

1 SECTION 1. AMENDATORY 47 O.S. 2001, Section 6-105, as
2 last amended by Section 1, Chapter 341, O.S.L. 2010 (47 O.S. Supp.
3 2010, Section 6-105), is amended to read as follows:

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

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

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

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

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

21 C. Any person:

22 1. Who is at least fifteen and one-half (15 1/2) years of age
23 and is currently receiving instruction in or has successfully

1 completed driver education. For purposes of this section, the term
2 "driver education" shall mean:

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

15 2. Who is at least sixteen (16) years of age,
16 may, upon successfully passing all parts of the driver license
17 examination administered by the Department except the driving
18 examination, be issued a learner permit which will grant the
19 permittee the privilege to operate a Class D motor vehicle upon the
20 public highways only between the hours of 5:00 a.m. and 10:00 p.m.
21 and while accompanied by a licensed driver who is at least twenty-
22 one (21) years of age and who is actually occupying a seat beside
23 the permittee.

1 D. 1. Any person:

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

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

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

1 recent date of conviction, and must elapse before that person may be
2 issued an intermediate Class D license.

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

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

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

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

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

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

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

8 1. One (1) year; or

9 2. Six (6) months, if the person has completed both the driver
10 education and the parent-certified behind-the-wheel training
11 provisions of subparagraph e b of paragraph 1 of subsection D of
12 this section;

13 may be issued a Class D license. However, notwithstanding the date
14 of issuance of the Class D license, if the person has been convicted
15 of a traffic offense which is reported on the driving record of that
16 person, the time periods specified in ~~paragraphs~~ paragraph 1 or 2 of
17 this subsection, as applicable, of this subsection shall be

18 recalculated to begin from the date of conviction for the traffic
19 offense, and must elapse before that person may be issued a Class D
20 license. If the person has been convicted of more than one traffic
21 offense which is reported on the driving record of that person, the
22 time periods specified in ~~paragraphs~~ paragraph 1 or 2 of this
23 subsection, as applicable, of this subsection shall be recalculated

1 to begin from the most recent date of conviction, and must elapse
2 before that person may be issued a Class D license.

3 F. Learner permits and intermediate Class D licenses shall be
4 issued for the same period as all other driver licenses. The
5 licenses may be suspended or canceled at the discretion of the
6 Department for violation of restrictions, for failing to give the
7 required or correct information on the application, for knowingly
8 giving false or inaccurate information on the application or any
9 subsequent documentation related to the granting of driving
10 privileges, for using a ~~hand-held~~ cellular telephone or electronic
11 communication device for a non-life-threatening-emergency purpose
12 while operating a motor vehicle ~~for non-life-threatening-emergency~~
13 ~~purposes~~ or for violation of any traffic laws of this state
14 pertaining to the operation of a motor vehicle.

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

20 H. Any person fourteen (14) years of age or older may apply for
21 a restricted Class D license with a motorcycle-only restriction.
22 After the person has successfully passed all parts of the motorcycle
23 examination other than the driving examination and has met all

1 requirements provided for in the rules of the Department, the
2 Department shall issue to the person a restricted Class D license
3 with a motorcycle-only restriction which shall grant to the person,
4 while having the license in the person's immediate possession, the
5 privilege to operate a motorcycle or motor-driven cycle:

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

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

20 I. The Department may in its discretion issue a special permit
21 to any person who has attained the age of fourteen (14) years,
22 authorizing such person to operate farm vehicles between the farm
23 and the market to haul commodities grown on the farm; provided, that

1 the special permit shall be temporary and shall expire not more than
2 thirty (30) days after the issuance of the special permit. Special
3 permits shall be issued only to farm residents and shall be issued
4 only during the time of the harvest of the principal crops grown on
5 such farm. Provided, however, the Department shall not issue a
6 special permit pursuant to this subsection until the Department is
7 fully satisfied after the examination of the application and other
8 evidence furnished in support thereof, that the person is physically
9 and mentally developed to such a degree that the operation of a
10 motor vehicle by the person would not be inimical to public safety.

11 J. As used in this section:

12 1. ~~"Hand held electronic device"~~ "Cellular telephone" means an
13 analog or digital wireless telephone authorized by the Federal
14 Communications Commission to operate in the frequency bandwidth
15 reserved for cellular telephones;

16 2. "Electronic communication device" means ~~a mobile telephone~~
17 ~~or an~~ electronic device with which a that permits the user engages
18 ~~in a telephone call, plays or stores media, including but not~~
19 ~~limited to music and video, or sends or reads a~~ to manually transmit
20 a communication of written text message while requiring the use of
21 ~~at least one hand~~ by means other than through an oral transfer or
22 wire communication. This term does not include a voice-activated
23 global positioning or navigation system that is affixed to a motor

1 vehicle or an ignition interlock device that has been installed on a
2 motor vehicle; and

3 ~~2-~~ 3. "Using a ~~hand-held~~ cellular telephone or electronic
4 communication device" means engaging any function on ~~an~~ a cellular
5 telephone or electronic communication device.

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

9 A. It shall be unlawful for any person under eighteen (18)
10 years of age to operate a motor vehicle on any street or highway
11 within this state while using a cellular telephone or electronic
12 communication device to make or receive telephone calls, compose,
13 send, or read an electronic text message while the motor vehicle is
14 in motion.

