

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 448

6 By: Barrington

7 COMMITTEE SUBSTITUTE

8 An Act relating to commercial vehicles operating
9 procedures; amending 47 O.S. 2011, Section 1-173.1,
10 which relates to a certain definition; modifying
11 definition; amending 47 O.S. 2011, Section 6-106,
12 which relates to applications for certain driver
13 licenses; requiring certain applicants for a
14 commercial driver license to submit to the Department
15 of Public Safety a medical examination certificate;
16 authorizing the Department to adopt certain rules;
17 providing for a downgrade in driving privileges under
18 certain circumstances; requiring the Department to
19 review certain driving histories for certain
20 applicants for a commercial driver license; requiring
21 the Department to impose certain periods of
22 disqualification under certain circumstances;
23 authorizing the issuance of certain class of license;
24 amending 47 O.S. 2011, Section 6-205.2, which relates
to disqualification from driving privileges under
certain circumstances; adding certain offense as a
serious traffic offense; modifying certain
disqualification periods for certain violations;
amending 47 O.S. 2011, Section 7-606, which relates
to failure to maintain certain insurance or security;
modifying time frame for certain abstract to be
forwarded; making certain action relating to radar
detectors unlawful; amending 47 O.S. 2011, Section
11-901c, which relates to the unlawful use of
cellular telephones; making certain actions relating
to certain communications unlawful for persons
operating a commercial motor vehicle; amending 47
O.S. 2011, Section 12-417, which relates to the use
of safety belts; requiring the use of safety seat
belts by certain operators of motor vehicles;

1 modifying definition; amending 47 O.S. 2011, Section
2 18-101, which relates to records of traffic cases;
3 modifying time frame for certain abstracts to be
4 forwarded to the Department; changing what entity
5 shall receive certain verification of attendance;
6 modifying when certain report of conviction shall or
7 shall not be made; adding certain convictions for
8 which certain abstracts shall be sent to the
9 Department; amending 47 O.S. 2011, Section 230.6,
10 which relates to certain uses and activities of
11 vehicles and containers prohibited; prohibiting
12 operation of certain vehicles until certain
13 conditions have been met; prohibiting the return to
14 duty of certain persons until certain conditions have
15 been met; modifying certain penalties; providing for
16 codification; and declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 2011, Section 1-173.1, is
amended to read as follows:

Section 1-173.1 Any commercial motor vehicle designed to
transport any liquid or gaseous materials within a tank or tanks
having an individual rated capacity of more than one hundred
nineteen (119) gallons and an aggregate rated capacity of one
thousand (1,000) or more gallons that is either permanently or
temporarily attached to the vehicle or the chassis. A commercial
motor vehicle transporting an empty storage container tank, not
designed for transportation, with a rated capacity of one thousand
(1,000) or more gallons that is temporarily attached to a flatbed
trailer is not considered a tank vehicle. Such vehicles include but
are not limited to cargo tanks and portable tanks as defined by 49

1 C.F.R., Part 171. ~~Provided however, the term "tank vehicle" shall~~
2 ~~not include a portable tank having a rated capacity of under one~~
3 ~~thousand (1,000) gallons;~~ provided, a commercial motor vehicle
4 transporting an empty storage container tank, not designed for
5 transportation, with a rated capacity of one thousand (1,000) or
6 more gallons that is temporarily attached to a flatbed trailer is
7 not considered a tank vehicle.

8 SECTION 2. AMENDATORY 47 O.S. 2011, Section 6-106, is
9 amended to read as follows:

10 Section 6-106. A. 1. Every application for a driver license
11 or identification card shall be made by the applicant upon a form
12 furnished by the Department of Public Safety.

13 2. Every original, renewal, or replacement application for a
14 driver license or identification card made by a male applicant who
15 is at least sixteen (16) but less than twenty-six (26) years of age
16 shall include a statement that by submitting the application, the
17 applicant is consenting to registration with the Selective Service
18 System. The pertinent information from the application shall be
19 forwarded by the Department to the Data Management Center of the
20 Selective Service System in order to register the applicant as
21 required by law with the Selective Service System. Any applicant
22 refusing to sign the consent statement shall be denied a driver
23 license or identification card.

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1 3. Every applicant for a driver license or identification card
2 shall provide to the Department at the time of application both
3 primary and secondary proofs of identity. The Department shall
4 promulgate rules prescribing forms of primary and secondary
5 identification acceptable for an original Oklahoma driver license.

