

3 Senate Bill No. 1945

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

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

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

13 SECTION 1. AMENDATORY 47 O.S. 2001, Section 6-105, as
14 last amended by Section 1, Chapter 328, O.S.L. 2007 (47 O.S. Supp.
15 2007, Section 6-105), is amended to read as follows:

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

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

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

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

1 B. Any person who is at least fifteen (15) years of age may
2 drive during a session in which the driver is being instructed in a
3 driver education course, as set out in subparagraphs a, b, c and d
4 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
6 the motor vehicle.

7 C. Any person:

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

- 12 a. a prescribed secondary school driver education course,
13 as provided for in Sections 19-113 through 19-121 of
14 Title 70 of the Oklahoma Statutes,
- 15 b. a driver education course, certified by the Department
16 of Public Safety, from a parochial, private, or other
17 nonpublic secondary school,
- 18 c. a commercial driver training course, as defined by
19 Sections 801 through 808 of this title, or
- 20 d. a parent-taught driver education course, certified by
21 the Department of Public Safety. The Department shall
22 promulgate rules for any parent-taught driver
23 education course; or

1 2. Who is at least sixteen (16) years of age,
2 may, upon successfully passing all parts of the driver license
3 examination administered by the Department except the driving
4 examination, be issued a learner permit which will grant the
5 permittee the privilege to operate a Class D motor vehicle upon the
6 public highways while accompanied by a licensed driver who is at
7 least twenty-one (21) years of age and who is actually occupying a
8 seat beside the permittee.

9 D. 1. Any person:

- 10 a. who has applied for, been issued, and has possessed a
11 learner permit for a minimum of six (6) months, and
12 b. whose custodial legal parent or legal guardian
13 certifies to the Department by sworn affidavit that
14 the person has received a minimum of forty (40) hours
15 of actual behind-the-wheel training, of which at least
16 ten (10) hours of such training was at night, from a
17 licensed driver who was at least twenty-one (21) years
18 of age and who was properly licensed to operate a
19 Class D motor vehicle for a minimum of two (2) years,
20 may be issued an intermediate Class D license upon successfully
21 passing all parts of the driver license examinations administered by
22 the Department. However, notwithstanding the date of issuance of
23 the learner permit, if the person has been convicted of a traffic

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

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

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

- 16 (1) only between the hours of 5:00 a.m. and 11:00
17 p.m., except for driving to and from work,
18 school, school activities, and church activities,
19 or
20 (2) at any time, if a licensed driver who is at least
21 twenty-one (21) years of age is actually
22 occupying a seat beside the intermediate Class D
23 licensee, or if the intermediate Class D licensee

1 is a farm or ranch resident, and is operating a
2 motor vehicle while engaged in farming or
3 ranching operations outside the limits of a
4 municipality, or driving to and from work,
5 school, school activities, or church activities,
6 and

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

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

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

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

16 1. One (1) year; or

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

21 may be issued a Class D license. However, notwithstanding the date
22 of issuance of the Class D license, if the person has been convicted
23 of a traffic offense which is reported on the driving record of that

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

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

20 G. The Department of Public Safety shall promulgate rules
21 establishing procedures for removal of learner permit and
22 intermediate Class D license restrictions from the permit or license

1 upon the permittee or licensee qualifying for a less restricted or
2 an unrestricted license.

3 H. Any person fourteen (14) years of age or older may apply for
4 a restricted Class D license with a motorcycle-only restriction.
5 After the person has successfully passed all parts of the motorcycle
6 examination other than the driving examination and has met all
7 requirements provided for in the rules of the Department, the
8 Department shall issue to the person a restricted Class D license
9 with a motorcycle-only restriction which shall grant to the person,
10 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
13 (250) cubic 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
17 person who is at least twenty-one (21) years of age and who is
18 properly licensed pursuant to the laws of this state to operate a
19 motorcycle or motor-driven cycle, and who has visual contact with
20 the restricted licensee.

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

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

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

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

18 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY & HOMELAND SECURITY,
19 dated 2-19-08 - DO PASS, As Coauthored.