

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 COMMITTEE SUBSTITUTE
4 FOR
5 HOUSE BILL NO. 1599

By: Sullivan

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7 COMMITTEE SUBSTITUTE

8 An Act relating to motor vehicles; amending 47 O.S. 2001, Section 6-105, as
9 last amended by Section 1, Chapter 83, O.S.L. 2008 (47 O.S. Supp. 2008,
10 Section 6-105), which relates to graduated Class D driver licenses; increasing
11 amount of hours required for behind-the-wheel training; modifying certain
12 curfew restriction; and providing an effective date.

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

14 SECTION 1. AMENDATORY 47 O.S. 2001, Section 6-105, as last amended by Section 1,
15 Chapter 83, O.S.L. 2008 (47 O.S. Supp. 2008, Section 6-105), is amended to read as follows:

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

- 19 1. A Class D motor vehicle under the graduated driver license provisions prescribed in
20 subsections B through E of this section;
- 21 2. A motorcycle under the provisions prescribed in subsection H of this section; or
- 22 3. A farm vehicle under the provisions prescribed in subsection I of this section.
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1 B. Any person who is at least fifteen (15) years of age may drive during a session in which the
2 driver is being instructed in a driver education course, as set out in subparagraphs a, b, c and d of
3 paragraph 1 of subsection C of this section, by a certified driver education instructor who is seated in
4 the right front seat of the motor vehicle.

5 C. Any person:

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

- 9 a. a prescribed secondary school driver education course, as provided for in Sections
10 19-113 through 19-121 of Title 70 of the Oklahoma Statutes,
11 b. a driver education course, certified by the Department of Public Safety, from a
12 parochial, private, or other nonpublic secondary school,
13 c. a commercial driver training course, as defined by Sections 801 through 808 of
14 this title, or
15 d. a parent-taught driver education course, certified by the Department of Public
16 Safety. The Department shall promulgate rules for any parent-taught driver
17 education course; or

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

- 2 a. who has applied for, been issued, and has possessed a learner permit for a
3 minimum of six (6) months, and
- 4 b. whose custodial legal parent or legal guardian certifies to the Department by
5 sworn affidavit that the person has received a minimum of ~~forty (40)~~ fifty (50)
6 hours of actual behind-the-wheel training, of which at least ten (10) hours of such
7 training was at night, from a licensed driver who was at least twenty-one (21)
8 years of age and who was properly licensed to operate a Class D motor vehicle for
9 a minimum of two (2) years,

10 may be issued an intermediate Class D license upon successfully passing all parts of the driver license
11 examinations administered by the Department. However, notwithstanding the date of issuance of the
12 learner permit, if the person has been convicted of a traffic offense which is reported on the driving
13 record of that person, the time period specified in subparagraph a of paragraph 1 of this subsection
14 shall be recalculated to begin from the date of conviction for the traffic offense, and must elapse before
15 that person may be issued an intermediate Class D license. If the person has been convicted of more
16 than one traffic offense which is reported on the driving record of that person, the time period specified
17 in subparagraph a of paragraph 1 of this subsection shall be recalculated to begin from the most recent
18 date of conviction, and must elapse before that person may be issued an intermediate Class D license.

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

- 21 a. shall be granted the privilege to operate a Class D motor vehicle upon the public
22 highways:
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- 1 (1) only between the hours of 5:00 a.m. and ~~11:00~~10:00 p.m., except for
2 driving to and from work, school, school activities, and church activities,
3 or
4 (2) at any time, if a licensed driver who is at least twenty-one (21) years of
5 age is actually occupying a seat beside the intermediate Class D licensee,
6 or if the intermediate Class D licensee is a farm or ranch resident, and is
7 operating a motor vehicle while engaged in farming or ranching operations
8 outside the limits of a municipality, or driving to and from work, school,
9 school activities, or church activities, and

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

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

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

- 16 1. One (1) year; or
17 2. Six (6) months, if the person has completed both the driver education and the parent-certified

18 behind-the-wheel training provisions of subparagraph c of paragraph 1 of subsection D of this section;
19 may be issued a Class D license. However, notwithstanding the date of issuance of the Class D
20 license, if the person has been convicted of a traffic offense which is reported on the driving record of
21 that person, the time periods specified in paragraphs 1 or 2, as applicable, of this subsection shall be
22 recalculated to begin from the date of conviction for the traffic offense, and must elapse before that
23 person may be issued a Class D license. If the person has been convicted of more than one traffic
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1 offense which is reported on the driving record of that person, the time periods specified in paragraphs
2 1 or 2, as applicable, of this subsection shall be recalculated to begin from the most recent date of
3 conviction, and must elapse before that person may be issued a Class D license.

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

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

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

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

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

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

18 SECTION 2. This act shall become effective November 1, 2009.

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20 52-1-6981 GRS 02/19/09
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