6 B. Every applicant for a driver license shall state upon the
7 application the following information:

8 1. Full name;

9 2. Date of birth;

10 3. Sex;

11 4. Residence address or mailing address and county of residence
12 to be displayed on the license;

13 5. Mailing address and residence address to be maintained by
14 the Department for the purpose of giving notice, if necessary, as
15 required by Section 2-116 of this title;

16 6. Medical information, as determined by the Department, which
17 shall assure the Department that the person is not prohibited from
18 being licensed as provided by paragraph 7 of subsection A of Section
19 6-103 of this title;

20 7. Whether the applicant is deaf or hard-of-hearing;

21 8. A brief description of the applicant, as determined by the
22 Department;

23 9. Whether the applicant has previously been licensed, and, if
24 so, when and by what state or country, and whether any license has

1 ever been suspended or revoked, or whether an application has ever
2 been refused, and, if so, the date of and reason for the suspension,
3 revocation or refusal;

4 10. Whether the applicant is an alien eligible to be considered
5 for licensure and is not prohibited from licensure pursuant to
6 paragraph 9 of subsection A of Section 6-103 of this title;

7 11. Whether the applicant has:

8 a. previously been licensed and, if so, when and by what
9 state or country, and

10 b. held more than one license at the same time during the
11 immediately preceding ten (10) years; and

12 12. Social security number.

13 No person shall request the Department to use the social security
14 number of that person as the driver license number. Upon renewal or
15 replacement of any driver license issued after the effective date of
16 this act, the licensee shall advise the Department or the motor
17 license agent if the present driver license number of the licensee
18 is the social security number of the licensee. If the driver
19 license number is the social security number, the Department or the
20 motor license agent shall change the driver license number to a
21 computer-generated alphanumeric identification.

22 C. 1. In addition to the requirements of subsections A and B
23 of this section, every applicant for a commercial driver license
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1 with who is subject to the requirements of 49 C.F.R. Part 391 and is
2 applying for an original, renewal, or replacement license, and
3 every person who, upon the effective date of this act, is currently
4 the holder of a commercial driver license and is subject to the
5 requirements of 49 C.F.R. Part 391 and who does not apply for a
6 renewal or replacement license prior to January 30, 2014, shall
7 submit to the Department and maintain with the Department a current
8 approved medical examination certificate signed by a licensed
9 physician authorized to perform and approve medical examination
10 certifications. The Department shall adopt rules regarding
11 procedures for maintaining medical examination certificates pursuant
12 to the requirements in 49 C.F.R., Parts 383 and 384. Any commercial
13 driver licensee subject to the requirements of this paragraph who
14 fails to maintain on file with the Department a current, approved
15 medical examination certificate shall have the driving privileges of
16 the person downgraded to a Class D driver license by the Department.

17 2. If the applicant is applying for an original commercial
18 driver license in Oklahoma or is transferring a commercial driver
19 license from another state to Oklahoma, the Department shall review
20 the driving record of the applicant in other states for the
21 immediately preceding ten (10) years, unless the record review has
22 already been performed by the Department. As a result of the
23 review, if it is determined by the Department that the applicant is
24 subject to a period of disqualification as prescribed by Section 6-

1 205.2 of this title which has not yet been imposed, the Department
2 shall impose the period of disqualification and the applicant shall
3 serve the period of disqualification before a commercial driver
4 license is issued to the applicant; provided, nothing in this
5 paragraph shall be construed to prevent the issuance of a Class D
6 driver license to the applicant.

7 3. If the applicant has or is applying for a hazardous material
8 endorsement, the applicant shall submit to a security threat
9 assessment performed by the Transportation Security Administration
10 of the Department of Homeland Security as required by and pursuant
11 to 49 C.F.R., Part 1572, which shall be used to determine whether
12 the applicant is eligible for the endorsement pursuant to federal
13 law and regulation.

14 4. The Department of Public Safety shall notify each commercial
15 driving school of the passage of this section, and each commercial
16 driving school shall notify prospective students of its school of
17 the hazardous material endorsement requirement.

18 ~~D. Upon the effective date of this act and in~~ In addition to
19 the requirements of subsections A and B of this section, every
20 applicant shall be given an option on the application for issuance
21 of a driver license or identification card or renewal pursuant to
22 Section 6-115 of this title to provide an emergency contact person.
23 The emergency contact information requested may include full name,
24 address, and phone number. The emergency contact information shall

1 be maintained by the Department and shall be used by the Department
2 and law enforcement for emergency purposes only. A person listed as
3 an emergency contact may request to be removed at any time. Any
4 update to a change of name, address, or phone number may be made by
5 the applicant listing the emergency contact person or by the person
6 listed as the emergency contact.

