

EHB 1653

1 THE STATE SENATE
2 Wednesday, April 13, 2005

3 ENGROSSED

4 House Bill No. 1653

5 As Amended

6 ENGROSSED HOUSE BILL NO. 1653 - By: MORGAN (Danny) of the House and
7 LEFTWICH of the Senate.

8 [driver licenses - issuance of Class D licenses -
9 increasing age requirement - stating eligibility
10 requirements - codification - effective date]

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

12 SECTION 1. AMENDATORY 47 O.S. 2001, Section 6-102, as
13 last amended by Section 8, Chapter 418, O.S.L. 2004 (47 O.S. Supp.
14 2004, Section 6-102), is amended to read as follows:

15 Section 6-102. A. A nonresident who is sixteen (16) years of
16 age or older may operate a motor vehicle in this state as authorized
17 by the class, restrictions, and endorsements specified on the
18 license, if the nonresident is:

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

23 2. A member of the Armed Forces of the United States or the
24 spouse or dependent of such member who has been issued and is in

1 possession of a valid driver license issued by an overseas component
2 of the Armed Forces of the United States.

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

6 1. Operating a vehicle pursuant to subsection A B of Section 6-
7 105 of this title; or

8 2. Taking the driving skills examination as required by Section
9 6-110 of this title, when accompanied by a Driver License Examiner
10 of the Department of Public Safety or by a designated examiner
11 approved and certified by the Department.

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

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

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

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

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

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

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

11 SECTION 2. AMENDATORY 47 O.S. 2001, Section 6-105, as
12 last amended by Section 1, Chapter 139, O.S.L. 2004 (47 O.S. Supp.
13 2004, Section 6-105), is amended to read as follows:

14 Section 6-105. A. Unless a custodial parent or guardian has
15 filed an objection to licensure pursuant to Section 6-103.1 of this
16 title, any person under ~~sixteen (16)~~ eighteen (18) years of age who
17 is in compliance with or not subject to Section 6-107.3 of this
18 title may be permitted to operate a:

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

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

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

4 ~~1. Is~~ B. Any person who is at least fifteen (15) years of age
5 may drive during a session in which the driver is being instructed
6 in a driver education course, as set out in ~~divisions (1) and (2) of~~
7 ~~subparagraph a~~ subparagraphs 1, 2 and 3 of paragraph ~~2~~ 1 of ~~this~~
8 subsection C of this section, by a certified driver education
9 instructor who is seated in the right front seat of the motor
10 vehicle~~;~~.

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

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

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

18 ~~(1)~~ a. a prescribed secondary school driver education course,
19 as provided for in Sections 19-113 through 19-121 of
20 Title 70 of the Oklahoma Statutes,

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

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

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

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

9 D. 1. Any person:

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

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

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

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

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

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

- 9 (1) only ~~during daylight~~ between the hours of 5:00
10 a.m. and 11:00 p.m., except for driving to and
11 from work, school, school activities, and church
12 activities, or
13 (2) at any time, if a ~~parent or guardian~~ licensed
14 driver who is at least twenty-one (21) years of
15 age is ~~a passenger in the front seat of the~~
16 ~~vehicle, the person may drive at any time~~
17 actually occupying a seat beside the intermediate
18 Class D licensee, and ~~may~~

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

- 21 (1) all passengers live in the same household as the
22 custodial legal parent or legal guardian, or

1 ~~unless the parent or guardian is a passenger in~~
2 ~~the front seat of the vehicle;~~

3 5. ~~Is at least sixteen and one-half (16 1/2) years of age, who~~
4 (2) a licensed driver at least twenty-one (21) years
5 of age is actually occupying a seat beside the
6 intermediate Class D licensee.

