

EHB 1599

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**THE STATE SENATE**  
**Thursday, March 26, 2009**

**ENGROSSED**

**House Bill No. 1599**

ENGROSSED HOUSE BILL NO. 1599 - By: Sullivan, Wright (John), Inman, Liebmann and Faught of the House and Newberry of the Senate.

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

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

SECTION 1. AMENDATORY 47 O.S. 2001, Section 6-105, as last amended by Section 1, Chapter 83, O.S.L. 2008 (47 O.S. Supp. 2008, 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 is in compliance with or not subject to Section 6-107.3 of this title may be permitted to operate:

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

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

9           C. Any person:

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

- 14           a. a prescribed secondary school driver education course,  
15 as provided for in Sections 19-113 through 19-121 of  
16 Title 70 of the Oklahoma Statutes,  
17           b. a driver education course, certified by the Department  
18 of Public Safety, from a parochial, private, or other  
19 nonpublic secondary school,  
20           c. a commercial driver training course, as defined by  
21 Sections 801 through 808 of this title, or  
22           d. a parent-taught driver education course, certified by  
23 the Department of Public Safety. The Department shall

1 promulgate rules for any parent-taught driver  
2 education course; or

3 2. Who is at least sixteen (16) years of age,  
4 may, upon successfully passing all parts of the driver license  
5 examination administered by the Department except the driving  
6 examination, be issued a learner permit which will grant the  
7 permittee the privilege to operate a Class D motor vehicle upon the  
8 public highways while accompanied by a licensed driver who is at  
9 least twenty-one (21) years of age and who is actually occupying a  
10 seat beside the permittee.

11 D. 1. Any person:

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

14 b. whose custodial legal parent or legal guardian  
15 certifies to the Department by sworn affidavit that  
16 the person has received a minimum of ~~forty (40)~~ fifty  
17 (50) hours of actual behind-the-wheel training, of  
18 which at least ten (10) hours of such training was at  
19 night, from a licensed driver who was at least twenty-  
20 one (21) years of age and who was properly licensed to  
21 operate a Class D motor vehicle for a minimum of two  
22 (2) years,

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

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

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

20 (1) only between the hours of 5:00 a.m. and ~~11:00~~  
21 10:00 p.m., except for driving to and from work,  
22 school, school activities, and church activities,  
23 or

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

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

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

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

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

20 1. One (1) year; or

21 2. Six (6) months, if the person has completed both the driver  
22 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

1 privileges, or for violation of any traffic laws of this state  
2 pertaining to the 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

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

23 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY & HOMELAND SECURITY,  
24 dated 3-24-09 - DO PASS, As Coauthored.