15 B. Any person under eighteen (18) years of age who violates the
16 provisions of subsection A of this section shall, upon conviction,
17 be punished as follows:

18 1. For a first conviction, by a fine of not less than One
19 Hundred Dollars (\$100.00) nor more than Five Hundred Dollars
20 (\$500.00);

21 2. For a second conviction, by a fine of not less than One
22 Hundred Dollars (\$100.00) nor more than One Thousand Dollars

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1 (\$1,000.00). In addition, the judge shall require the person to
2 complete not less than forty (40) hours of community service; and

3 3. For a third or subsequent conviction, by a fine of not less
4 than One Hundred Dollars (\$100.00) nor more than Two Thousand
5 Dollars (\$2,000.00). In addition, the judge shall require the
6 person to complete not less than eighty (80) hours of community
7 service. The person shall also be subject to the cancellation or
8 denial of driving privileges for a period to be determined by the
9 court.

10 C. The provisions of subsection A of this section shall not
11 apply if the person is using the cellular telephone or electronic
12 communication device for the sole purpose of communicating with any
13 of the following regarding an emergency situation:

- 14 1. An emergency response operator;
- 15 2. A hospital, physician's office or health clinic;
- 16 3. A provider of ambulance services;
- 17 4. A provider of firefighting services; or
- 18 5. A law enforcement agency.

19 D. Municipalities may enact and municipal police officers may
20 enforce ordinances prohibiting and penalizing conduct under the
21 provisions of this section, but the provisions of those ordinances
22 shall be the same as provided for in this section, the enforcement
23 provisions of those ordinances shall not be more stringent than

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1 those of this section, and the fine and court costs for municipal
2 ordinance violations shall be the same or a lesser amount as
3 provided for in this section.

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

7 A. It shall be unlawful for any person to operate a motor
8 vehicle on any street or highway within this state while using a
9 cellular telephone or electronic communication device to compose,
10 send, or read an electronic text message while the motor vehicle is
11 in motion.

12 B. Any person who violates the provisions of subsection A of
13 this section shall, upon conviction, be punished by a fine of not
14 less than Twenty-five Dollars (\$25.00).

15 C. The provisions of subsection A of this section shall not
16 apply if the person is using the cellular telephone or electronic
17 communication device for the sole purpose of communicating with any
18 of the following regarding an emergency situation:

- 19 1. An emergency response operator;
- 20 2. A hospital, physician's office or health clinic;
- 21 3. A provider of ambulance services;
- 22 4. A provider of firefighting services; or
- 23 5. A law enforcement agency.

1 D. Municipalities may enact and municipal police officers may
2 enforce ordinances prohibiting and penalizing conduct under the
3 provisions of this section, but the provisions of those ordinances
4 shall be the same as provided for in this section, the enforcement
5 provisions of those ordinances shall not be more stringent than
6 those of this section, and the fine and court costs for municipal
7 ordinance violations shall be the same or a lesser amount as
8 provided for in this section.

9 SECTION 4. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 11-901f of Title 47, unless
11 there is created a duplication in numbering, reads as follows:

12 A. It shall be unlawful for the operator of a motor vehicle to
13 use a cellular telephone or electronic communication device while
14 operating a motor vehicle within a school zone.

15 B. Any person who violates the provisions of subsection A of
16 this section shall, upon conviction, be punished by a fine of not
17 less than One Hundred Dollars (\$100.00).

18 C. The provisions of subsection A of this section shall not
19 apply if the person is using the cellular telephone or electronic
20 communication device for the sole purpose of communicating with any
21 of the following regarding an emergency situation:

- 22 1. An emergency response operator;
- 23 2. A hospital, physician's office or health clinic;

- 1 3. A provider of ambulance services;
- 2 4. A provider of firefighting services; or
- 3 5. A law enforcement agency.

4 D. Municipalities may enact and municipal police officers may
5 enforce ordinances prohibiting and penalizing conduct under the
6 provisions of this section, but the provisions of those ordinances
7 shall be the same as provided for in this section, the enforcement
8 provisions of those ordinances shall not be more stringent than
9 those of this section, and the fine and court costs for municipal
10 ordinance violations shall be the same or a lesser amount as
11 provided for in this section.

12 SECTION 5. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 11-901g of Title 47, unless
14 there is created a duplication in numbering, reads as follows:

15 As used in Sections 2, 3 and 4 of this act:

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

19 2. "Compose", "send" or "read" with respect to a text message
20 means the manual entry, sending or retrieval of a text message to
21 communicate with any person or device;

22 3. "Electronic communication device" means an electronic device
23 that permits the user to manually transmit a communication of
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1 written text by means other than through an oral transfer or wire
2 communication. This term does not include a voice-activated global
3 positioning or navigation system that is affixed to a motor vehicle
4 or an ignition interlock device that has been installed on a motor
5 vehicle;

6 4. "School zone" means any portion of a road, street, or
7 highway that is a properly marked school zone, as indicated with
8 appropriate warning signs placed in accordance with the latest
9 edition of the Manual on Uniform Traffic Control Devices, and
10 properly posted signage that provides for a reduced speed limit; and

11 5. "Text message" includes a text-based message, instant
12 message, electronic message or electronic mail.

13 SECTION 6. This act shall become effective November 1, 2011.

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15 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 03-03-2011 -
16 DO PASS, As Coauthored.

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UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.