

ENGROSSED HOUSE
BILL NO. 1720

By: Bengé of the House

and

Laughlin of the Senate

(motor vehicles - amending thirteen sections in
Title 47 - licenses - suspension - offenses and
penalties -

effective date)

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

SECTION 1. AMENDATORY 47 O.S. 2001, Section 6-103, as last amended by Section 3, Chapter 392, O.S.L. 2003 (47 O.S. Supp. 2004, Section 6-103), is amended to read as follows:

Section 6-103. A. Except as otherwise provided by law, the Department of Public Safety shall not issue a driver license to:

1. Any person who is under eighteen (18) years of age, except that the Department may issue a Class D license to any person who attains sixteen (16) years of age on or after August 15, 2000, and meets the requirements of Sections 6-105 and 6-107.3 of this title;

2. Any unemancipated person who is under eighteen (18) years of age and whose custodial legal parent or legal guardian does not approve the issuance of a license as required by Section 6-110.2 of this title or objects to the issuance of a license or permit by filing an objection pursuant to Section 6-103.1 of this title;

3. Any person whose driving privilege has been suspended, revoked, canceled or denied in this state or any other state or country until the driving privilege has been reinstated by the state or country withdrawing the privilege;

4. Any person who is classified as an excessive user of alcohol, any other intoxicating substance, or a combination of alcohol and any other intoxicating substance, and inimical to public safety, in accordance with rules promulgated by the Department, until all requirements granting or reinstating driving privileges are met, including, but not limited to, abstinence from the use of alcohol, any other intoxicating substance, or any combination of alcohol and any other intoxicating substance for a minimum of twelve (12) months immediately preceding application for or application for reinstatement of driving privileges;

5. Any person who is required by Section 6-101 et seq. of this title to take an examination, unless the person shall have successfully passed the examination;

6. Any person who is required under the laws of this state to deposit proof of financial responsibility and who has not deposited such proof;

7. Any person who is physically deformed or who is afflicted with any mental disease or physical condition that would impair the driving ability of the person or when the Commissioner of Public Safety, from information concerning the person or from the records and reports on file in the Department of Public Safety, determines that the operation of a motor vehicle by such person on the highways would be inimical to public safety or welfare;

8. Any person who is a nonresident, as defined in Section 1-137 of this title, except as provided in subsection D of Section 6-111 of this title;

9. Any alien unless such person presents valid documentation of identity and authorization for presence in the United States issued pursuant to the laws of the United States; provided, no license shall be issued to any alien whose documentation indicates the alien is a visitor or is not eligible to establish residency; or

10. Any person who possesses a valid license to operate a motor vehicle issued by another state until the other state license has been surrendered.

B. Any applicant who is denied a license under the provisions of subsection A of this section shall have the right to an appeal as provided in Section 6-211 of this title.

SECTION 2. AMENDATORY 47 O.S. 2001, Section 6-103.1, is amended to read as follows:

Section 6-103.1 A. Any custodial legal parent or legal guardian may prohibit the licensing of ~~7~~ or cause the cancellation of a license previously issued to ~~7~~ their his or her unemancipated child by filing an objection with the Department of Public Safety on a form prescribed by the Department. The Department shall refuse to issue or shall cancel a license when an objection has been properly filed by a custodial legal parent or legal guardian. A license may not be issued and a previous license shall remain canceled until the objection is withdrawn by the custodial legal parent or legal guardian or until the child attains eighteen (18) years of age. A license canceled because a custodial legal parent or legal guardian has filed an objection may be reinstated only after a period of three (3) months. No fee shall be assessed by the Department for reinstatement of a license pursuant to the provisions of this act.

B. No custodial legal parent or legal guardian shall be found liable for negligent entrustment of an unemancipated child for failure to file an objection pursuant to the provisions of this ~~act~~ section.

SECTION 3. 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 legal parent or legal 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 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, or

(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) 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 custodial legal 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 the 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 custodial legal 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 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 custodial legal parent or legal 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;

5. Is at least sixteen and one-half (16 1/2) years of age, 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 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 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 Unless a custodial legal parent or legal guardian has filed an objection to licensure pursuant to Section 6-103.1 of this title, 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~~ person must obtain the permit before the ~~student~~ person may operate a Class D vehicle. The permittee may be issued a Class D license upon successfully passing the driving examination.

E. Any Unless a custodial legal parent or legal guardian has filed an objection to licensure pursuant to Section 6-103.1 of this title, 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 of the person, 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. The Unless a custodial legal parent or legal guardian has filed an objection to licensure pursuant to Section 6-103.1 of this title, 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 4. AMENDATORY 47 O.S. 2001, Section 6-107, as amended by Section 16, Chapter 397, O.S.L. 2002 (47 O.S. Supp. 2004, Section 6-107), is amended to read as follows:

Section 6-107. A. ~~The~~ In addition to the requirements of Section 6-106 of this title, the application of any unemancipated person under the age of ~~sixteen (16)~~ eighteen (18) years for a restricted license shall be signed and verified by the custodial legal parent or legal guardian of the applicant before a person authorized to administer oaths ~~by the father, mother or guardian,~~ ~~or, in the event there is no parent or guardian, then by another responsible adult who.~~ The signature of the custodial legal parent or legal guardian shall be evidence that the custodial legal parent or legal guardian is willing to assume the obligation imposed under this act upon a person signing the application of a person under ~~sixteen (16)~~ the age of eighteen (18) years ~~of age.~~

B. Any negligence or willful misconduct of a person under the age of ~~sixteen (16)~~ eighteen (18) years when driving a motor vehicle upon a highway with the knowledge and consent of the person who signed the application for the restricted license shall be imputed to the person who has signed the application. Such person shall be jointly and severally liable with the minor for any damages caused by such negligence or willful misconduct, except as otherwise provided in subsection C of this section.