7 E. Whenever application is received from a person previously
8 licensed in another jurisdiction, the Department shall request a
9 copy of the driving record from the other jurisdiction and,
10 effective September 1, 2005, from all other jurisdictions in which
11 the person was licensed within the immediately previous ten (10)
12 years. When received, the driving record shall become a part of the
13 driving record of the person in this state with the same force and
14 effect as though entered on the driver's record in this state in the
15 original instance.

16 F. Whenever the Department receives a request for a driving
17 record from another licensing jurisdiction, the record shall be
18 forwarded without charge.

19 SECTION 3. AMENDATORY 47 O.S. 2011, Section 6-205.2, is
20 amended to read as follows:

21 Section 6-205.2 A. As used in this section, "conviction"
22 means:

23 1. A nonvacated adjudication of guilt;

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1 2. A determination that a person has violated or failed to
2 comply with this section in any court or by the Department of Public
3 Safety following an administrative determination;

4 3. A nonvacated forfeiture of bail or collateral deposited to
5 secure a person's appearance in court;

6 4. A plea of guilty or nolo contendere accepted by the court;

7 5. The payment of any fine or court costs; or

8 6. A violation of a condition of release without bail,
9 regardless of whether or not the penalty is rebated, suspended or
10 probated.

11 B. The Department of Public Safety shall disqualify any person
12 from operating a Class A, B or C commercial motor vehicle for a
13 period of not less than one (1) year upon receiving a record of
14 conviction of any of the following disqualifying offenses, when the
15 conviction has become final:

16 1. Driving, operating or being in actual physical control of a
17 Class A, B or C commercial motor vehicle while having a blood or
18 breath alcohol concentration, as defined in Section 756 of this
19 title, or as defined by the state in which the arrest occurred, of
20 four-hundredths (0.04) or more;

21 2. Refusing to submit to a test for determination of alcohol
22 concentration, as required by Section 751 of this title, or as
23 required by the state in which the arrest occurred, while operating
24 a Class A, B or C commercial motor vehicle, or if the person is the

1 holder of a commercial driver license, committing the offense while
2 operating any vehicle;

3 3. Driving or being in actual physical control of a Class A, B
4 or C commercial motor vehicle while under the influence of alcohol
5 or any other intoxicating substance or the combined influence of
6 alcohol and any other intoxicating substance, or if the person is
7 the holder of a commercial driver license, committing the offense
8 while operating any vehicle. Provided, the Department shall not
9 additionally disqualify, pursuant to this subsection, if the
10 person's driving privilege has been disqualified in this state
11 because of a test result or test refusal pursuant to paragraph 1 or
12 2 of this subsection as a result of the same violation arising from
13 the same incident;

14 4. Knowingly leaving the scene of a collision which occurs
15 while operating a Class A, B or C commercial motor vehicle, or if
16 the person is the holder of a commercial driver license, committing
17 the offense while operating any vehicle;

18 5. Any felony during the commission of which a Class A, B or C
19 commercial motor vehicle is used, except a felony involving the
20 manufacture, distribution or dispensation of a controlled dangerous
21 substance, or if the person is the holder of a commercial driver
22 license, committing the offense while operating any vehicle;

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1 6. Operating a commercial motor vehicle while the commercial
2 driving privilege is revoked, suspended, canceled, denied, or
3 disqualified; or

4 7. Manslaughter homicide, or negligent homicide occurring as a
5 direct result of negligent operation of a commercial motor vehicle,
6 or, if the person is the holder of a commercial driver license,
7 committing the offense while operating any vehicle.

8 C. The Department of Public Safety shall disqualify any person
9 from operating a Class A, B or C commercial motor vehicle for a
10 period of not less than three (3) years upon receiving a record of
11 conviction of any of the disqualifying offenses described in
12 subsection B of this section, committed in connection with the
13 operation of a motor vehicle which is required to be placarded for
14 hazardous materials under 49 C.F.R., Part 172, subpart F, when the
15 conviction has become final.

16 D. The Department of Public Safety shall disqualify any person
17 from operating a Class A, B or C commercial motor vehicle for life
18 upon receiving a record of conviction in any court of any of the
19 disqualifying offenses described in subsection B of this section
20 after a former conviction of any of the following disqualifying
21 offenses, when the second conviction has become final.

