

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 SENATE BILL 131

By: Bass

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5
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2001, Section 6-101, as last amended by Section 23,
9 Chapter 44, 2nd Extraordinary Session, O.S.L. 2006
10 and 11-202 (47 O.S. Supp. 2006, Section 6-101), which
11 relate to motor vehicle and driver license class
12 requirements and traffic control signals; revising
13 conditions for waiving a motorcycle driving
14 examination; establishing conditions under which
15 motorcycle drivers may proceed through red traffic
16 signals; specifying conditions under which motorcycle
17 drivers may not defend certain violations; and
18 providing an effective date.

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

20 SECTION 1. AMENDATORY 47 O.S. 2001, Section 6-101, as
21 last amended by Section 23, Chapter 44, 2nd Extraordinary Session,
22 O.S.L. 2006 (47 O.S. Supp. 2006, Section 6-101), is amended to read
23 as follows:

24 Section 6-101. A. No person, except those hereinafter
expressly exempted in Section 6-102 of this title, shall operate any
motor vehicle upon a highway in this state unless the person has a
valid Oklahoma driver license for the class of vehicle being

1 operated under the provisions of this title. No person shall be
2 permitted to possess more than one valid license at any time.

3 B. 1. No person shall operate a Class A commercial motor
4 vehicle unless the person is eighteen (18) years of age or older and
5 holds a valid Class A commercial license, except as provided in
6 paragraph 5 of this subsection. Any person holding a valid Class A
7 commercial license shall be permitted to operate motor vehicles in
8 Classes A, B, C and D, except as provided for in paragraph 4 of this
9 subsection.

10 2. No person shall operate a Class B commercial motor vehicle
11 unless the person is eighteen (18) years of age or older and holds a
12 valid Class B commercial license. Any person holding a valid Class
13 B commercial license shall be permitted to operate motor vehicles in
14 Classes B, C and D, except as provided for in paragraph 4 of this
15 subsection.

16 3. No person shall operate a Class C commercial motor vehicle
17 unless the person is eighteen (18) years of age or older and holds a
18 valid Class C commercial license. Any person holding a valid Class
19 C commercial license shall be permitted to operate motor vehicles in
20 Classes C and D, except as provided for in paragraph 4 of this
21 subsection.

22 4. No person under twenty-one (21) years of age shall be
23 licensed to operate any motor vehicle which is required to be
24 placarded for hazardous materials pursuant to 49 C.F.R., Part 172,

1 subpart F; provided, a person eighteen (18) years of age or older
2 may be licensed to operate a farm vehicle which is required to be
3 placarded for hazardous materials pursuant to 49 C.F.R., Part 172,
4 subpart F.

5 5. A person at least seventeen (17) years of age who
6 successfully completes all examinations required by law may be
7 issued by the Department:

8 a. a restricted Class A commercial license which shall
9 grant to the licensee the privilege to operate a Class
10 A or Class B commercial motor vehicle for harvest
11 purposes or a Class D motor vehicle, or

12 b. a restricted Class B commercial license which shall
13 grant to the licensee the privilege to operate a Class
14 B commercial motor vehicle for harvest purposes or a
15 Class D motor vehicle.

16 6. No person shall operate a Class D motor vehicle unless the
17 person is sixteen (16) years of age or older and holds a valid Class
18 D license, except as provided for in Section 6-102 or 6-105 of this
19 title. Any person holding a valid Class D license shall be
20 permitted to operate motor vehicles in Class D only.

21 C. Any person issued a driver license pursuant to this section
22 may exercise the privilege thereby granted upon all streets and
23 highways in this state.

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1 D. No person shall operate a motorcycle or motor-driven cycle
2 without having a valid Class A, B, C or D license with a motorcycle
3 endorsement. Except as otherwise provided by law, any new applicant
4 for an original driver license shall be required to successfully
5 complete a written examination, vision examination, and driving
6 examination for a motorcycle as prescribed by the Department of
7 Public Safety to be eligible for a motorcycle endorsement thereon.
8 The driving examination for a motorcycle may be waived by the
9 Department of Public Safety upon verification that the person has
10 completed a ~~certified Motorcycle Safety Foundation rider course~~
11 ~~approved by the Department~~ motorcycle safety course certified by the
12 Department as specified in Section 40-121 of this title.