C. In the event a person under ~~sixteen (16)~~ the age of eighteen (18) years ~~of age~~ deposits, or there is deposited upon his or her behalf, proof of financial responsibility in respect to the operation of a motor vehicle owned by him or her or if not the owner of a motor vehicle then with respect to the operation of any motor vehicle, in form and in amounts as required under the motor vehicle financial responsibility laws of this state, then the Department may accept the application of such person when signed by ~~one~~ the custodial legal parent or the legal guardian of such person, and while such proof is maintained ~~such~~ the custodial legal parent or legal guardian shall not be subject to the liability imposed under subsection B of this section.

D. The Department may, at its discretion, cancel or suspend the license of any person under the age of eighteen (18) years for any unlawful act, negligence or misconduct while driving a motor vehicle.

E. ~~Any person~~ As provided in Section 6-103.1 of this title, any custodial legal parent or legal guardian who has signed the application of a ~~minor~~ person under the age of eighteen (18) years for a license may thereafter file with the Department of Public Safety a verified written request that the license of that minor so granted be canceled. The Department shall then cancel the license of the ~~minor~~ person and the ~~person~~ custodial legal parent or legal guardian who signed the application of the ~~minor~~ person shall be relieved from the liability imposed under this act by reason of having signed the application on account of any subsequent negligence or willful misconduct of the ~~minor~~ person in operating a motor vehicle.

F. The Department of Public Safety upon receipt of satisfactory evidence of the death of the ~~person~~ custodial legal parent or legal guardian who signed the application of a ~~minor~~ person under the age of eighteen (18) years for a license shall cancel the license and shall not issue a new license until such time as a new application, duly signed and verified, is made as required by this chapter. This provision shall not apply in the event the minor has attained ~~sixteen (16)~~ the age of eighteen (18) years ~~of age~~.

SECTION 5. AMENDATORY 47 O.S. 2001, Section 6-107.3, is amended to read as follows:

Section 6-107.3 A. The Department of Public Safety shall deny a license, restricted license, or instruction permit for the operation of a motor vehicle to any person under eighteen (18) years of age who does not, at the time of application, present documentation that such person:

1. a. is a student enrolled in a public or private secondary school, including any technology center school, of this state or any other state,
 - b. has received a diploma or certificate of completion issued to the person from a secondary school of this state or any other state,
 - c. is enrolled and making satisfactory progress in a program leading to a Certificate of High School Equivalency issued by the State Department of Education, or has obtained such certificate,
 - d. is excused from such requirement pursuant to a lawful excuse as defined in subsection G of this section or due to circumstances beyond the control of the person, or
 - e. is excused from such requirement pursuant to subsection C of this section; and

2. Has successfully passed the criterion-referenced reading test required for all eighth grade students or an alternative reading proficiency test approved by the State Department of Education, pursuant to the provisions of Section ~~3~~ 1210.515 of ~~this act~~ Title 70 of the Oklahoma Statutes, demonstrating reading proficiency at the eighth-grade reading level, unless such student is excused from such requirement pursuant to the provisions of Section ~~3~~ 1210.515 of ~~this act~~ Title 70 of the Oklahoma Statutes.

Provided, during the summer months when school is not in regular session, as established by the school district pursuant to Section 1-109 of Title 70 of the Oklahoma Statutes, ~~persons~~ a person under eighteen (18) years of age may satisfy the documentation requirement of this subsection by providing a notarized written statement from and signed by the ~~parent~~, custodial legal parent or legal guardian of the ~~child~~ person to the Department of Public Safety stating that the ~~child~~ person completed the immediately previous school year and

is enrolled or intends to enroll for the immediately subsequent school year. ~~The documentation shall be signed by the parent, custodial parent or legal guardian.~~

B. 1. A ~~student~~ person under eighteen (18) years of age who is receiving education by other means, including education at home pursuant to Section 4 of Article XIII of the Oklahoma Constitution, shall satisfy the documentation requirement of paragraph 1 of subsection A of this section by providing a written statement from and signed by the ~~parent,~~ custodial legal ~~parent,~~ or legal guardian of the ~~student~~ person to the Department of Public Safety ~~attesting~~ stating that the ~~child~~ person is receiving instruction by other means pursuant to Section 4 of Article XIII of the Oklahoma Constitution. ~~The documentation shall be signed by the parent, custodial parent, or legal guardian.~~

2. Any person who falsifies the information required in such documentation, upon conviction, shall be guilty of a misdemeanor.

C. 1. A ~~student~~ person under eighteen (18) years of age, who does not meet the requirements of subparagraphs a through c of paragraph 1 of subsection A of this section or the requirements of subsection B of this section, may retain or be issued a driver license if:

- a. the ~~student~~ person is employed at least twenty-four (24) hours per week, and
- b. the ~~student's~~ employer of the person verifies ~~such~~ the employment on a form prescribed by the Department of Public Safety.

2. Any ~~student~~ person who has retained or been issued a driver license pursuant to this subsection who leaves such employment shall have fifteen (15) days from the date of termination of employment to provide verification of employment from a new employer.

3. Any employer who falsifies a verification of employment shall be subject to an administrative fine of not more than Fifty Dollars (\$50.00), to be assessed by the Department of Public Safety.

D. 1. School district attendance officers, upon request, shall provide a documentation of enrollment status form, established and approved by the Department of Public Safety, to any ~~student~~ person under eighteen (18) years of age who is properly enrolled in a school for which the attendance officer is responsible, for presentation to the Department of Public Safety upon application for or reinstatement of an instruction permit, restricted license, or license to operate a motor vehicle.

2. Except as provided in subsection E of this section, whenever a ~~student~~ person over fourteen (14) years of age and under eighteen (18) years of age, who has a driver license or permit issued by the Department of Public Safety, withdraws from school, the attendance officer shall notify the Department of Public Safety of such withdrawal through a documentation of enrollment status form.

