

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 1908

By: Sykes and Leftwich of the
Senate

6 and

7 Tibbs of the House

8
9
10 COMMITTEE SUBSTITUTE

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

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

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:

Section 6-105. A. Unless a legal custodial parent or legal
guardian has filed an objection to licensure pursuant to Section 6-
103.1 of this title, any person under eighteen (18) years of age who

1 is in compliance with or not subject to Section 6-107.3 of this
2 title may be permitted to operate:

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

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

7 3. A farm vehicle under the provisions prescribed in subsection
8 I of this section.

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

15 C. Any person:

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

20 a. a prescribed secondary school driver education course,
21 as provided for in Sections 19-113 through 19-121 of
22 Title 70 of the Oklahoma Statutes,
23
24

- 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 only between the hours of 5:00 a.m. and 10:00 p.m. and 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
- b. whose custodial legal parent or legal guardian certifies to the Department by sworn affidavit that the person has received a minimum of fifty (50) hours

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

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

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

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

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

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

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

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

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

24 1. One (1) year; or

1 2. Six (6) months, if the person has completed both the driver
2 education and the parent-certified behind-the-wheel training
3 provisions of subparagraph c of paragraph 1 of subsection D of this
4 section;
5 may be issued a Class D license. However, notwithstanding the date
6 of issuance of the Class D license, if the person has been convicted
7 of a traffic offense which is reported on the driving record of that
8 person, the time periods specified in paragraphs 1 or 2, as
9 applicable, of this subsection shall be recalculated to begin from
10 the date of conviction for the traffic offense, and must elapse
11 before that person may be issued a 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 periods
14 specified in paragraphs 1 or 2, as applicable, of this subsection
15 shall be recalculated to begin from the most recent date of
16 conviction, and must elapse before that person may be issued a Class
17 D license.

18 F. Learner permits and intermediate Class D licenses shall be
19 issued for the same period as all other driver licenses. The
20 licenses may be suspended or canceled at the discretion of the
21 Department for violation of restrictions, for failing to give the
22 required or correct information on the application, for knowingly
23 giving false or inaccurate information on the application or any
24 subsequent documentation related to the granting of driving

1 privileges, for using a hand-held mobile telephone while operating a
2 motor vehicle for non-life-threatening emergency purposes or for
3 violation of any traffic laws of this state pertaining to the
4 operation of a motor vehicle.

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

23 J. As used in this section:
24

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

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

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

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

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

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

1 D. As used in this section:

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

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

8 3. "Using a mobile telephone" means pressing the buttons on a
9 mobile telephone to create a text message on the mobile telephone;
10 and

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

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

15
16 52-2-10611 GRS 04/08/10
17
18
19
20
21
22
23
24