7 E. Any person:

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

10 a. one (1) year, or

11 b. six (6) months, if the person has completed both the
12 driver education and the parent-certified behind-the-
13 wheel training provisions of subparagraph c of
14 paragraph 1 of subsection D of this section; and not
15 ~~been convicted of, pled guilty to, or pled no contest~~
16 ~~to any moving vehicle violations, and has applied for,~~
17 ~~been issued, and has possessed an instruction permit~~
18 ~~for a minimum of six (6) months~~

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

21 6. ~~Any person under eighteen (18) years of age who has not~~
22 ~~previously been licensed to drive in Oklahoma or in another~~
23 ~~jurisdiction, must apply for, be issued, and possess an instruction~~

1 ~~permit for not less than six (6) months before applying for a~~
2 ~~restricted or unrestricted Class D driver license.~~

3 ~~B. Instruction permits and restricted~~ F. Learner permits and
4 intermediate Class D licenses shall be issued for the same period as
5 all other driver licenses. The licenses may be suspended or
6 canceled at the discretion of the Department for violation of
7 restrictions, for failing to give the required or correct
8 information on the application, for knowingly giving false or
9 inaccurate information on the application or any subsequent
10 documentation related to the granting of driving privileges, or for
11 violation of any traffic laws of this state pertaining to the
12 operation of a motor vehicle.

13 ~~E. G.~~ G. The Department of Public Safety shall promulgate rules
14 establishing ~~proceedings~~ procedures for removal of ~~the restriction~~
15 learner permit and intermediate Class D license restrictions from
16 the permit or license upon the ~~license holder~~ permittee or licensee
17 qualifying for a less restricted or an unrestricted license. The
18 ~~restriction shall have no force or effect upon or after the~~
19 ~~seventeenth birthday of the restricted licensee.~~

20 ~~D. Any person, who is not subject to the provisions of Section~~
21 ~~6-107.3 of this title, who is enrolled in a commercial driver~~
22 ~~education course, as defined by Sections 801 through 808 of this~~
23 ~~title, may be issued, upon successfully passing all parts of the~~

1 ~~driver license examination administered by the Department except the~~
2 ~~driving examination, an instruction permit which will grant the~~
3 ~~permittee the privilege to operate a Class D motor vehicle upon the~~
4 ~~public highways while accompanied by a licensed driver who is at~~
5 ~~least twenty-one (21) years of age and who is actually occupying a~~
6 ~~seat beside the permittee. The student must obtain the permit~~
7 ~~before the student may operate a Class D vehicle. The permittee may~~
8 ~~be issued a Class D license upon successfully passing the driving~~
9 ~~examination.~~

10 ~~E. H.~~ Any person fourteen (14) years of age or older may apply
11 for a restricted Class D license with a ~~motorcycle~~ motorcycle-only
12 restriction. After the person has successfully passed all parts of
13 the motorcycle examination other than the driving examination and
14 has met all requirements provided for in the rules of the
15 Department, the Department shall issue to the person a restricted
16 Class D license with a ~~motorcycle~~ motorcycle-only restriction which
17 shall grant to the person, while having the license in the person's
18 immediate possession, the privilege to operate a motorcycle or
19 motor-driven cycle:

- 20 1. With a piston displacement not to exceed two hundred fifty
- 21 (250) cubic centimeters;
- 22 2. Between the hours of 4:30 a.m. to 9:00 p.m. only;
- 23 3. While wearing approved protective headgear; and

1 4. While accompanied by and receiving instruction from any
2 person who is at least twenty-one (21) years of age and who is
3 properly licensed pursuant to the laws of this state to operate a
4 motorcycle or motor-driven cycle, and who has visual contact with
5 the restricted licensee.

6 The restricted licensee may apply on or after thirty (30) days
7 from date of issuance of the restricted Class D license with a
8 ~~motorcycle~~ motorcycle-only restriction to have the restriction of
9 being accompanied by a licensed driver removed by successfully
10 completing the driving portion of an examination.

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

1 developed to such a degree that the operation of a motor vehicle by
2 the person would not be inimical to public safety.

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

1 ~~vehicle while accompanied by and receiving instruction from the~~
2 ~~instructor who is actually occupying a seat beside the driver.~~

3 ~~H. 1. In addition to the licenses to operate motor vehicles,~~
4 ~~the Department may issue cards to Oklahoma residents for purposes of~~
5 ~~identification only. The identification cards shall be issued,~~
6 ~~renewed, canceled and denied in the same manner as driver licenses~~
7 ~~in this state. The application for an identification card by any~~
8 ~~person under the age of sixteen (16) shall be signed and verified by~~
9 ~~the parent or legal guardian before a person authorized to~~
10 ~~administer oaths. Such cards shall be valid for a period of four~~
11 ~~(4) years from the month of issuance; however, the identification~~
12 ~~cards issued to persons sixty-five (65) years of age or older shall~~
13 ~~be valid indefinitely from the month of issuance.~~