3. Within fifteen (15) working days of the receipt of such notice, the Department of Public Safety shall provide written notice to the student, by first class, postage prepaid mail, that the ~~student's~~ license of the person will be canceled, ~~or the driver license application of the student will be denied~~ thirty (30) days following the date the notice to the ~~student~~ person was sent, unless documentation of compliance with the provisions of this section is received by the Department of Public Safety before such time. After the thirty-day period, the Department of Public Safety shall cancel the driving privileges of the ~~student~~ person.

E. When the withdrawal from school of a ~~student~~ person under eighteen (18) years of age is:

1. Due to circumstances beyond the control of the ~~student~~ person;

2. Pursuant to any lawful excuse; or

3. For the purpose of transfer to another school, including education at home pursuant to Section 4 of Article XIII of the Oklahoma Constitution, as confirmed in writing by ~~a parent~~, the custodial legal parent, or legal guardian of the ~~student~~ person, no notice as required by subsection D of this section shall be sent to the Department of Public Safety, or, if sent, such notice shall be disregarded by the Department of Public Safety. If the ~~student~~ person is applying for a license, restricted license, or instruction permit, the attendance officer shall provide the ~~student~~ person with documentation to present to the Department of Public Safety to excuse the ~~student~~ person from the requirements of this section.

F. Every school district shall, upon request, provide documentation of reading proficiency for any ~~student~~ person under eighteen (18) years of age enrolled in such school district by certifying passage of a reading examination pursuant to the provisions of Section ~~3~~ 1210.515 of ~~this act~~ Title 70 of the Oklahoma Statutes.

G. As used in ~~this section~~ Section 6-107.3 through 6-107.6 of this title:

1. "Withdrawal" means more than ten (10) consecutive days, or parts of days, of unexcused absences or fifteen (15) days, or parts of days, total unexcused absences during a single semester;

2. "Lawful excuse" means absence from school pursuant to any valid physical or mental illness or pursuant to any legal excuse as provided in Section 10-105 of Title 70 of the Oklahoma Statutes; provided, however, the meaning of such term shall not include marriage;

3. "Circumstances beyond the control of the person" shall not include marriage, suspension or expulsion from school, or imprisonment in a jail, penitentiary or other correctional institution;

4. "Documentation of enrollment status form" means the document established and approved by the Department of Public Safety to substantiate information concerning ~~a student's~~ the eligibility of a person under eighteen (18) years of age to apply for or to retain a license or permit to drive. Such documentation shall not include any information which is considered an education record pursuant to the Family Education Rights and Privacy Act, 20 U.S.C., Sections 1232g through 1232i, unless compliance is made with the restrictions regarding disclosure of the information; and

5. "Documentation of reading proficiency" means information provided by a school authorized by subsection B of Section ~~3~~ 1210.515 of this act Title 70 of the Oklahoma Statutes to certify ~~a student's~~ the eligibility of a person under eighteen (18) years of age to apply for a license or permit based on passage of a reading proficiency test approved by the State Department of Education, or pursuant to the alternative documentation criteria provided in subsection C of Section ~~3~~ 1210.515 of this act Title 70 of the Oklahoma Statutes. Such documentation shall not include any information which is considered an education record pursuant to the Family Education Rights and Privacy Act, 20 U.S.C., Sections 1232g through 1232i, unless compliance is made with the restrictions regarding disclosure of the information.

H. The provisions of this section shall be inapplicable with respect to any ~~minor~~ person under eighteen (18) years of age upon whom rights of majority have been conferred pursuant to Sections 91 through 94 of Title 10 of the Oklahoma Statutes.

I. The Department of Public Safety shall establish and approve documentation forms and certificates required by this section for use by school districts to comply with the provisions of this section. Upon establishment and approval of such forms and certificates, the Department of Public Safety shall notify each

school district and the State Board of Education of the content thereof.

SECTION 6. AMENDATORY 47 O.S. 2001, Section 6-107.4, is amended to read as follows:

Section 6-107.4 A. Whenever a license or instruction permit and driving privileges are denied pursuant to Section 6-107.3 of this title, the license or permit and the driving privilege shall remain denied until the person becomes eligible. After becoming eligible, the person may at any time apply for driving privileges by presenting sufficient documentation to the Department of Public Safety pursuant to Section 6-107.3 of this title and paying the fee required for issuance of the license or permit, as applicable.

B. Whenever a license or instruction permit ~~for the operation of a motor vehicle is~~ and the driving privilege of a person are canceled or denied pursuant to Section 6-107.3 of this title, the license or permit and the driving privilege to operate a motor vehicle shall remain canceled or denied for a minimum period of sixty (60) days or until the person whose license or permit has been canceled or denied reaches eighteen (18) years of age, whichever period is the shortest; provided, however, a denial pursuant to paragraph 2 of subsection A of Section 6-107.3 of this title shall remain in effect only until such time as a student presents to the Department of Public Safety sufficient documentation of attainment of an eighth grade level of reading proficiency pursuant to the provisions of Section 1210.515 of Title 70 of the Oklahoma Statutes.

~~B. After the minimum period~~ after becoming eligible, the ~~licensee or applicant~~ person may at any time apply for reinstatement of driving privileges by presenting sufficient documentation to the Department of Public Safety pursuant to Section 6-107.3 of this title and paying the fee required for ~~issuance or renewal~~ replacement of a Class D the license or permit, if applicable. Upon reinstatement after cancellation ~~and upon issuance after denial~~, the

Department shall remove the record of cancellation ~~or denial~~ from the ~~person's~~ driving record of the person.