22 The Department of Public Safety may promulgate rules
23 establishing conditions under which a disqualification for life
24 pursuant to the provisions of this subsection may be reduced to a

1 period of not less than ten (10) years provided a previous lifetime
2 disqualification has not been reduced.

3 E. The Department of Public Safety shall disqualify any person
4 from operating a Class A, B or C commercial motor vehicle for life
5 upon receiving a record of conviction for any felony related to the
6 manufacture, distribution or dispensation of a controlled dangerous
7 substance in the commission of which a Class A, B or C commercial
8 motor vehicle is used, or if the person is the holder of a
9 commercial driver license, committing the offense while operating
10 any vehicle, when the conviction has become final.

11 F. The Department of Public Safety shall disqualify any person
12 from operating a Class A, B or C commercial motor vehicle for sixty
13 (60) days upon receiving a record of a second conviction of the
14 person for a serious traffic offense arising out of separate
15 transactions or occurrences within a three-year period, when the
16 convictions have become final. The Department of Public Safety
17 shall disqualify any person from operating a Class A, B or C
18 commercial motor vehicle for one hundred twenty (120) days upon
19 receiving a record of a third conviction of a person for a serious
20 traffic offense arising out of separate transactions or occurrences
21 within a three-year period, when the convictions have become final;
22 provided, the one-hundred-twenty-day period shall run in addition to
23 and shall not run concurrently with any other period
24 disqualification imposed pursuant to this subsection. As used in

1 this subsection, "serious traffic offense" shall mean any of the
2 following offenses committed while operating a commercial motor
3 vehicle:

4 1. Speeding fifteen (15) miles per hour or more over the limit;

5 2. Reckless driving;

6 3. Any traffic offense committed that results in or in
7 conjunction with a motor vehicle collision resulting in a fatality;

8 4. Erratic or unsafe lane changes;

9 5. Following too ~~close~~ closely;

10 6. Failure to obtain a commercial driver license;

11 7. Failure to have in possession of the person a commercial
12 driver license; ~~or~~

13 8. Failure to have:

14 a. the proper class of commercial driver license for the
15 class of vehicle being operated,

16 b. the proper endorsement or endorsements for the type of
17 vehicle being operated, including but not limited to,
18 passengers or type of cargo being transported, or

19 c. both proper class and proper endorsement, as provided
20 in subparagraphs a and b of this paragraph or

21 9. Operating a commercial motor vehicle while using a cellular
22 telephone or electronic communication device to write, send or read
23 a text-based communication while the commercial motor vehicle is in
24 motion.

1 G. Upon the receipt of a person's record of conviction of
2 violating a lawful out-of-service order, ~~except as provided in~~
3 ~~subsection H of this section~~, when the conviction becomes final, the
4 Department shall disqualify the driving privilege of the person as
5 follows:

6 1. ~~The~~ For a first conviction shall result in a ninety-day
7 disqualification for violating an out-of-service order:

8 a. except as provided in subparagraph b of this
9 paragraph, the period of disqualification shall be for
10 ninety (90) days, or

11 b. while transporting hazardous materials required to be
12 placarded under the Hazardous Materials Transportation
13 Act, 49 P. app. 180-1813, or while operating a motor
14 vehicle designed for transport of sixteen (16) or more
15 passengers, including the driver, the period of
16 disqualification shall be for one (1) year;

17 2. ~~The~~ For a second conviction within ten (10) years shall
18 result in a one-year disqualification for violating an out-of-
19 service order:

20 a. except as provided in subparagraph b of this
21 paragraph, the period of disqualification shall be for
22 one (1) year, or

23 b. while transporting hazardous materials required to be
24 placarded under the Hazardous Materials Transportation

1 Act, 49 P. app. 180-1813, or while operating a motor
2 vehicle designed for transport of sixteen (16) or more
3 passengers, including the driver, the period of
4 disqualification shall be for three (3) years; and

5 3. ~~The~~ For a third or subsequent conviction within ten (10)
6 ~~years shall result in a three-year~~ for violating an out-of-service
7 ~~order, the period of~~ disqualification shall be for three (3) years.

