

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE BILL 2936

By: Liotta

AS INTRODUCED

An Act relating to motor vehicles; directing the Commissioner of Public Safety to establish certain offices in counties with a certain population; amending 47 O.S. 2001, Section 6-107.3, which relates to licenses or permits for persons under eighteen; updating statutory references; modifying scope of certain definition; providing time limitation on certain document; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-316 of Title 47, unless there is created a duplication in numbering, reads as follows:

Upon the effective date of this act, the Commissioner of Public Safety shall establish, within any county in the State of Oklahoma having a population of five hundred thousand (500,000) or more, as determined by the last Federal Decennial Census, no less than three driver license examination offices within said county.

SECTION 2. 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 under eighteen (18) years of age may satisfy the documentation requirement of this subsection by providing a notarized written statement from the parent, custodial parent or legal guardian of the child to the Department of Public Safety that the child 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 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 the parent, custodial parent, or legal guardian of the student to the Department of Public Safety attesting that the child 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 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 is employed at least twenty-four (24) hours per week, and
- b. the student's employer verifies such employment on a form prescribed by the Department of Public Safety.

2. Any student 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 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 over fourteen (14) years of age and under eighteen (18) years of age 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 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 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.

E. When the withdrawal from school of a student is:

1. Due to circumstances beyond the control of the student;
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, custodial parent, or legal guardian of the student, 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 is applying for a license, restricted license, or instruction permit, the attendance officer shall provide the student with documentation to present to the Department of Public Safety to excuse the student from the requirements of this section.

F. Every school district shall, upon request, provide documentation of reading proficiency for any student 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:

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 eligibility 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 eligibility 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. The documentation of reading proficiency shall be
valid for not less than ninety (90) days after the date of issuance.

H. The provisions of this section shall be inapplicable with
respect to any minor 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 3. This act shall become effective November 1, 2006.

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