13 E. Except as otherwise provided by law, any person who lawfully
14 possesses a valid Oklahoma driver license which is eligible for
15 renewal shall be required to successfully complete a written
16 examination, vision examination, and driving examination for a
17 motorcycle as prescribed by the Department to be eligible for a
18 motorcycle endorsement; provided, however, the Department may waive
19 all such examinations until July 1, 2000, upon satisfactory proof
20 that the applicant has regularly operated a motorcycle or motor-
21 driven cycle for a minimum of two (2) years immediately preceding
22 the application.

23 F. 1. Any person eighteen (18) years of age or older may apply
24 for a restricted Class A, B or C commercial license. The

1 Department, after the applicant has passed all parts of the
2 examination for a Class D license and has successfully passed all
3 parts of the examination for a Class A, B or C commercial license
4 other than the driving examination, may issue to the applicant a
5 restricted driver license which shall entitle the applicant having
6 immediate possession of the license to operate a Class A, B or C
7 commercial motor vehicle upon the public highways solely for the
8 purpose of behind-the-wheel training in accordance with rules
9 promulgated by the Department.

10 2. This restricted driver license shall be issued for a period
11 of not more than four (4) years; provided, such restricted license
12 may be suspended, revoked, canceled, or denied at the discretion of
13 the Department for violation of the restrictions, for failing to
14 give the required or correct information on the application, or for
15 violation of any traffic laws of this state pertaining to the
16 operation of a motor vehicle. Except as otherwise provided, the
17 lawful possessor of a restricted license who has been issued a
18 restricted license for a minimum of thirty (30) days may have the
19 restriction requiring an accompanying driver removed by
20 satisfactorily completing a driver's examination; provided, the
21 removal of a restriction shall not authorize the operation of a
22 Class A, B or C commercial motor vehicle if such operation is
23 otherwise prohibited by law.

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1 G. 1. The fee charged for an approved application for an
2 original Oklahoma driver license or an approved application for the
3 addition of an endorsement to a current valid Oklahoma driver
4 license shall be assessed in accordance with the following schedule:

5 Class A Commercial License	\$25.00
6 Class B Commercial License	\$15.00
7 Class C Commercial License	\$15.00
8 Class D License	\$ 4.00
9 Motorcycle Endorsement	\$ 4.00

10 2. Notwithstanding the provisions of Section 1104 of this
11 title, all monies collected from the fees charged for Class A, B and
12 C commercial licenses pursuant to the provisions of this subsection
13 shall be deposited in the General Revenue Fund of this state.

14 H. The fee charged for any failed examination shall be Four
15 Dollars (\$4.00) for any license classification. Notwithstanding the
16 provisions of Section 1104 of this title, all monies collected from
17 such examination fees pursuant to the provisions of this subsection
18 shall be deposited in the General Revenue Fund of this state.

19 I. 1. In addition to any fee charged pursuant to the
20 provisions of subsection G of this section, the fee charged for the
21 issuance or renewal of an Oklahoma license which is not in a
22 computerized image format shall be in accordance with the following
23 schedule:

24 Class A Commercial License	\$40.50
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1	Class B Commercial License	\$40.50
2	Class C Commercial License	\$30.50
3	Class D License	\$20.50

4 Notwithstanding the provisions of Section 1104 of this title, of
5 each fee charged pursuant to this paragraph:

6 a. Five Dollars and fifty cents (\$5.50) shall be
7 deposited to the Trauma Care Assistance Revolving Fund
8 created in Section 1-2530.9 of Title 63 of the
9 Oklahoma Statutes, and

10 b. Five Dollars and seventy-five cents (\$5.75) shall be
11 deposited to the Department of Public Safety Computer
12 Imaging System Revolving Fund to be used solely for
13 the purpose of administration and maintenance of the
14 computerized imaging system of the Department.

15 2. In addition to any fee charged pursuant to the provisions of
16 subsection G of this section, the fee charged for the issuance or
17 renewal of an Oklahoma license which is in a computerized image
18 format shall be in accordance with the following schedule:

19	Class A Commercial License	\$41.50
20	Class B Commercial License	\$41.50
21	Class C Commercial License	\$31.50
22	Class D License	\$21.50

23 Notwithstanding the provisions of Section 1104 of this title, of
24 each fee charged pursuant to the provisions of this paragraph:

1 a. Five Dollars and fifty cents (\$5.50) shall be
2 deposited to the Trauma Care Assistance Revolving Fund
3 created in Section 330.97 of Title 63 of the Oklahoma
4 Statutes, and

5 b. Six Dollars and seventy-five cents (\$6.75) shall be
6 deposited to the Department of Public Safety Computer
7 Imaging System Revolving Fund to be used solely for
8 the purpose of administration and maintenance of the
9 computerized imaging system of the Department.