SECTION 7. AMENDATORY 47 O.S. 2001, Section 6-107.5, is amended to read as follows:

Section 6-107.5 Any person aggrieved by a denial or cancellation of driving privileges pursuant to Section ~~34~~ 6-107.3 of this ~~act~~ title may submit, within thirty (30) days of the denial or of the receipt of notice of cancellation, a written request to the Department of Public Safety for a hearing before the Department ~~of Public Safety~~. The hearing shall be held within ten (10) days of the receipt by the Department of the request, to determine whether the person is entitled to a license or is subject to cancellation of a license under the provisions of Sections ~~34~~ 6-103, 6-107.3 through ~~37~~ 6-107.6 ~~of this act and Sections 6-103, and 6-105 of Title 47 of the Oklahoma Statutes~~ this title. Appeal from the decision of the Department may be taken to any court of competent jurisdiction as provided for in Section 6-211 of ~~Title 47 of the Oklahoma Statutes~~ this title.

SECTION 8. AMENDATORY 47 O.S. 2001, Section 6-110.2, as amended by Section 1, Chapter 219, O.S.L. 2003 (47 O.S. Supp. 2004, Section 6-110.2), is amended to read as follows:

Section 6-110.2 A. The Department of Public Safety shall implement a procedure for computerized finger imaging by means of an inkless finger image scanning device and shall require every applicant for an original, renewal or replacement driver license or identification card to submit to finger imaging for the purposes of proof of identity and to ensure the security of the driver license or identification card issued to the applicant.

B. No unemancipated ~~minor~~ person under eighteen (18) years of age shall be issued a driver license or identification card by the Department unless an authorization form, prescribed and furnished by the Department, authorizing the finger imaging of the ~~minor~~ person

and signed by the ~~minor's~~ custodial legal parent or legal guardian of the person, is in the possession of the Department.

C. No law enforcement agency of the state or federal government other than the Department of Public Safety shall have access to any information collected through the use of computerized finger imaging without first obtaining a court order from a judge of competent jurisdiction. Each application for an order authorizing the access to any information collected through the use of computerized finger imaging shall be made in writing upon oath or affirmation to a judge of competent jurisdiction. Each application shall establish probable cause for belief that a named individual is committing, has committed or is about to commit a particular violation of law.

D. The Commissioner of Public Safety shall adopt rules as may be necessary to carry out the provisions of this section.

SECTION 9. AMENDATORY 47 O.S. 2001, Section 6-111, as last amended by Section 4, Chapter 149, O.S.L. 2004 (47 O.S. Supp. 2004, Section 6-111), is amended to read as follows:

Section 6-111. A. 1. The Department of Public Safety shall, upon payment of the required fee, issue to every applicant qualifying therefore a Class A, B, C or D driver license or identification card as applied for, which license or card shall bear thereon a distinguishing number assigned to the licensee or cardholder, date of issuance and date of expiration of the license or card, the full name, signature or computerized signature, date of birth, mailing address, sex, a color photograph or computerized image of the licensee or cardholder and security features as determined by the Department. The photograph or image shall depict a full front unobstructed view of the entire face of the licensee or cardholder. When any person is issued both a driver license and an identification card, the Department shall ensure the information on both the license and the card are the same, unless otherwise provided by law.

2. A driver license or identification card issued by the Department on or after November 1, 2005, shall bear the county of residence of the licensee or cardholder.

3. The Department may cancel the distinguishing number, when that distinguishing number is another person's Social Security number, assign a new distinguishing number, and issue a new license or identification card without charge to the licensee or cardholder.

~~3.~~ 4. The Department may promulgate rules for inclusion of the height and a brief description of the licensee or cardholder on the face of the card or license identifying the licensee or cardholder as deaf or hard-of-hearing.

~~4.~~ 5. It is unlawful for any person to apply, adhere, or otherwise attach to a driver license or identification card any decal, sticker, label, or other attachment. Any law enforcement officer is authorized to remove and dispose of any unlawful decal, sticker, label, or other attachment from the driver license of a person. The law enforcement officer, the employing agency of the officer, the Department of Public Safety, and the State of Oklahoma shall be immune from any liability for any loss suffered by the licensee, cardholder, or the owner of the decal, sticker, label, or other attachment caused by the removal and destruction of the decal, sticker, label, or other attachment.

~~5.~~ 6. The Department of Public Safety shall develop an alternative procedure whereby a person applying for a renewal or replacement Class D license or identification card who satisfactorily demonstrates to the Department the inability to appear personally to be photographed, because the person is not in the state at the time of renewal or at a time a replacement is required by the person, may be issued a license or card bearing the words "Valid Without Photo"; provided, immediately upon returning to Oklahoma, the person shall obtain a replacement license or card, as

applicable, which contains and displays a photograph or computerized image of the person.

B. The Department may issue a temporary permit to an applicant for a driver license permitting such applicant to operate a motor vehicle while the Department is completing its investigation and determination of all facts relative to such applicant's privilege to receive a license. Such permit must be in the immediate possession of the driver while operating a motor vehicle, and it shall be invalid when the applicant's driver license has been issued or for good cause has been refused.

C. 1. The Department may issue a restricted commercial driver license to seasonal drivers eighteen (18) years of age or older for any of the following specific farm-related service industries:

- a. farm retail outlets and suppliers,
- b. agri-chemical businesses,
- c. custom harvesters, and
- d. livestock feeders.

The applicant shall hold a valid Oklahoma driver license and shall meet all the requirements for a commercial driver license. The restricted commercial driver license shall not exceed a total of one hundred eighty (180) days within any twelve-month period.

2. The restricted commercial driver license shall not be valid for operators of commercial motor vehicles beyond one hundred fifty (150) miles from the place of business or the farm currently being served. Such license shall be limited to Class B vehicles. Holders of such licenses who transport hazardous materials which are required to be placarded shall be limited to the following:

- a. diesel fuel in quantities of one thousand (1,000) gallons or less,
- b. liquid fertilizers in vehicles with total capacities of three thousand (3,000) gallons or less, and

- c. solid fertilizers that are not mixed with any organic substance.

No other placarded hazardous materials shall be transported by holders of such licenses.