8 H. ~~Upon the receipt of a person's record of conviction of~~
9 ~~violating a lawful out of service order while transporting hazardous~~
10 ~~materials required to be placarded under the Hazardous Materials~~
11 ~~Transportation Act (49 P. app. 1801-1813), or while operating motor~~
12 ~~vehicles designed for transport of more than fifteen passengers,~~
13 ~~including the driver, when the conviction becomes final, the~~
14 ~~Department shall disqualify the driving privilege of the person as~~
15 ~~follows:~~

16 1. ~~The first conviction shall result in a one-year~~
17 ~~disqualification; and~~

18 2. ~~The second or subsequent conviction within ten (10) years~~
19 ~~shall result in a three-year disqualification.~~

20 ~~I.~~ Upon determination by the Department that fraudulent
21 information was used to apply for or obtain a Class A, B or C driver
22 license, the Department shall disqualify the driving privilege of
23 the applicant or licensee for a period of sixty (60) days.

1 ~~I.~~ I. Any person who drives a Class A, B or C commercial motor
2 vehicle on any public roads, streets, highways, turnpikes or any
3 other public place of this state at a time when the person has been
4 disqualified or when the privilege to do so is canceled, denied,
5 suspended or revoked shall be guilty of a misdemeanor and upon
6 conviction shall be punished by a fine of not less than One Hundred
7 Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00),
8 or by imprisonment for not more than one (1) year, or by both such
9 fine and imprisonment. Each act of driving as prohibited shall
10 constitute a separate offense.

11 ~~J.~~ J. Upon the receipt of the record of a conviction of a
12 person of a railroad highway grade crossing offense in a commercial
13 motor vehicle, pursuant to Sections 11-701 or 11-702 of this title
14 or Section 11-1115 of this title, or upon receipt of an equivalent
15 conviction from any state, when the conviction becomes final, the
16 Department shall disqualify the driving privileges of the person
17 convicted as follows:

18 1. The first conviction shall result in disqualification for
19 sixty (60) days;

20 2. The second conviction within three (3) years shall result in
21 disqualification for one hundred twenty (120) days; and

22 3. The third or subsequent conviction within three (3) years
23 shall result in disqualification for one (1) year.

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1 ~~L.~~ K. The Department, upon receipt of a written notice of
2 immediate disqualification issued by the Federal Motor Carrier
3 Safety Administration under 49 CFR 383.52, shall immediately
4 disqualify the person's commercial driving privilege for the period
5 of time specified on the written notice.

6 ~~M.~~ L. The periods of disqualification as defined by this
7 section shall not be modified. A person may not be granted driving
8 privileges to operate a Class A, B or C commercial vehicle until the
9 disqualification is reinstated.

10 ~~N.~~ M. When any record of conviction, as specified in this
11 section, is received by the Department and pertains to a nonresident
12 operator of a Class A, B or C commercial motor vehicle, or if the
13 nonresident operator is the holder of a commercial driver license, a
14 record of the conviction pertaining to the nonresident operator of
15 any vehicle, the Department shall not disqualify the person and
16 shall report the conviction to the licensing jurisdiction in which
17 the license of the nonresident to operate the commercial vehicle was
18 issued.

19 ~~O.~~ N. Any person who is disqualified from driving under the
20 provisions of this section shall have the right of appeal, as
21 provided in Section 6-211 of this title.

22 SECTION 4. AMENDATORY 47 O.S. 2011, Section 7-606, is
23 amended to read as follows:

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1 Section 7-606. A. 1. An owner or operator who fails to comply
2 with the Compulsory Insurance Law, or who fails to produce for
3 inspection a valid and current security verification form or
4 equivalent form which has been issued by the Department of Public
5 Safety upon request of any peace officer, representative of the
6 Department of Public Safety or other authorized person, shall be
7 guilty of a misdemeanor and upon conviction shall be subject to a
8 fine of not more than Two Hundred Fifty Dollars (\$250.00), or
9 imprisonment for not more than thirty (30) days, or by both such
10 fine and imprisonment, and in addition thereto, shall be subject to
11 suspension of the driving privilege of the person in accordance with
12 Section 7-605 of this title. Upon issuing a citation under this
13 paragraph, the law enforcement officer issuing the citation may
14 seize the vehicle being operated by the person and cause the vehicle
15 to be towed and stored as provided by subsection B of Section 955 of
16 this title, if the officer has probable cause to believe that the
17 vehicle is not insured as required by the Compulsory Insurance Law
18 of this state. If the operator of the vehicle produces what appears
19 to be a valid security verification form and the officer is unable
20 to confirm compliance through the online verification system or
21 noncompliance by a subsequent investigation, the officer shall be
22 prohibited from seizing the vehicle and causing such vehicle to be
23 towed and stored. Further, no vehicle shall be seized and towed
24 under the provisions of this paragraph if said vehicle is displaying

1 a temporary license plate that has not expired pursuant to the
2 provisions of Sections 1137.1 and 1137.3 of this title.