10 J. All original and renewal driver licenses shall expire no
11 more than four (4) years from the last day of the month in which the
12 license was issued, as provided by law.

13 K. Any person sixty-two (62) years of age or older during the
14 calendar year of issuance of a Class D license or motorcycle
15 endorsement shall be charged the following prorated fee:

16	Age 62	\$11.25
17	Age 63	\$ 7.50
18	Age 64	\$ 3.75
19	Age 65	-0-

20 L. No person who has been honorably discharged from active
21 service in any branch of the Armed Forces of the United States or
22 Oklahoma National Guard and who has been certified by the United
23 States Department of Veterans Affairs, its successor, or the Armed
24 Forces of the United States to be a disabled veteran in receipt of

1 compensation at the one-hundred-percent rate for a permanent
2 disability sustained through military action or accident resulting
3 from disease contracted while in such active service shall be
4 charged a fee for the issuance or renewal of an Oklahoma driver
5 license.

6 M. The Department of Public Safety and the Oklahoma Tax
7 Commission are authorized to promulgate rules for the issuance and
8 renewal of driver licenses authorized pursuant to the provisions of
9 Sections 6-101 through 6-309 of this title. Applications, upon
10 forms approved by the Department of Public Safety, for such licenses
11 shall be handled by the motor license agents; provided, the
12 Department of Public Safety is authorized to assume these duties in
13 any county of this state. Each motor license agent accepting
14 applications for driver licenses shall receive Two Dollars (\$2.00)
15 to be deducted from the total collected for each license or renewal
16 application accepted. The two-dollar fee received by the motor
17 license agent shall be used for operating expenses.

18 N. Notwithstanding the provisions of Section 1104 of this title
19 and subsection M of this section and except as provided in
20 subsections G and I of this section, the first Sixty Thousand
21 Dollars (\$60,000.00) of all monies collected pursuant to this
22 section shall be paid by the Oklahoma Tax Commission to the State
23 Treasurer to be deposited in the General Revenue Fund of the State
24 Treasury.

1 The next Five Hundred Thousand Dollars (\$500,000.00) of monies
2 collected pursuant to this section shall be paid by the Tax
3 Commission to the State Treasurer to be deposited each fiscal year
4 under the provisions of this section to the credit of the Department
5 of Public Safety Revolving Fund for the purpose of the Statewide Law
6 Enforcement Communications System. All other monies collected in
7 excess of Five Hundred Sixty Thousand Dollars (\$560,000.00) each
8 fiscal year shall be apportioned as provided in Section 1104 of this
9 title, except as otherwise provided in this section.

10 O. The Department of Public Safety shall implement a procedure
11 whereby images displayed on licenses and identification cards issued
12 pursuant to the provisions of Sections 6-101 through 6-309 of this
13 title are maintained by the Department to create photographs or
14 computerized images which may be used only:

15 1. By a law enforcement agency for purposes of criminal
16 investigations, missing person investigations, or any law
17 enforcement purpose which is deemed necessary by the Commissioner of
18 Public Safety;

19 2. By the driver licensing agency of another state for its
20 official purpose; and

21 3. As provided in Section 2-110 of this title.

22 The computer system and related equipment acquired for this
23 purpose must conform to industry standards for interoperability and
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1 open architecture. The Department of Public Safety may promulgate
2 rules to implement the provisions of this subsection.

3 SECTION 2. AMENDATORY 47 O.S. 2001, Section 11-202, is
4 amended to read as follows:

5 Section 11-202. Whenever traffic is controlled by traffic
6 control signals exhibiting different colored lights or colored
7 lighted arrows successively one at a time, or in combination, only
8 the colors green, red and yellow shall be used, except for special
9 pedestrian signals carrying a word legend, and said lights shall
10 indicate and apply to drivers of vehicles and pedestrians as
11 follows:

12 1. Green indication:

13 a. Vehicular traffic facing a circular green signal,
14 except when prohibited under Section 11-1302 of this
15 title, may proceed straight through or turn right or
16 left unless a sign at such place prohibits either such
17 turn. But vehicular traffic, including vehicles
18 turning right or left, shall yield the right-of-way to
19 other vehicles and to pedestrians lawfully within the
20 intersection or an adjacent crosswalk at the time such
21 signal is exhibited.