D. 1. The Department may issue a nonresident commercial driver license to an applicant who:

- a. is at least eighteen (18) years of age,
- b. is employed by an Oklahoma employer,
- c. is a resident of a foreign country, other than Canada or Mexico, and
- d. has met all the requirements for a commercial driver license, except the requirement of having been issued a Social Security number, for the operation of any commercial class of vehicles. Any person who is applying for a nonresident commercial driver license shall be subject to the provisions of this title.

2. A nonresident commercial driver license issued pursuant to paragraph 1 of this subsection shall contain on the face of the license the statement "nonresident commercial driver license" or "nonresident CDL".

3. Any license issued pursuant to paragraph 1 of this subsection shall be valid only for the period the nonresident is authorized to be employed in the United States or for a period of four (4) years, whichever is shorter. The fee for a nonresident commercial driver license will be the same as for a resident commercial driver license.

4. If the nonresident applicant is the holder of a nonresident commercial driver license issued by another state, the license shall be surrendered to the Department at the time a nonresident commercial driver license is issued by the Department.

SECTION 10. AMENDATORY 47 O.S. 2001, Section 6-205, as last amended by Section 6, Chapter 149, O.S.L. 2004 (47 O.S. Supp. 2004, Section 6-205), is amended to read as follows:

Section 6-205. A. The Department of Public Safety shall immediately revoke the driving privilege of any person, whether adult or juvenile, upon receiving a record of conviction in any municipal, state or federal court within the United States of any of the following offenses, when such conviction has become final:

1. Manslaughter or negligent homicide resulting from the operation of a motor vehicle;

2. Driving or being in actual physical control of a motor vehicle while under the influence of alcohol, any other intoxicating substance, or the combined influence of alcohol and any other intoxicating substance, any violation of paragraph 1, 2, 3 or 4 of subsection A of Section 11-902 of this title or any violation of Section 11-906.4 of this title. However, the Department shall not additionally revoke the driving privileges of the person pursuant to this subsection if the person's driving privilege has been revoked because of a test result or test refusal pursuant to Section 753 or 754 of this title arising from the same circumstances which resulted in the conviction unless the revocation because of a test result or test refusal is set aside;

3. Any felony during the commission of which a motor vehicle is used;

4. Failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;

5. Perjury or the making of a false affidavit or statement under oath to the Department under the Uniform Vehicle Code or under any other law relating to the ownership or operation of motor vehicles;

6. A misdemeanor or felony conviction for unlawfully possessing, distributing, dispensing, manufacturing or trafficking in a controlled dangerous substance as defined in the Uniform Controlled Dangerous Substances Act; or

7. Failure to pay for gasoline pumped into a vehicle pursuant to Section 1740 of Title 21 of the Oklahoma Statutes; ~~or~~

~~8. A conviction for a violation of paragraph 3 of subsection A of Section 1151 of this title.~~

B. The first license revocation under any provision of this section, except for paragraph 2, 6, or 7 ~~or~~ 8 of subsection A of this section, shall be for a period of one (1) year. Such period shall not be modified.

C. A license revocation under any provision of this section, except for paragraph 2, 6, or 7 ~~or~~ 8 of subsection A of this section, shall be for a period of three (3) years if a prior revocation under this section, except under paragraph 2 of subsection A of this section, commenced within the preceding five-year period as shown by the Department's record. Such period shall not be modified.

D. The period of license revocation under paragraph 2 or 6 of subsection A of this section shall be governed by the provisions of Section 6-205.1 of this title.

E. The first license revocation under paragraph 7 of subsection A of this section shall be for a period of six (6) months. A second or subsequent license revocation under paragraph 7 of subsection A of this section shall be for a period of one (1) year. Such periods shall not be modified.

~~F. The period of license revocation under paragraph 8 of subsection A of this section shall be effective until the person provides to the Department proof of registration of the vehicle in Oklahoma or proof that the person no longer owns the vehicle.~~

SECTION 11. AMENDATORY 47 O.S. 2001, Section 6-205.1, as last amended by Section 7, Chapter 390, O.S.L. 2004 (47 O.S. Supp. 2004, Section 6-205.1), is amended to read as follows:

Section 6-205.1 A. The driving privilege of a person who is convicted of any offense as provided in paragraph 2 or 6 of subsection A of Section 6-205 of this title, or a person who has refused to submit to a test or tests as provided in Section 753 of this title, or a person whose alcohol concentration is subject to the provisions of Section 754 of this title, shall be revoked or denied by the Department of Public Safety for the following period, as applicable:

1. The first license revocation pursuant to paragraph 2 of subsection A of Section 6-205 of this title or to Section 753 or 754 of this title shall be for one hundred eighty (180) days, which may be modified; provided, any modification under this paragraph shall apply to Class D motor vehicles only;

2. A revocation pursuant to paragraph 2 of subsection A of Section 6-205, or to Section 753 or 754 of this title shall be for a period of one (1) year if within five (5) years preceding the date of arrest relating thereto, a prior revocation commenced pursuant to paragraph 2 or 6 of subsection A of Section 6-205, or to Section 753 or 754 of this title as shown by the Department's records. Such period shall not be modified; or

3. A revocation pursuant to paragraph 2 of subsection A of Section 6-205, or to Section 753 or 754 of this title shall be for a period of three (3) years if within five (5) years preceding the date of arrest relating thereto, two or more prior revocations commenced pursuant to paragraph 2 or 6 of subsection A of Section 6-205, or to Section 753 or 754 of this title as shown by the Department's records. Such period shall not be modified.