3 2. An owner other than an owner of an antique or a classic
4 automobile as defined by the Oklahoma Tax Commission who files an
5 affidavit that a vehicle shall not be driven upon the public
6 highways or public streets, pursuant to Section 7-607 of this title,
7 who drives or permits the driving of the vehicle upon the public
8 highways or public streets, shall be guilty of a misdemeanor and
9 upon conviction thereof shall be subject to a fine of not more than
10 Five Hundred Dollars (\$500.00), or imprisonment for not more than
11 thirty (30) days, or by both such fine and imprisonment, and in
12 addition thereto, shall be subject to suspension of the driving
13 privilege of the person in accordance with Section 7-605 of this
14 title.

15 B. A sentence imposed for any violation of the Compulsory
16 Insurance Law may be suspended or deferred in whole or in part by
17 the court.

18 C. Any person producing proof in court that a current security
19 verification form or equivalent form which has been issued by the
20 Department of Public Safety reflecting liability coverage for the
21 person was in force at the time of the alleged offense shall be
22 entitled to dismissal of the charge. If proof of security
23 verification is presented to the court by no later than the business
24 day preceding the first scheduled court appearance date, the

1 dismissal shall be without payment of court costs. The court may
2 access information from the online verification system to confirm
3 liability coverage. The court shall not dismiss the fine unless
4 proof that liability coverage for the person was in force at the
5 time of the alleged offense is presented to the court.

6 D. Upon conviction, or bond forfeiture ~~or deferral of sentence~~,
7 the court clerk shall forward an abstract to the Department of
8 Public Safety within ~~ten (10)~~ five (5) days reflecting the action
9 taken by the court.

10 E. For purposes of this section, "court" means any court in
11 this state.

12 SECTION 5. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 11-808.1 of Title 47, unless
14 there is created a duplication in numbering, reads as follows:

15 It shall be unlawful for any person to:

16 1. Possess, operate or use a radar detector while operating or
17 as a passenger in a commercial motor vehicle;

18 2. Operate a commercial motor vehicle in which a radar detector
19 is installed or present; or

20 3. Install or have installed a radar detector in a commercial
21 motor vehicle.

22 SECTION 6. AMENDATORY 47 O.S. 2011, Section 11-901c, is
23 amended to read as follows:

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1 Section 11-901c. A. It shall be unlawful for any person to
2 operate a commercial motor vehicle or for a public transit driver to
3 operate a motor vehicle on any street or highway within this state
4 while using a cellular telephone or electronic communication device
5 to write, send, or read a text-based communication while the motor
6 vehicle is in motion.

7 B. Any person who violates the provisions of subsection A of
8 this section shall, upon conviction, be guilty of a misdemeanor
9 punishable by a fine of Five Hundred Dollars (\$500.00).

10 C. As used in this section:

11 1. "Cellular telephone" means an analog or digital wireless
12 telephone authorized by the Federal Communications Commission to
13 operate in the frequency bandwidth reserved for cellular telephones;

14 2. "Electronic communication device" means an electronic device
15 that permits the user to manually transmit a communication of
16 written text by means other than through an oral transfer or wire
17 communication. This term does not include a voice-activated global
18 positioning or navigation system that is affixed to a motor vehicle;
19 and

20 3. "Public transit driver" means:

21 a. any operator of a public transit vehicle owned and
22 operated by the State of Oklahoma, any public trust
23 authority, county, municipality, town or city within
24 this state,

- 1 b. any operator of a school bus or multi-passenger motor
2 vehicle owned and approved to operate by the State
3 Department of Education or any school district within
4 this state, or
- 5 c. any operator, conductor or driver of a locomotive
6 engine, railway car or train of cars.

7 D. This act shall not apply to railroads and railroad operating
8 employees regulated by the Federal Railroad Administration.

9 SECTION 7. AMENDATORY 47 O.S. 2011, Section 12-417, is
10 amended to read as follows:

11 Section 12-417. A. 1. Every operator and front seat passenger
12 of a Class A commercial motor vehicle, Class B commercial motor
13 vehicle, Class C commercial motor vehicle or a passenger ear vehicle
14 operated in this state shall wear a properly adjusted and fastened
15 safety seat belt system, required to be installed in the motor
16 vehicle when manufactured pursuant to 49 C.F.R., Section 571.208.

