

ENROLLED SENATE  
BILL NO. 35

By: Crain and Gumm of the  
Senate

and

Tibbs, Reynolds, Kern and  
Terrill of the House

An Act relating to motor vehicles; amending 47 O.S. 2001, Sections 6-105, as last amended by Section 9, Chapter 311, O.S.L. 2006 and 6-111, as last amended by Section 16, Chapter 311, O.S.L. 2006 (47 O.S. Supp. 2006, Sections 6-105 and 6-111), which relate to issuance of driver license and identification cards; modifying qualifications for issuance of intermediate Class D licenses to certain persons; providing for recalculation of certain time period; directing the Department of Public Safety to issue distinctive driver license or identification card to persons required to register pursuant to the Sex Offenders Registration Act and who have been designated an aggravated or habitual offender; directing the Department to provide notification of certain requirements; requiring the surrender of driver license or identification card within a certain period of time; authorizing application for replacement driver license or identification card; providing for certain action by the Department for failure to comply; authorizing application for reissuance of certain driver license or identification card; providing penalty for certain act; providing for issuance of non-distinctive driver license or identification card under certain circumstance; providing liability exemption for certain entity; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2001, Section 6-105, as last amended by Section 9, Chapter 311, O.S.L. 2006 (47 O.S. Supp. 2006, Section 6-105), is amended to read as follows:

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

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

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

3. A farm vehicle under the provisions prescribed in subsection I of this section.

B. Any person who is at least fifteen (15) years of age may drive during a session in which the driver is being instructed in a driver education course, as set out in subparagraphs a, b, c and d of paragraph 1 of subsection C of this section, by a certified driver education instructor who is seated in the right front seat of the motor vehicle.

C. Any person:

1. Who is at least fifteen and one-half (15 1/2) years of age and is currently receiving instruction in or has successfully completed driver education. For purposes of this section, the term "driver education" shall mean:

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

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

- c. a commercial driver training course, as defined by Sections 801 through 808 of this title, or
- d. a parent-taught driver education course, certified by the Department of Public Safety. The Department shall promulgate rules for any parent-taught driver education course; or

2. Who is at least sixteen (16) years of age,

may, upon successfully passing all parts of the driver license examination administered by the Department except the driving examination, be issued a learner permit which will grant the permittee the privilege to operate a Class D motor vehicle upon the public highways while accompanied by a licensed driver who is at least twenty-one (21) years of age and who is actually occupying a seat beside the permittee.

D. 1. Any person:

- a. who has applied for, been issued, and has possessed a learner permit for a minimum of six (6) months, and
- b. ~~who has no convictions on the driving record of the person, and~~
- c. whose custodial legal parent or legal guardian certifies to the Department by sworn affidavit that the person has received a minimum of forty (40) hours of actual behind-the-wheel training, of which at least ten (10) hours of such training was at night, from a licensed driver who was at least twenty-one (21) years of age and who was properly licensed to operate a Class D motor vehicle for a minimum of two (2) years,

may be issued an intermediate Class D license upon successfully passing all parts of the driver license examinations administered by the Department. However, notwithstanding the date of issuance of the learner permit, if the person has been convicted of a traffic offense which is reported on the driving record of that person, the time period specified in subparagraph a of paragraph 1 of this

subsection shall be recalculated to begin from the date of conviction for the traffic offense, and must elapse before that person may be issued an intermediate Class D license. If the person has been convicted of more than one traffic offense which is reported on the driving record of that person, the time period specified in subparagraph a of paragraph 1 of this subsection shall be recalculated to begin from the most recent date of conviction, and must elapse before that person may be issued an intermediate Class D license.

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

- a. shall be granted the privilege to operate a Class D motor vehicle upon the public highways:
  - (1) only between the hours of 5:00 a.m. and 11:00 p.m., except for driving to and from work, school, school activities, and church activities, or
  - (2) at any time, if a licensed driver who is at least twenty-one (21) years of age is actually occupying a seat beside the intermediate Class D licensee, and
- b. shall not operate a motor vehicle with more than one passenger unless:
  - (1) all passengers live in the same household as the custodial legal parent or legal guardian, or
  - (2) a licensed driver at least twenty-one (21) years of age is actually occupying a seat beside the intermediate Class D licensee.

