accompanied by a Driver License Examiner of the Department of Public Safety or by a designated examiner approved and certified by the Department.

C. Any person, while in the performance of official duties, may operate any class of motor vehicle if the person possesses any class of valid Oklahoma driver license or a valid driver license issued by another state, if the person is:

1. A member of the Armed Forces of the United States who is on active duty;

2. A member of the military reserves, not including United States reserve technician;

3. A member of the National Guard who is on active duty, including National Guard military technicians;

4. A member of the National Guard who is on part-time National Guard training, including National Guard military technicians; or

5. A member of the United States Coast Guard who is on active duty.

D. The Commissioner of Public Safety is hereby authorized to adopt rules as may be necessary to enter into reciprocity agreements with foreign countries. The rules shall specify that the driver license standards of the foreign county shall be comparable to those of this state. The rules shall also require foreign drivers, who are operating a motor vehicle in Oklahoma under such a reciprocity agreement, to comply with the compulsory motor vehicle liability insurance and financial responsibility laws of this state.

SECTION 2. AMENDATORY 47 O.S. 2001, Section 6-105, as last amended by Section 1, Chapter 139, O.S.L. 2004 (47 O.S. Supp. 2004, 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)~~ eighteen (18) years of age who is in compliance with or not subject to Section 6-107.3 of this title may be permitted to operate a:

1. A Class D motor vehicle as provided under the graduated driver license provisions prescribed in subsections B through E of this section;

2. A motorcycle under the provisions prescribed in subsection H of this section; or

3. A farm vehicle under the provisions prescribed in subsection I of this section. ~~Any secondary school student who is in compliance with Section 6-107.3 of this title and:~~

~~1. Is B.~~ Any person who 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 subparagraphs 1, 2 and 3 of paragraph 2 1 of this subsection C of this section, by a certified driver education

instructor who is seated in the right front seat of the motor vehicle~~†~~.

~~2.~~ ~~Is~~ C. Any person:

1. Who is at least fifteen and one-half (15 1/2) years of age and~~†~~

~~a.~~ is currently receiving instruction in or has successfully completed driver education. For purposes of this section, the term "driver education" shall mean:

~~(1)~~ a. 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)~~ b. a driver education course, certified by the Department of Public Safety, from a parochial, private, or other nonpublic secondary school, ~~or~~

c. a commercial driver training course, as defined by Sections 801 through 808 of this title, or

d. a parent-taught driver education course, certified by the Department of Public Safety. The Department shall promulgate rules for any parent-taught driver education course; or

2. Who is at least sixteen (16) years of age, may, upon successfully passing all parts of the driver license examination administered by the Department except the driving examination, be issued ~~an instruction~~ a learner 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) 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~~

~~e. 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) years of age and who is actually occupying a seat beside the permittee;~~

~~3. Is at least sixteen (16) years of age, 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, has not completed a driver education course, and.~~

D. 1. Any person:

a. who has applied for, been issued, and has possessed an instruction a learner permit for a minimum of six (6) months,

b. who has no convictions on the driving record of the person, and

c. whose custodial legal parent or legal guardian certifies to the Department by sworn affidavit that the person has received a minimum of forty (40) hours of actual behind-the-wheel training, of which at least ten (10) hours of such training was at night, from a licensed driver who was at least twenty-one (21) years of age and who was properly licensed to operate a Class D motor vehicle for a minimum of two (2) years,

may be issued ~~a restricted~~ an intermediate Class D license upon successfully passing all parts of the driver license examinations administered by the Department.

2. A ~~restricted~~ person who has been issued an intermediate Class D license under the provisions of this subsection:

a. shall ~~grant to the licensee~~ be granted the privilege to operate a Class D motor vehicle upon the public highways:

(1) only ~~during daylight~~ between the hours of 5:00 a.m. and 11:00 p.m., except for driving to and from work, school, school activities, and church activities, or

(2) at any time, if a ~~parent or guardian~~ licensed driver who is at least twenty-one (21) years of

~~age is a passenger in the front seat of the vehicle, the person may drive at any time actually occupying a seat beside the intermediate Class D licensee, and may~~

b. shall not operate a motor vehicle with more than one passenger unless:

(1) all passengers live in the same household as the custodial legal parent or legal guardian, or unless the parent or guardian is a passenger in the front seat of the vehicle;

5. ~~Is at least sixteen and one half (16 1/2) years of age, who~~

(2) a licensed driver at least twenty-one (21) years of age is actually occupying a seat beside the intermediate Class D licensee.

E. Any person:

1. Who has been issued an intermediate Class D license for a minimum of:

a. one (1) year, or

b. six (6) months, if the person has completed both the driver education and the parent-certified behind-the-wheel training provisions of subparagraph c of paragraph 1 of subsection D of this section; and 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

2. Who has no convictions on the driving record of the person, may be issued a Class D license; ~~or~~

6. ~~Any person under eighteen (18) years of age who 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. Instruction permits and restricted~~ F. Learner permits and intermediate 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, for knowingly giving false or inaccurate information on the application or any subsequent documentation related to the granting of driving privileges, or for violation of any traffic laws of this state pertaining to the operation of a motor vehicle.

~~C. G.~~ The Department of Public Safety shall promulgate rules establishing proceedings procedures for removal of the restriction learner permit and intermediate Class D license restrictions from the permit or license upon the license holder permittee or licensee qualifying for a less restricted or 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) 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.~~ H. Any person fourteen (14) years of age or older may apply for a restricted Class D license with a ~~motorcycle~~ motorcycle-only 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~~ motorcycle-only restriction which shall grant to the person, while having the license in the person's immediate possession, the privilege to operate a motorcycle or 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) years of age and who is properly licensed pursuant to the laws of this state to operate a motorcycle or motor-driven cycle, 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~~ motorcycle-only restriction to have the restriction of being accompanied by a licensed driver removed by successfully completing the driving portion of an examination.

~~F.~~ I. 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~~ the farm; provided, that ~~such~~ the special permit shall be temporary and shall expire not more than thirty (30) days after the issuance ~~thereof~~ of the special permit. 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 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-105.2 of Title 47, unless there is created a duplication in numbering, reads as follows:

The Department of Public Safety may issue an instructor's permit to any qualified secondary school driver education instructor as defined by the 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 Title 47 of the Oklahoma Statutes. The Department shall promulgate rules for the issuance of the 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 Title 47 of the Oklahoma Statutes, to operate a motor vehicle while accompanied by and receiving instruction from the instructor who is actually occupying a seat beside the driver.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-105.3 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. In addition to the licenses to operate motor vehicles, the Department of Public Safety 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 eighteen (18) shall be signed and verified by a custodial legal parent or legal guardian before a person authorized to administer oaths. The 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.

B. 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 subsection shall be apportioned as provided in Section 1104 of Title 47 of the Oklahoma Statutes.

C. 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 subsection:

1. Seven Dollars (\$7.00) shall be apportioned as provided in Section 1104 of Title 47 of the Oklahoma Statutes; and

2. 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.

D. 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 5. This act shall become effective November 1, 2005.

Passed the House of Representatives the 16th day of March, 2005.

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Presiding Officer of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2005.

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Presiding Officer of the Senate