17 2. For the purposes of this section, ~~"passenger car"~~ "passenger
18 vehicle" shall mean ~~"vehicle" as defined in Section 1102 of this~~
19 ~~title. "Passenger car" shall include the passenger compartment of~~
20 ~~pickups, vans, minivans, and sport utility vehicles. "Passenger~~
21 ~~ear"~~ a Class D motor vehicle, but shall not include trucks, truck-
22 tractors, recreational vehicles, motorcycles, or motorized bicycles.
23 ~~"Passenger car" shall not include, or~~ a vehicle used primarily for
24

1 farm use which is registered and licensed pursuant to the provisions
2 of Section 1134 of this title.

3 B. The Commissioner of Public Safety, upon application from a
4 person who, for medical reasons, is unable to wear a safety seat
5 belt system supported by written attestation of such fact from a
6 physician licensed pursuant to Section 495 of Title 59 of the
7 Oklahoma Statutes, may issue to the person an exemption from the
8 provisions of this section. The exemption shall be in the form of a
9 restriction appearing on the driver license of the person and shall
10 remain in effect until the expiration date of the driver license.
11 Nothing in this subsection shall be construed to prevent the person
12 from applying for another exemption as provided for in this section.
13 The issuance of an attestation by a physician and the subsequent
14 issuance of an exemption by the Commissioner, in good faith, shall
15 not give rise to, nor shall the physician and the state thereby
16 incur, any liability whatsoever in damages or otherwise, to any
17 person injured by reason of failure of the person to wear a safety
18 seat belt system.

19 C. This section shall not apply to an operator of a motor
20 vehicle while performing official duties as a route carrier of the
21 U.S. Postal Service.

22 D. The Department of Public Safety shall not record or assess
23 points for violations of this section on any license holder's
24 traffic record maintained by the Department.

1 E. Fine and court costs for violating the provisions of this
2 section shall not exceed Twenty Dollars (\$20.00).

3 F. Municipalities may enact and municipal police officers may
4 enforce ordinances prohibiting and penalizing conduct under
5 provisions of this section, but the provisions of those ordinances
6 shall be the same as provided for in this section, and the
7 enforcement provisions under those ordinances shall not be more
8 stringent than those of this section.

9 SECTION 8. AMENDATORY 47 O.S. 2011, Section 18-101, is
10 amended to read as follows:

11 Section 18-101. A. Every magistrate or judge of a court shall
12 keep or cause to be kept a record of every traffic complaint,
13 traffic citation, or other legal form of traffic charge deposited
14 with or presented to the court or its traffic-violations bureau, and
15 shall keep a record of every official action by the court or its
16 traffic-violations bureau, including, but not limited to, a record
17 of every conviction, forfeiture of bail, judgment of acquittal, and
18 the amount of fine or forfeiture resulting from every traffic
19 complaint, citation or other legal form of traffic charge deposited
20 with or presented to the court or traffic-violations bureau.

21 B. Within ~~ten (10)~~ five (5) days after:

22 1. The conviction of any person holding a Class D driver
23 license; or
24

1 2. The conviction, as defined in subsection A of Section 6-
2 205.2 of this title, of any person holding a Class A, B or C driver
3 license; or

4 3. The forfeiture of bail of a person;
5 upon a charge of violating any law regulating the operation of
6 vehicles on highways every magistrate of the court or clerk of the
7 court of record, in which the conviction was had or bail was
8 forfeited, shall prepare and immediately forward to the Department
9 of Public Safety an abstract of the record covering the case in
10 which the person was convicted or forfeited bail, which shall be
11 certified by the person required to prepare the abstract to be true
12 and correct.

13 C. A report shall not be made of any conviction:

14 1. Involving the illegal parking or standing of a vehicle;

15 2. Rendered by a nonlawyer judge, unless, within a period not
16 to exceed the preceding reporting period for Mandatory Continuing
17 Legal Education, the judge has completed courses held for municipal
18 judges which have been approved by the Oklahoma Bar Association
19 Mandatory Legal Education Commission for at least six (6) hours of
20 continuing judicial education credit, and the ~~Department of Public~~
21 ~~Safety~~ governing board of the town, city or municipality of the
22 county receives verification of such attendance, from the judge. In
23 the case of attendance of a continuing judicial education course,
24

1 verification may be made by a statement of attendance signed by the
2 course registration personnel; or

3 3. Involving any offense for which the offender is ~~eligible for~~
4 participation participating in or is approved for and scheduled to
5 participate in an approved drug court program. However, if the
6 offender does not successfully complete the drug court program, the
7 abstract of the record shall be forwarded as provided in subsection
8 B of this section, or if the offender has a prior felony conviction,
9 the abstract of the record shall be forwarded as provided in Section
10 471.9 of Title 22 of the Oklahoma Statutes.