E. Any person+

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

a. ~~one~~

1. One (1) year~~7~~; or

~~b. —six~~

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

~~2. Who has no convictions on the driving record of the person, may be issued a Class D license. However, notwithstanding the date of issuance of the Class D license, if the person has been convicted of a traffic offense which is reported on the driving record of that person, the time periods specified in paragraphs 1 or 2, as applicable, of this subsection shall be recalculated to begin from the date of conviction for the traffic offense, and must elapse before that person may be issued a Class D license. If the person has been convicted of more than one traffic offense which is reported on the driving record of that person, the time periods specified in paragraphs 1 or 2, as applicable, of this subsection shall be recalculated to begin from the most recent date of conviction, and must elapse before that person may be issued a Class D license.~~

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

G. The Department of Public Safety shall promulgate rules establishing procedures for removal of learner permit and intermediate Class D license restrictions from the permit or license upon the permittee or licensee qualifying for a less restricted or an unrestricted license.

H. Any person fourteen (14) years of age or older may apply for a restricted Class D license with a 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-only restriction which shall grant to the person, while having the license in the person's immediate possession, the privilege to operate a motorcycle or motor-driven cycle:

1. With a piston displacement not to exceed two hundred fifty (250) cubic centimeters;
2. Between the hours of 4:30 a.m. to 9:00 p.m. only;
3. While wearing approved protective headgear; and
4. While accompanied by and receiving instruction from any person who is at least twenty-one (21) years of age and who is properly licensed pursuant to the laws of this state to operate a motorcycle or motor-driven cycle, and who has visual contact with the restricted licensee.

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

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

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

SECTION 2. AMENDATORY 47 O.S. 2001, Section 6-111, as last amended by Section 16, Chapter 311, O.S.L. 2006 (47 O.S. Supp. 2006, 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 alphanumeric identification 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 March 1, 2004, shall bear thereon 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 alphanumeric identification, and issue a new license or identification card without charge to the licensee or cardholder.

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.

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.

6. The Department of Public Safety shall develop by rule an alternative procedure whereby a person applying for a renewal or replacement Class D license or identification card, when the person 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; provided, immediately upon returning to Oklahoma, the person shall obtain a replacement license or card as provided in Section 6-114 of this title.

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 shall develop a procedure whereby a person applying for an original, renewal or replacement Class A, B, C or D driver license or identification card who is required to register as a convicted sex offender with the Department of Corrections pursuant to the provisions of the Sex Offenders Registration Act and who the Department of Corrections designates as an aggravated or habitual offender pursuant to subsection J of Section 584 of Title 57 of the Oklahoma Statutes shall be issued a license or card bearing the words "Sex Offender".

2. The Department shall notify every person subject to registration under the provisions of this act who holds a current Class A, B, C or D driver license or identification card that such person is required to surrender the license or card to the Department within one hundred eighty (180) days from the date of the notice.

3. Upon surrendering the license or card for the reason set forth in this subsection, application may be made with the

Department for a replacement license or card bearing the words "Sex Offender".

4. Failure to comply with the requirements set forth in such notice shall result in cancellation of the person's license or card. Such cancellation shall be in effect for one (1) year, after which time the person may make application with the Department for a new license or card bearing the words "Sex Offender". Continued use of a canceled license or card shall constitute a misdemeanor and shall, upon conviction thereof, be punishable by a fine of not less than Twenty-five Dollars (\$25.00), nor more than Two Hundred Dollars (\$200.00). When an individual is no longer required to register as a convicted sex offender with the Department of Corrections pursuant to the provisions of the Sex Offenders Registration Act, the individual shall be eligible to receive a driver license or identification card which does not bear the words "Sex Offender".

E. Nothing in subsection D of this section shall be deemed to impose any liability upon or give rise to a cause of action against any employee, agent or official of the Department of Corrections for failing to designate a sex offender as an aggravated or habitual offender pursuant to subsection J of Section 584 of Title 57 of the Oklahoma Statutes.

SECTION 3. This act shall become effective November 1, 2007.

Passed the Senate the 23rd day of May, 2007.

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Presiding Officer of the Senate

Passed the House of Representatives the 24th day of May, 2007.

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Presiding Officer of the House  
of Representatives