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

21 ~~3. The fee charged for the issuance or renewal of an~~
22 ~~identification card which is in computerized image format pursuant~~
23 ~~to this section shall be Ten Dollars (\$10.00); however, no person~~

1 ~~sixty-five (65) years of age or older shall be charged a fee for an~~
2 ~~identification card. Of each fee charged pursuant to the provisions~~
3 ~~of this paragraph:~~

4 a. ~~Seven Dollars (\$7.00) shall be apportioned as provided~~
5 ~~in Section 1104 of this title, and~~

6 b. ~~Three Dollars (\$3.00) shall be credited to the~~
7 ~~Department of Public Safety Computer Imaging System~~
8 ~~Revolving Fund to be used solely for the purpose of~~
9 ~~the administration and maintenance of the computerized~~
10 ~~imaging system of the Department.~~

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

17 SECTION 3. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 6-105.2 of Title 47, unless
19 there is created a duplication in numbering, reads as follows:

20 The Department of Public Safety may issue an instructor's permit
21 to any qualified secondary school driver education instructor as
22 defined by the State Board of Education Rules and Regulations for
23 Oklahoma High School Driver and Traffic Safety Education or any

1 driver education instructor, certified by the Department of Public
2 Safety, of a parochial, private, or other nonpublic secondary school
3 upon a proper application to the State Board of Education or the
4 Department of Public Safety in the case of secondary schools that
5 are not regulated by the State Board of Education or a commercial
6 driver training course instructor, as provided for in Sections 801
7 through 808 of Title 47 of the Oklahoma Statutes. The Department
8 shall promulgate rules for the issuance of the permits. Any
9 instructor as defined in this subsection who has been issued a
10 permit may instruct any person who is at least fifteen and one-half
11 (15 1/2) years of age or who is at least fifteen (15) years of age
12 and of secondary school or higher educational standing while
13 regularly enrolled and certified by the instructor as a student
14 taking a prescribed course of secondary school driver education or a
15 driver education course, certified by the Department of Public
16 Safety, from a parochial, private, or other nonpublic secondary
17 school or a commercial driver training course, as defined by
18 Sections 801 through 808 of Title 47 of the Oklahoma Statutes, to
19 operate a motor vehicle while accompanied by and receiving
20 instruction from the instructor who is actually occupying a seat
21 beside the driver.

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

4 A. In addition to the licenses to operate motor vehicles, the
5 Department of Public Safety may issue cards to Oklahoma residents
6 for purposes of identification only. The identification cards shall
7 be issued, renewed, canceled and denied in the same manner as driver
8 licenses in this state. The application for an identification card
9 by any person under the age of eighteen (18) shall be signed and
10 verified by a custodial legal parent or legal guardian before a
11 person authorized to administer oaths. The cards shall be valid for
12 a period of four (4) years from the month of issuance; however, the
13 identification cards issued to persons sixty-five (65) years of age
14 or older shall be valid indefinitely from the month of issuance.

15 B. The fee charged for the issuance or renewal of an
16 identification card which is not in computerized image format
17 pursuant to this section shall be Seven Dollars (\$7.00); however, no
18 person sixty-five (65) years of age or older shall be charged a fee
19 for an identification card. The fees derived pursuant to this
20 subsection shall be apportioned as provided in Section 1104 of Title
21 47 of the Oklahoma Statutes.

22 C. The fee charged for the issuance or renewal of an
23 identification card which is in computerized image format pursuant

1 to this section shall be Ten Dollars (\$10.00); however, no person
2 sixty-five (65) years of age or older shall be charged a fee for an
3 identification card. Of each fee charged pursuant to the provisions
4 of this subsection:

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

7 2. Three Dollars (\$3.00) shall be credited to the Department of
8 Public Safety Computer Imaging System Revolving Fund to be used
9 solely for the purpose of the administration and maintenance of the
10 computerized imaging system of the Department.

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

17 SECTION 5. This act shall become effective November 1, 2005.

18 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 4-6-05 - DO
19 PASS, As Amended.