

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 2818

By: Sullivan

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5
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2001, Section 6-105, as last amended by Section 1,
9 Chapter 328, O.S.L. 2007 (47 O.S. Supp. 2007, Section
10 6-105), which relates to restricted Class D licenses;
11 modifying time of day when the holder of an
12 intermediate Class D license may operate a motor
13 vehicle upon public highways; prohibiting the holder
14 of a learner permit or an intermediate Class D
15 license from using any type of interactive wireless
16 communication device; defining term; and providing an
17 effective date.

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

19 SECTION 1. AMENDATORY 47 O.S. 2001, Section 6-105, as
20 last amended by Section 1, Chapter 328, O.S.L. 2007 (47 O.S. Supp.
21 2007, Section 6-105), is amended to read as follows:

22 Section 6-105. A. Unless a legal custodial parent or legal
23 guardian has filed an objection to licensure pursuant to Section 6-
24 103.1 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 1. A Class D motor vehicle under the graduated driver license
2 provisions prescribed in subsections B through E of this section;

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

5 3. A farm vehicle under the provisions prescribed in subsection
6 ~~F~~ J of this section.

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

13 C. Any person:

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

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

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

3 d. a parent-taught driver education course, certified by
4 the Department of Public Safety. The Department shall
5 promulgate rules for any parent-taught driver
6 education course; or

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

15 D. 1. Any person:

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

18 b. whose custodial legal parent or legal guardian
19 certifies to the Department by sworn affidavit that
20 the person has received a minimum of forty (40) hours
21 of actual behind-the-wheel training, of which at least
22 ten (10) hours of such training was at night, from a
23 licensed driver who was at least twenty-one (21) years
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1 of age and who was properly licensed to operate a
2 Class D motor vehicle for a minimum of two (2) years,
3 may be issued an intermediate Class D license upon successfully
4 passing all parts of the driver license examinations administered by
5 the Department. However, notwithstanding the date of issuance of
6 the learner permit, if the person has been convicted of a traffic
7 offense which is reported on the driving record of that person, the
8 time period specified in subparagraph a of paragraph 1 of this
9 subsection shall be recalculated to begin from the date of
10 conviction for the traffic offense, and must elapse before that
11 person may be issued an intermediate Class D license. If the person
12 has been convicted of more than one traffic offense which is
13 reported on the driving record of that person, the time period
14 specified in subparagraph a of paragraph 1 of this subsection shall
15 be recalculated to begin from the most recent date of conviction,
16 and must elapse before that person may be issued an intermediate
17 Class D license.

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

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

22 (1) only between the hours of ~~5:00~~ 6:00 a.m. and
23 ~~11:00 p.m., except for driving to and from work,~~
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1 ~~school, school activities, and church activities~~

2 10:00 p.m., or

3 (2) at any time, if a licensed driver who is at least
4 twenty-one (21) years of age is actually
5 occupying a seat beside the intermediate Class D
6 licensee, 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
20 of this 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
24 person, the time periods specified in paragraphs 1 or 2, as

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

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

19 G. The holder of a learner permit or an intermediate Class D
20 license shall not use any type of interactive wireless communication
21 device while operating a motor vehicle on the highways of this
22 state. "Interactive wireless communication device" means any
23 wireless electronic communication device that provides for voice or
24 data communication between two or more parties, including, but not

1 limited to, a mobile or cellular telephone, a text messaging device,
2 a personal digital assistant that sends or receives messages, an
3 audio-video player that sends or receives messages, or a laptop
4 computer.

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

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

- 19 1. With a piston displacement not to exceed two hundred fifty
20 (250) cubic centimeters;
- 21 2. Between the hours of 4:30 a.m. to 9:00 p.m. only;
- 22 3. While wearing approved protective headgear; and
- 23 4. While accompanied by and receiving instruction from any
24 person who is at least twenty-one (21) years of age and who is

1 properly licensed pursuant to the laws of this state to operate a
2 motorcycle or motor-driven cycle, and who has visual contact with
3 the restricted licensee.

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

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

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

51-2-9191 MMP 12/26/07