

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 3250

6 By: Tibbs and Morgan

7 COMMITTEE SUBSTITUTE

8 An Act relating to motor vehicles; amending 47 O.S.
9 2001, Section 6-105, as last amended by Section 1,
10 Chapter 99, O.S.L. 2009 (47 O.S. Supp. 2009, Section
11 6-105), which relates to graduated Class D licenses;
12 adding certain driving restriction to permittees and
13 licensees; defining terms; prohibiting use of certain
14 devices by operators of motor vehicles; prescribing
15 penalties; authorizing municipalities to enact
16 certain ordinances; providing definitions; providing
17 for codification; and providing an 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 99, O.S.L. 2009 (47 O.S. Supp.
21 2009, 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 of this section; or

5 3. A farm vehicle under the provisions prescribed in subsection
6 I 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,

24

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 only between the hours of 5:00 a.m. and 10:00 p.m.
13 and while accompanied by a licensed driver who is at least twenty-
14 one (21) years of age and who is actually occupying a seat beside
15 the permittee.

16 D. 1. Any person:

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

19 b. whose custodial legal parent or legal guardian
20 certifies to the Department by sworn affidavit that
21 the person has received a minimum of fifty (50) hours
22 of actual behind-the-wheel training, of which at least
23 ten (10) hours of such training was at night, from a
24 licensed driver who was at least twenty-one (21) years

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 a.m. and 10:00
23 p.m., except for driving to and from work,
24

1 school, school activities, and church activities,
2 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, or if the intermediate Class D licensee
7 is a farm or ranch resident, and is operating a
8 motor vehicle while engaged in farming or
9 ranching operations outside the limits of a
10 municipality, or driving to and from work,
11 school, school activities, or church activities,
12 and

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

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

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

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

22 1. One (1) year; or

23 2. Six (6) months, if the person has completed both the driver
24 education and the parent-certified behind-the-wheel training

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

16 F. Learner permits and intermediate Class D licenses shall be
17 issued for the same period as all other driver licenses. The
18 licenses may be suspended or canceled at the discretion of the
19 Department for violation of restrictions, for failing to give the
20 required or correct information on the application, for knowingly
21 giving false or inaccurate information on the application or any
22 subsequent documentation related to the granting of driving
23 privileges, for using a hand-held mobile telephone while operating a
24 motor vehicle for non-life-threatening emergency purposes or for

1 violation of any traffic laws of this state pertaining to the
2 operation of a motor vehicle.

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

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

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

1 motorcycle or motor-driven cycle, and who has visual contact with
2 the restricted licensee.

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

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

22 J. As used in this section:

23 1. "Hand-held mobile telephone" means a mobile telephone or
24 electronic communication device with which a user engages in a call

1 or writes, sends or reads a text message using at least one hand;
2 and

3 2. "Using a hand-held mobile telephone" means pressing the
4 buttons on a mobile telephone to use any of the functions of the
5 mobile telephone.

6 SECTION 2. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 11-901c of Title 47, unless
8 there is created a duplication in numbering, reads as follows:

9 A. A person shall not operate a motor vehicle on a street or
10 highway while using a hand-held mobile telephone to write, send, or
11 read a text message while the motor vehicle is in motion.

12 B. Any person who violates the provisions of subsection A of
13 this section shall, upon conviction, be punished by a fine and court
14 costs that shall not exceed One Thousand Dollars (\$1,000.00).

15 C. Municipalities may enact and municipal police officers may
16 enforce ordinances prohibiting and penalizing conduct under the
17 provisions of this section, but the provisions of those ordinances
18 shall be the same as provided for in this section, the enforcement
19 provisions of those ordinances shall not be more stringent than
20 those of this section, and the fine and court costs for municipal
21 ordinance violations shall be the same or a lesser amount as
22 provided for in this section.

23 D. As used in this section:
24

1 1. "Hand-held mobile telephone" means a mobile telephone or
2 other electronic communication device with which a user engages in a
3 call or writes, sends or reads a text message using at least one
4 hand;

5 2. "Text message" includes a text-based message, instant
6 message, electronic message and electronic mail;

7 3. "Using a mobile telephone" means pressing the buttons on a
8 mobile telephone to use any of the functions of the mobile
9 telephone; and

10 4. "Write", "send" or "read" with respect to a text message
11 means the manual entry, sending or retrieval of a text message to
12 communicate with any person or device.

13 SECTION 3. This act shall become effective November 1, 2010.

14

15 52-2-10124 GRS 02/25/10

16

17

18

19

20

21

22

23

24