11 D. The abstract shall be made upon a form furnished by the
12 Department and shall include:

13 1. The name, address, sex, and date of birth of the person
14 charged;

15 2. The traffic citation number;

16 3. The driver license number, if any, of the person charged,
17 and the state or jurisdiction from which the license is issued;

18 4. The license plate number, make, and model of the vehicle
19 involved;

20 5. The nature and date of the offense, the date of hearing, the
21 plea, the judgment, or, if bail was forfeited, the amount of the
22 fine or forfeiture; and

23 6. The name of the court and whether it is a municipal or
24 district court.

1 E. Every court of record shall also forward a like report to
2 the Department upon the conviction of any person of manslaughter or
3 other felony in the commission of which a vehicle was used and upon
4 conviction of any person of any other offense listed in subsection A
5 of Section 6-205 of this title.

6 F. The failure, refusal or neglect of any judicial officer to
7 comply with any of the requirements of this section shall constitute
8 misconduct in office and shall be ground for removal.

9 SECTION 9. AMENDATORY 47 O.S. 2011, Section 230.6, is
10 amended to read as follows:

11 Section 230.6. A. No person prohibited from operating a
12 commercial vehicle shall operate such commercial motor vehicle, nor
13 shall any person authorize or require a person who has been
14 prohibited from such operation of a motor vehicle to operate a
15 commercial motor vehicle.

16 B. No person shall operate, authorize to operate, or require
17 the operation of any vehicle or the use of any container ~~that~~ when
18 the person has been placed out-of-service or the vehicle or
19 container has been marked ~~out-of-service~~ out-of-service until all
20 requirements of the out-of-service order of the person have been met
21 or all required corrections for the vehicle or container have been
22 made, ~~except~~; provided, upon approval of the Department ~~such~~, the
23 vehicle or container may be moved to another location for the
24 purpose of repair or correction.

1 C. No person shall remove an out-of-service marking from a
2 transport vehicle or container unless all required corrections have
3 been made and the vehicle or container has been inspected and
4 approved by an authorized officer, employee, or agent of the
5 Department. No person shall return to duty unless all requirements
6 of the out-of-service order have been met and the person has been
7 approved to return to duty by an authorized officer, employee or
8 agent of the Department.

9 D. No employer shall knowingly allow, require, permit or
10 authorize an employee to operate a commercial motor vehicle:

11 1. During any period in which the employee:

12 a. has had driving privileges to operate a commercial
13 motor vehicle suspended, revoked, canceled, denied or
14 disqualified,

15 b. has had driving privileges to operate a commercial
16 motor vehicle disqualified for life,

17 c. is not licensed to operate a commercial motor vehicle,
18 or

19 d. has more than one commercial driver license;

20 2. During any period in which the employee, the commercial
21 motor vehicle which the employee is operating, the motor carrier
22 business or operation, or the employer is subject to an out-of-
23 service order; or

24

1 3. In violation of a federal, state, or local law, regulation,
2 or ordinance pertaining to railroad-highway grade crossings.

3 E. An employer who is determined by the Commissioner to have
4 committed a violation of subsection D of this section shall be
5 subject to an administrative penalty of not less than ~~Two Thousand~~
6 ~~Five Hundred Dollars (\$2,500.00)~~ Two Thousand Seven Hundred Fifty
7 Dollars (\$2,750.00) nor more than ~~Ten Thousand Dollars (\$10,000.00)~~
8 Twenty-five Thousand Dollars (\$25,000.00).

9 F. An employee who is determined by the Commissioner to have
10 committed a violation of any provision of this section shall be
11 subject to an administrative penalty of not less than ~~One Thousand~~
12 ~~One Hundred Dollars (\$1,100.00)~~ Two Thousand Five Hundred Dollars
13 (\$2,500.00) nor more than ~~Two Thousand Seven Hundred Fifty Dollars~~
14 ~~(\$2,750.00)~~ Five Thousand Dollars (\$5,000.00).

15 SECTION 10. It being immediately necessary for the preservation
16 of the public peace, health and safety, an emergency is hereby
17 declared to exist, by reason whereof this act shall take effect and
18 be in full force from and after its passage and approval.

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