

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 2007 By: Barrington of the Senate
3 and
4 Nelson of the House
5
6

7 An Act relating to motor vehicles; amending 47 O.S.
8 2001, Section 6-107.1, as amended by Section 12,
9 Chapter 61, O.S.L. 2006 (47 O.S. Supp. 2009, Section
10 6-107.1), which relates to cancellation or denial of
11 driving privileges; deleting time specific language;
12 establishing age-related language; amending 47 O.S.
13 2001, Sections 6-205.1 and 754.1, as last amended by
14 Sections 3 and 4, Chapter 388, O.S.L. 2009 (47 O.S.
15 Supp. 2009, Sections 6-205.1 and 754.1), which relate
16 to revocations; allowing for modification of driving
17 privileges for certain vehicle classification;
18 prohibiting modification after two or more
19 revocations; updating reference to certain revocation
20 procedures; amending 47 O.S. 2001, Section 761, as
21 amended by Section 4, Chapter 178, O.S.L. 2003 (47
22 O.S. Supp. 2009, Section 761) which relates to
23 operating a motor vehicle while impaired; deleting
24 certain modification procedure; allowing for
modification of certain vehicle classification; and
providing an effective date.

19 AUTHOR: Add the following House Coauthor: Tibbs

20 AMENDMENT NO. 1. Page 1, line 19 1/2, insert a new Section 1 to
21 read

22 "SECTION 1. AMENDATORY 47 O.S. 2001, Section 6-105, as
23 last amended by Section 1, Chapter 99, O.S.L. 2009 (47 O.S. Supp.
24 2009, Section 6-105), is amended to read as follows:

1 Section 6-105. A. Unless a legal custodial parent or legal
2 guardian has filed an objection to licensure pursuant to Section 6-
3 103.1 of this title, any person under eighteen (18) years of age who
4 is in compliance with or not subject to Section 6-107.3 of this
5 title may be permitted to operate:

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

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

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

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

18 C. Any person:

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

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- 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

1 b. whose custodial legal parent or legal guardian
2 certifies to the Department by sworn affidavit that
3 the person has received a minimum of fifty (50) hours
4 of actual behind-the-wheel training, of which at least
5 ten (10) hours of such training was at night, from a
6 licensed driver who was at least twenty-one (21) years
7 of age and who was properly licensed to operate a
8 Class D motor vehicle for a minimum of two (2) years,
9 may be issued an intermediate Class D license upon successfully
10 passing all parts of the driver license examinations administered by
11 the Department. However, notwithstanding the date of issuance of
12 the learner permit, if the person has been convicted of a traffic
13 offense which is reported on the driving record of that person, the
14 time period specified in subparagraph a of this paragraph ~~1 of this~~
15 ~~subsection~~ shall be recalculated to begin from the date of
16 conviction for the traffic offense, and must elapse before that
17 person may be issued an intermediate Class D license. If the person
18 has been convicted of more than one traffic offense which is
19 reported on the driving record of that person, the time period
20 specified in subparagraph a of this paragraph ~~1 of this subsection~~
21 shall be recalculated to begin from the most recent date of
22 conviction, and must elapse before that person may be issued an
23 intermediate Class D license.

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

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

5 (1) only between the hours of 5:00 a.m. and 10:00
6 p.m., except for driving to and from work,
7 school, school activities, and church activities,
8 or

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

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

21 (1) all passengers live in the same household as the
22 custodial legal parent or legal guardian, or
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1 (2) a licensed driver at least twenty-one (21) years
2 of age is actually occupying a seat beside the
3 intermediate Class D licensee.

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

6 1. One (1) year and the person has not been convicted of a
7 traffic offense at any time during the one-year time period; or

8 2. Six (6) months, if the person has completed both the driver
9 education and the parent-certified behind-the-wheel training
10 provisions of subparagraph c of paragraph 1 of subsection D of this
11 section and the person has not been convicted of a traffic offense
12 at any time during the six-month time period;

13 may be issued a Class D license. However, ~~notwithstanding the date~~
14 ~~of issuance of the Class D license,~~ if the person has been convicted
15 of a traffic offense within the time periods specified in paragraph
16 1 or 2 of this subsection, which is reported on the driving record
17 of that person, the time periods specified in ~~paragraphs~~ paragraph 1
18 or 2, as applicable, of this subsection shall be recalculated to
19 begin from the date of conviction for the traffic offense, and must
20 elapse before that person may be issued a Class D license. If the
21 person has been convicted of more than one traffic offense within
22 the time periods specified in paragraph 1 or 2 of this subsection,
23 which is reported on the driving record of that person, the time
24 periods specified in ~~paragraphs~~ paragraph 1 or 2, as applicable, of

1 this subsection shall be recalculated to begin from the most recent
2 date of conviction, and must elapse before that person may be issued
3 a Class D license.

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

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

18 H. Any person fourteen (14) years of age or older may apply for
19 a restricted Class D license with a motorcycle-only restriction.
20 After the person has successfully passed all parts of the motorcycle
21 examination other than the driving examination and has met all
22 requirements provided for in the rules of the Department, the
23 Department shall issue to the person a restricted Class D license
24 with a motorcycle-only restriction which shall grant to the person,

1 while having the license in the person's immediate possession, the
2 privilege to operate a motorcycle or motor-driven cycle:

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

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

17 I. The Department may in its discretion issue a special permit
18 to any person who has attained the age of fourteen (14) years,
19 authorizing such person to operate farm vehicles between the farm
20 and the market to haul commodities grown on the farm; provided, that
21 the special permit shall be temporary and shall expire not more than
22 thirty (30) days after the issuance of the special permit. Special
23 permits shall be issued only to farm residents and shall be issued
24 only during the time of the harvest of the principal crops grown on