B. The driving privilege of a person who is convicted of any offense as provided in paragraph 6 of subsection A of Section 6-205

of this title shall be revoked or denied by the Department of Public Safety for the following period, as applicable:

1. The first license revocation shall be for one hundred eighty (180) days, which may be modified; provided, for license revocations for a misdemeanor charge of possessing a controlled dangerous substance, the provisions of this paragraph shall apply to any such revocations by the Department on or after January 1, 1993; provided further, any modification under this paragraph shall apply to Class D motor vehicles only;

2. A revocation shall be for a period of one (1) year if within five (5) years preceding the date of arrest relating thereto, a prior revocation commenced pursuant to paragraph 2 or 6 of subsection A of Section 6-205, or under Section 753 or 754 of this title as shown by the Department's records. Such period shall not be modified; or

3. A revocation shall be for a period of three (3) years if within five (5) years preceding the date of arrest relating thereto, two or more prior revocations commenced pursuant to paragraph 2 or 6 of subsection A of Section 6-205, or under Section 753 or 754 of this title as shown by the Department's records. Such period ~~may~~ shall not be modified after one (1) year; ~~provided, any modification under this paragraph shall apply to Class D motor vehicles only.~~

The revocation of the driving privilege of any person under this subsection shall not run concurrently with any other withdrawal of driving privilege resulting from a different incident and which requires the driving privilege to be withdrawn for a prescribed amount of time. A denial based on a conviction of any offense as provided in paragraph 6 of subsection A of Section 6-205 of this title shall become effective on the first day the convicted person is otherwise eligible to apply for and be granted driving privilege if the person was not eligible to do so at the time of the conviction.

C. For the purposes of this subsection:

1. The term "conviction" includes a juvenile delinquency adjudication by a court or any notification from a court pursuant to Section 6-107.1 of this title; and

2. The term "revocation" includes a denial of driving privileges by the Department.

D. Each period of revocation not subject to modification shall be mandatory and neither the Department nor any court shall grant driving privileges based upon hardship or otherwise for the duration of that period. Each period of revocation, subject to modification as provided for in this section, may be modified as provided for in Section 754.1 or 755 of this title; provided, any modification under this paragraph shall apply to Class D motor vehicles only.

E. Any appeal of a revocation or denial of driving privileges shall be governed by Section 6-211 of this title.

SECTION 12. AMENDATORY 47 O.S. 2001, Section 6-206, as amended by Section 16, Chapter 392, O.S.L. 2003 (47 O.S. Supp. 2004, Section 6-206), is amended to read as follows:

Section 6-206. A. Whenever any person is convicted or pleads guilty in any court having jurisdiction over offenses committed under Section 1-101 et seq. of this title, or any other act or municipal ordinance or act or ordinance of another state regulating the operation of motor vehicles on highways, such court shall make immediate report to the Department of Public Safety setting forth the name of the offender, the number of the driver license and the penalty imposed. Said report shall be submitted by the judge or the clerk of the court upon forms furnished or approved by the Department.

B. The Department, upon receipt of said report or upon receipt of a report of a conviction in another state relating to the operation of a motor vehicle, may in its discretion suspend the driving privilege of such person for such period of time as in its

judgment is justified from the records of such conviction together with the records and reports on file in the Department, subject to the limitations provided in Section 6-208 of this title. Any action taken by the Department shall be in addition to the penalty imposed by the court.

C. Following receipt of a notice of any nonpayment of fine and costs for a moving traffic violation with a recommendation of suspension of driving privileges of a defendant from any court within this state, as provided for in Section 983 of Title 22 of the Oklahoma Statutes, the Department shall suspend the driving privilege of the named person after giving notice as provided in Section 2-116 of this title. A person whose license is subject to suspension pursuant to this section may avoid the effective date of the suspension or, if suspended, shall be eligible for reinstatement, if otherwise eligible, upon:

1. Making application to the Department of Public Safety;
2. Showing proof of payment of the total amount of the fine and cost or a release from the court or court clerk; and
3. Submitting the processing and reinstatement fees, as provided for in Section 6-212 of this title.

Provided, however, in cases of extreme and unusual hardship, as determined by the court, the person shall be placed on a payment plan by the court, and the court shall send a release to the Department for reinstatement purposes. The court may submit another suspension request pursuant to this section if the person fails to honor the payment plan. In such case, the Department shall again suspend the person's driving privilege for nonpayment of fine and costs for the same moving traffic violation. Upon reinstatement after suspension for nonpayment of fine and costs for a moving traffic violation the Department may remove such record of suspension from the person's driving record and retain an internal record for audit purposes.

D. Upon the receipt of a record of conviction for eluding or attempting to elude a peace officer, the Department of Public Safety shall suspend the driving privilege of the person:

1. For the first conviction as indicated on the driving record of the person, for a period of six (6) months;

2. For the second conviction as indicated on the driving record of the person, for a period of one (1) year. Such period shall not be modified; and

3. For the third or subsequent conviction as indicated on the driving record of the person, a period of three (3) years. Such period shall not be modified.

E. Any person whose driving privilege is so suspended under the provisions of this section shall have the right of appeal, as provided in Section 6-211 of this title.

SECTION 13. AMENDATORY 47 O.S. 2001, Section 754.1, as amended by Section 23, Chapter 418, O.S.L. 2004 (47 O.S. Supp. 2004, Section 754.1), is amended to read as follows:

Section 754.1 A. The Department of Public Safety, prior to an administrative hearing for a revocation or denial arising under the provisions of Sections 751 through 754 of this title or under the provisions of Section 6-205.1 of this title, may modify the revocation or denial when it is determined by the Department that no other adequate means of transportation exists for the person whose driving privilege has been revoked or denied.

B. As a prerequisite and condition of any modification, the person shall be required to have installed an ignition interlock device approved by the Board of Tests for Alcohol and Drug Influence, at the ~~person's own~~ expense of the person, upon every motor vehicle operated by such person, provided, the Department shall not require as a condition of modification the device to be installed upon any vehicle owned or leased by an employer of the person, except when the person ~~is~~:

1. Is self-employed ~~or~~;

2. Is employed by relatives a relative within the first degree of consanguinity or who resides in the same household; or

3. Owns part or all of the company or corporation, or exercises control over some part thereof of the business which owns the vehicle,

without the employer's written permission to install the ignition interlock device on any vehicle to be operated by the person during the course of employment. The permission to install the ignition interlock device shall be in writing on the official letterhead of the employer. The person shall comply with all provisions of law and rule regarding ignition interlock devices.

