

THE HOUSE OF REPRESENTATIVES  
Monday, March 1, 2010

Committee Substitute for  
House Bill No. 3250

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 3250 - By: TIBBS, MORGAN AND PITTMAN of the House.

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

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

- 1 SECTION 1. AMENDATORY 47 O.S. 2001, Section 6-105, as last amended by  
2 Section 1, Chapter 99, O.S.L. 2009 (47 O.S. Supp. 2009, Section 6-105), is amended to  
3 read as follows:
- 4 Section 6-105. A. Unless a legal custodial parent or legal guardian has filed an  
5 objection to licensure pursuant to Section 6-103.1 of this title, any person under eighteen  
6 (18) years of age who is in compliance with or not subject to Section 6-107.3 of this title  
7 may be permitted to operate:
- 8 1. A Class D motor vehicle under the graduated driver license provisions prescribed  
9 in subsections B through E of this section;
- 10 2. A motorcycle under the provisions prescribed in subsection H of this section; or

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

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

6           C. Any person:

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

10           a. a prescribed secondary school driver education course, as provided for  
11 in Sections 19-113 through 19-121 of Title 70 of the Oklahoma  
12 Statutes,

13           b. a driver education course, certified by the Department of Public Safety,  
14 from a parochial, private, or other nonpublic secondary school,

15           c. a commercial driver training course, as defined by Sections 801  
16 through 808 of this title, or

17           d. a parent-taught driver education course, certified by the Department of  
18 Public Safety. The Department shall promulgate rules for any parent-  
19 taught driver education course; or

20           2. Who is at least sixteen (16) years of age,  
21 may, upon successfully passing all parts of the driver license examination administered  
22 by the Department except the driving examination, be issued a learner permit which will

1 grant the permittee the privilege to operate a Class D motor vehicle upon the public  
2 highways only between the hours of 5:00 a.m. and 10:00 p.m. and while accompanied by  
3 a licensed driver who is at least twenty-one (21) years of age and who is actually  
4 occupying a seat beside the permittee.

5 D. 1. Any person:

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

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

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

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

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

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

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

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

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

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

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

3 1. One (1) year; or

4 2. Six (6) months, if the person has completed both the driver education and the  
5 parent-certified behind-the-wheel training provisions of subparagraph c of paragraph 1 of  
6 subsection D of this section;

7 may be issued a Class D license. However, notwithstanding the date of issuance of the  
8 Class D license, if the person has been convicted of a traffic offense which is reported on  
9 the driving record of that person, the time periods specified in paragraphs 1 or 2, as  
10 applicable, of this subsection shall be recalculated to begin from the date of conviction for  
11 the traffic offense, and must elapse before that person may be issued a Class D license.

12 If the person has been convicted of more than one traffic offense which is reported on the  
13 driving record of that person, the time periods specified in paragraphs 1 or 2, as  
14 applicable, of this subsection shall be recalculated to begin from the most recent date of  
15 conviction, and must elapse before that person may be issued a Class D license.

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

1 vehicle for non-life-threatening emergency purposes or for violation of any traffic laws of  
2 this state pertaining to the operation of a motor vehicle.

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

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

14 1. With a piston displacement not to exceed two hundred fifty (250) cubic  
15 centimeters;

16 2. Between the hours of 4:30 a.m. to 9:00 p.m. only;

17 3. While wearing approved protective headgear; and

18 4. While accompanied by and receiving instruction from any person who is at least  
19 twenty-one (21) years of age and who is properly licensed pursuant to the laws of this  
20 state to operate a motorcycle or motor-driven cycle, and who has visual contact with the  
21 restricted licensee.

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

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

16 J. As used in this section:

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

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

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

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

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

10 C. Municipalities may enact and municipal police officers may enforce ordinances  
11 prohibiting and penalizing conduct under the provisions of this section, but the  
12 provisions of those ordinances shall be the same as provided for in this section, the  
13 enforcement provisions of those ordinances shall not be more stringent than those of this  
14 section, and the fine and court costs for municipal ordinance violations shall be the same  
15 or a lesser amount as provided for in this section.

16 D. As used in this section:

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

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

1           3. "Using a mobile telephone" means pressing the buttons on a mobile telephone to  
2 use any of the functions of the mobile telephone; and

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

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

6           COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02-25-10 - DO  
7 PASS, As Amended and Coauthored.