22 b. Vehicular traffic facing a green arrow signal, shown
23 alone or in combination with another indication, may
24 cautiously enter the intersection only to make the

1 movement indicated by such arrow, or such other
2 movement as is permitted by other indications shown at
3 the same time. Such vehicular traffic shall yield the
4 right-of-way to pedestrians lawfully within an
5 adjacent crosswalk and to other traffic lawfully using
6 the intersection.

7 c. Unless otherwise directed by a pedestrian-control
8 signal, as provided in Section 11-203 of this title,
9 pedestrians facing any green signal, except when the
10 sole green signal is a turn arrow, may proceed across
11 the roadway within any marked or unmarked crosswalk.

12 2. Steady yellow indication:

13 a. Vehicular traffic facing a steady circular yellow or
14 yellow arrow signal is thereby warned that the related
15 green movement is being terminated or that a red
16 indication will be exhibited immediately thereafter.

17 b. Pedestrians facing a steady circular yellow or yellow
18 arrow signal, unless otherwise directed by a
19 pedestrian control signal as provided in Section
20 11-203 of this title, are thereby advised that there
21 is insufficient time to cross the roadway before a red
22 indication is shown, and no pedestrian shall then
23 start to cross the roadway.

24 3. Steady red indication:

- 1 a. Vehicular traffic facing a steady circular red signal
2 alone shall stop at a clearly marked stop line, but if
3 none, before entering the crosswalk on the near side
4 of the intersection or, if none, then before entering
5 the intersection and shall remain standing until an
6 indication to proceed is shown except as provided in
7 ~~paragraph 3b~~ subparagraphs b and d of this ~~section~~
8 paragraph.
- 9 b. Except when a sign is in place prohibiting a turn,
10 vehicular traffic facing any steady red signal may
11 cautiously enter the intersection to turn right or to
12 turn left from a one-way street into a one-way street
13 after stopping as required by ~~paragraph 3a~~
14 subparagraph a of this ~~section~~ paragraph. Such
15 vehicular traffic shall yield the right-of-way to
16 pedestrians lawfully within an adjacent crosswalk and
17 to other traffic lawfully using the intersection.
- 18 c. In order to prohibit right turns or left turns as
19 prescribed in ~~paragraph 3b~~ subparagraph b of this
20 ~~section~~ paragraph on the red signal after the required
21 stop, a municipality must erect clear, concise signs
22 informing drivers that such turns are prohibited. The
23 Highway Department shall specify the design of the
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1 sign to be used for this purpose, and it shall be used
2 uniformly throughout the state.

3 d. Notwithstanding any other provision of law, the driver
4 of a motorcycle facing any steady red signal may
5 cautiously proceed through the intersection only if:

6 (1) the motorcycle has been brought to a complete
7 stop as required by subparagraph a of this
8 paragraph,

9 (2) the traffic control signal is programmed or
10 engineered to change to a green signal only after
11 detecting the approach of a motor vehicle and has
12 apparently failed to detect the arrival of the
13 motorcycle because of its size or weight, and

14 (3) no motor vehicle or person is approaching on the
15 roadway to be crossed or entered or is at a
16 distance from the intersection that does not
17 constitute an immediate hazard.

18 It is not a defense to a violation of subparagraph a
19 of this paragraph that the driver of a motorcycle
20 proceeded under the belief that a traffic control
21 signal was programmed or engineered to change to a
22 green light only after detecting the approach of a
23 vehicle when such a signal was not in fact programmed
24 or engineered in such a way or that such a signal was

1 not in fact inoperative due to the size or weight of
2 the motorcycle.

3 e. Unless otherwise directed by a pedestrian control
4 signal as provided in Section 11-203 of this title,
5 pedestrians facing a steady circular red signal alone
6 shall not enter the roadway.

7 In the event an official traffic control signal is erected and
8 maintained at a place other than an intersection, the provisions of
9 this section shall be applicable except as to those provisions which
10 by their nature can have no application. Any stop required shall be
11 made at a sign or marking on the pavement indicating where the stop
12 shall be made, but in the absence of any such sign or marking the
13 stop shall be made at the signal.

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

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