C. Upon the issuance of a modification order pursuant to this section or Section 755 of this title, the person shall pay a modification fee of One Hundred Fifty Dollars (\$150.00) to the Department. For each modification fee collected pursuant to the provisions of this section, One Hundred Dollars (\$100.00) shall be remitted to the State Treasurer to be credited to the General Revenue Fund in the State Treasury and Fifty Dollars (\$50.00) shall be remitted to the State Treasurer to be credited to the Department of Public Safety Revolving Fund. All monies accruing to the credit of the Department of Public Safety Revolving Fund from modification fees shall be budgeted and expended solely for the purpose of administering the provisions of this section and Section 755 of this title.

D. The Board of Tests for Alcohol and Drug Influence shall promulgate such rules as are necessary to implement and administer the provisions of this subsection relating to ignition interlock devices and the providers of such devices.

SECTION 14. AMENDATORY 47 O.S. 2001, Section 1151, as last amended by Section 24, Chapter 522, O.S.L. 2004 (47 O.S. Supp. 2004, Section 1151), is amended to read as follows:

Section 1151. A. It shall be unlawful for any person to commit any of the following acts:

1. To lend or to sell to, or knowingly permit the use of by, one not entitled thereto any certificate of title, license plate or decal issued to or in the custody of the person so lending or permitting the use thereof;

2. To alter or in any manner change a certificate of title, registration certificate, license plate or decal issued under the laws of this or any other state;

3. To procure from another state or country, or display upon any vehicle owned by such person within this state, except as otherwise provided in the Oklahoma Vehicle License and Registration Act, any license plate issued by any state or country other than this state, unless there shall be displayed upon such vehicle at all times the current license plate and decal assigned to it by the Oklahoma Tax Commission or the Corporation Commission or the vehicle shall display evidence that the vehicle is registered as a nonresident vehicle pursuant to rules promulgated by the Tax Commission, with the concurrence of the Department of Public Safety. A violation of the provisions of this paragraph shall be presumed to have occurred if a person who is the holder of an Oklahoma driver license operates a vehicle owned by such person on the public roads or highways of this state and there is not displayed on the vehicle a current Oklahoma license plate and decal, unless the vehicle is owned by a member of the Armed Forces of the United States assigned to duty in this state in compliance with official military or naval orders or the spouse of such a member of the Armed Forces;

4. To drive, operate or move, or for the owner to cause or permit to be driven or moved, upon the roads, streets or highways of this state, any vehicle loaded in excess of its registered laden weight, or which is licensed for a capacity less than the

manufacturer's rated capacity as provided for in the Oklahoma Vehicle License and Registration Act;

5. To operate a vehicle without proper license plate or decal or on which all taxes due the state have not been paid;

6. To buy, sell or dispose of, or possess for sale, use or storage, any secondhand or used vehicle on which the registration or license fee has not been paid, as required by law, and on which vehicle the person neglects, fails or refuses to display at all times the license plate or decal assigned to it;

7. To give a fictitious name or fictitious address or make any misstatement of facts in application for certificate of title and registration of a vehicle;

8. To purchase a license plate on an assigned certificate of title. This particular paragraph shall be applicable to all persons except bona fide registered dealers in used cars who are holders of current and valid ~~used-car-dealers'~~ licenses of used car dealers;

9. To operate a vehicle upon the highways of this state after the registration deadline for that vehicle without a proper license plate, as prescribed by the Oklahoma Vehicle License and Registration Act, for the current year;

10. For any owner of a vehicle registered on the basis of laden weight to fail or refuse to weigh or reweigh it when requested to do so by any enforcement officer charged with the duty of enforcing this law;

11. To operate or possess any vehicle which bears a motor number or serial number other than the original number placed thereon by the factory except a number duly assigned and authorized by the state;

12. For any motor license agent to release a license plate, a manufactured home registration receipt, decal or excise tax receipt to any unauthorized person or source, including any dealer in new or used motor vehicles. Violation of this paragraph shall constitute

sufficient grounds for discharge of a motor license agent by the Tax Commission;

13. To operate any vehicle registered as a commercial vehicle without the lettering requirements of Section 1102 of this title; or

14. To operate any vehicle in violation of the provisions of Sections 7-600 through 7-606 of this title while displaying a yearly decal issued to the owner who has filed an affidavit with the appropriate motor license agent in accordance with Section 7-607 of this title.

Any person convicted of violating any provision of this subsection, other than paragraph 3 of this subsection, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00). Any person convicted of violating the provisions of paragraph 3 of this subsection shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00) and shall be required to obtain an Oklahoma license plate. Employees of the Corporation Commission may be authorized by the Corporation Commission to issue citations for a violation of paragraph 5 of this subsection. If a person convicted of violating the provisions of paragraph 5 of this subsection was issued a citation by a duly authorized employee of the Corporation Commission, the fine herein levied shall be apportioned as provided in Section ~~3~~ 1161 of this ~~act~~ title.

B. Except as otherwise authorized by law, it shall be unlawful to:

1. Lend or sell to, or knowingly permit the use of by, one not entitled thereto any certificate of title issued for a manufactured home, manufactured home registration receipt, manufactured home registration decal or excise tax receipt;

2. Alter or in any manner change a certificate of title issued for a manufactured home under the laws of this state or any other state;

3. Remove or alter a manufactured home registration receipt, manufactured home registration decal or excise tax receipt attached to a certificate of title or attach such receipts to a certificate of title with the intent to misrepresent the payment of the required excise tax and registration fees;

4. Buy, sell, or dispose of, or possess for sale, use or storage any used manufactured home on which the registration fees or excise taxes have not been paid as required by law; or

5. Purchase identification, manufactured home registration receipt, manufactured home registration decal or excise tax receipt on an assigned certificate of title.

