

THE HOUSE OF REPRESENTATIVES
Monday, April 7, 2008

ENGROSSED
Senate Bill No. 1945

ENGROSSED SENATE BILL NO. 1945 - By: SWEEDEN of the Senate and BLACKWELL of the House.

An Act relating to motor vehicles; amending 47 O.S. 2001, Section 6-105, as last amended by Section 1, Chapter 328, O.S.L. 2007 (47 O.S. Supp. 2007, Section 6-105), which relates to graduated driver licenses; providing for certain operation of a motor vehicle with an intermediate Class D license; and providing an effective date.

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

1 SECTION 1. AMENDATORY 47 O.S. 2001, Section 6-105, as last amended by
2 Section 1, Chapter 328, O.S.L. 2007 (47 O.S. Supp. 2007, Section 6-105), is amended to
3 read as follows:

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

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

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

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

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

6 C. Any person:

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

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

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

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

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

20 2. Who is at least sixteen (16) years of age,
21 may, upon successfully passing all parts of the driver license examination administered
22 by the Department except the driving examination, be issued a learner permit which will

1 grant the permittee the privilege to operate a Class D motor vehicle upon the public
2 highways while accompanied by a licensed driver who is at least twenty-one (21) years of
3 age and who is actually occupying a seat beside the permittee.

4 D. 1. Any person:

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

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

14 may be issued an intermediate Class D license upon successfully passing all parts of the
15 driver license examinations administered by the Department. However, notwithstanding
16 the date of issuance of the learner permit, if the person has been convicted of a traffic
17 offense which is reported on the driving record of that person, the time period specified in
18 subparagraph a of paragraph 1 of this subsection shall be recalculated to begin from the
19 date of conviction for the traffic offense, and must elapse before that person may be
20 issued an intermediate Class D license. If the person has been convicted of more than
21 one traffic offense which is reported on the driving record of that person, the time period
22 specified in subparagraph a of paragraph 1 of this subsection shall be recalculated to

1 begin from the most recent date of conviction, and must elapse before that person may be
2 issued an intermediate Class D license.

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

5 a. shall be granted the privilege to operate a Class D motor vehicle upon
6 the public highways:

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

10 (2) at any time, if a licensed driver who is at least twenty-one (21)
11 years of age is actually occupying a seat beside the intermediate
12 Class D licensee, or if the intermediate Class D licensee is a
13 farm or ranch resident, and is operating a motor vehicle while
14 engaged in farming or ranching operations outside the limits of
15 a municipality, or driving to and from work, school, school
16 activities, or church activities, and

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

18 (1) all passengers live in the same household as the custodial legal
19 parent or legal guardian, or

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

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 E. Any person who has been issued an intermediate Class D license for a minimum
2 of:

3 1. One (1) year; or

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

7 may be issued a Class D license. However, notwithstanding the date of issuance of the
8 Class D license, if the person has been convicted of a traffic offense which is reported on
9 the driving record of that person, the time periods specified in paragraphs 1 or 2, as
10 applicable, of this subsection shall be recalculated to begin from the date of conviction for
11 the traffic offense, and must elapse before that person may be issued a Class D license.

12 If the person has been convicted of more than one traffic offense which is reported on the
13 driving record of that person, the time periods specified in paragraphs 1 or 2, as
14 applicable, of this subsection shall be recalculated to begin from the most recent date of
15 conviction, and must elapse before that person may be issued a Class D license.

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

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

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

12 1. With a piston displacement not to exceed two hundred fifty (250) cubic
13 centimeters;

14 2. Between the hours of 4:30 a.m. to 9:00 p.m. only;

15 3. While wearing approved protective headgear; and

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

20 The restricted licensee may apply on or after thirty (30) days from date of issuance
21 of the restricted Class D license with a motorcycle-only restriction to have the restriction

1 of being accompanied by a licensed driver removed by successfully completing the driving
2 portion of an examination.

3 I. The Department may in its discretion issue a special permit to any person who
4 has attained the age of fourteen (14) years, authorizing such person to operate farm
5 vehicles between the farm and the market to haul commodities grown on the farm;
6 provided, that the special permit shall be temporary and shall expire not more than
7 thirty (30) days after the issuance of the special permit. Special permits shall be issued
8 only to farm residents and shall be issued only during the time of the harvest of the
9 principal crops grown on such farm. Provided, however, the Department shall not issue
10 a special permit pursuant to this subsection until the Department is fully satisfied after
11 the examination of the application and other evidence furnished in support thereof, that
12 the person is physically and mentally developed to such a degree that the operation of a
13 motor vehicle by the person would not be inimical to public safety.

14 SECTION 2. This act shall become effective November 1, 2008.

15 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT AND
16 TRANSPORTATION, dated 04-03-08 - DO PASS.

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