Anyone violating the provisions of this subsection, upon conviction, shall be guilty of a felony.

C. In the event a new vehicle is not registered within thirty (30) days from date of purchase, the penalty for the failure of the owner of the vehicle to register the vehicle within thirty (30) days shall be Twenty-five Dollars (\$25.00) τi provided, l that in no event shall the penalty exceed an amount equal to the license fee. The penalty for new commercial vehicles shall be equal to the license fee for such vehicles.

If a used vehicle is brought into Oklahoma by a resident of this state and is not registered within thirty (30) days, a penalty of twenty-five cents (\$0.25) per day shall be charged from the date of entry to the date of registration, such penalty to accrue for thirty (30) days, upon failure to register, at the end of which time the penalty shall be Twenty-five Dollars (\$25.00) τi provided, l that in no event shall the penalty exceed an amount equal to the license fee. The penalty for used commercial vehicles shall be equal to the license fee for such vehicles.

D. Any owner who knowingly makes or causes to be made any false statement of a fact required in this section to be shown in an application for the registration of one or more vehicles shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than One Thousand Dollars (\$1,000.00), or shall be imprisoned in the county jail for not more than one (1) year, or by both such fine and imprisonment.

E. Self-propelled or motor-driven cycles, known and commonly referred to as "minibikes" and other similar trade names, shall not be registered under the provisions of the Oklahoma Vehicle License and Registration Act or be permitted to be operated on the streets or highways of this state. Provided that minibikes may be operated on the streets when used in a parade. Notwithstanding other provisions of this subsection, minibikes may be registered and operated in this state by food vendor services upon streets having a speed limit of thirty (30) miles per hour or less.

All minibikes offered for sale in this state shall bear the following notice to the customer:

"This machine is not manufactured or sold for operation on the public streets or highways. Since it is not provided with equipment required by law for street or highway use, all persons are cautioned that any operation of this vehicle upon a public street or highway will be in violation of the motor vehicle laws of this state and will subject the violator to arrest."

Transfers and sales of such vehicles shall be subject to sales tax and not motor vehicle excise taxes.

The provisions of this subsection shall also apply to those motor-driven or operated vehicles known as "golf carts", "go-carts" and other motor vehicles which are manufactured principally for use off the streets and highways. Provided, that golf carts owned by the Oklahoma Tourism and Recreation Department, and operated by

employees or agents of the Department or employees of independent management companies working on behalf of the Department, may be operated on the streets and highways of this state during daylight hours or under regulation developed by the Oklahoma Tourism and Recreation Commission, when such streets and highways are located within the boundaries of a state park. The Department shall have warning signs placed at the entrance and other locations at those state parks allowing golf carts to be operated on the streets and highways of this state located within the boundaries of those state parks. The warning signs shall state that golf carts may be on such streets and highways and that motor vehicle operators shall take special precautions to be alert for the presence of the golf carts on such streets and highways.

The provisions of this subsection shall also apply to those motor-driven or operated vehicles known as "all-terrain vehicles", which are manufactured principally for use off the roads. All-terrain vehicles may be operated on unpaved roads which are located within the boundaries of any property of the Forest Service of the United States Department of Agriculture. Also, all-terrain vehicles may operate upon the public streets and highways of this state under the following circumstances:

1. An all-terrain vehicle may be operated upon public streets and highways if the vehicle needs to make a direct crossing of the street or highway while the vehicle is traveling upon a regularly traveled trail and needs to continue travel from one area of the trail to another and if the vehicle comes to a complete stop, yields the right-of-way to all oncoming traffic that constitutes an immediate hazard, and crosses the street or highway at an angle of approximately ninety (90) degrees to the direction of the street or highway. This exception shall not apply to divided highways or streets or highways with a posted speed limit of more than thirty-five (35) miles per hour in the area of the crossing;

2. An all-terrain vehicle may be operated upon public streets and highways if the vehicle needs to travel on a public street or highway in order to cross a railroad track. In that event, the all-terrain vehicle may travel for not more than three hundred (300) feet on a public street or highway to cross a railroad track;

3. The operator of the all-terrain vehicle making the crossing at a street or highway has a valid driver license; and

4. The operation of the vehicle making a crossing on a street or highway occurs during daylight hours only.

F. Any person violating paragraph 3 or 6 of subsection A of this section, in addition to the penal provisions provided in this section, shall pay as additional penalty a sum equal to the amount of license fees due on such vehicle or registration fees due on a manufactured home known to be in violation and such amount is hereby declared to be a lien upon the vehicle as provided in the Oklahoma Vehicle License and Registration Act. In addition to the penalty provisions provided in this section, any person violating paragraph 3 of subsection A of this section shall be deemed guilty of a misdemeanor and shall, upon conviction, be punished by a fine of One Hundred Dollars (\$100.00) ~~and the suspension of such person's driver license and right to operate the vehicle.~~

G. Each violation of any provision of the Oklahoma Vehicle License and Registration Act for each and every day such violation has occurred shall constitute a separate offense.

H. Anyone violating any of the provisions heretofore enumerated in this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than Ten Dollars (\$10.00) and not to exceed Three Hundred Dollars (\$300.00).

I. Any violation of any portion of the Oklahoma Vehicle License and Registration Act where a specific penalty has not been imposed shall constitute a misdemeanor and upon conviction thereof the

person having violated it shall be fined not less than Ten Dollars (\$10.00) and not to exceed Three Hundred Dollars (\$300.00).

J. Any provision of Section 1101 et seq. of this title providing for proportional registration under reciprocal agreements and the International Registration Plan that relates to the promulgation of rules and regulations shall not be subject to the provisions of this section.

SECTION 15. This act shall become effective November 1, 2005.

Passed the House of Representatives the 9th day of March, 2005.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2005.

Presiding Officer of the Senate