HOUSE OF REPRESENTATIVES - FLOOR VERSION

STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 448 By: Barrington of the Senate

and

Billy of the House

COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; amending 47 O.S. 2011, Section 1-173.1, which relates to tank vehicles; modifying scope of regulation; providing exemptions for certain empty tanks; amending 47 O.S. 2011, Section 6-106, which relates to driver licenses; requiring certain commercial license holders to possess a medical examination certificate; providing penalty; requiring certain review prior to issuing commercial driver license; amending 47 O.S. 2011, Section 6-205.2, which relates to driver licenses; prohibiting certain drivers from texting; modifying punishment; amending 47 O.S. 2011, Section 7-606, which relates to compulsory insurance; modifying time period for certain notice; prohibiting certain acts related to radar detectors; amending 47 O.S. 2011, Section 11-901c, which relates to commercial vehicles; prohibiting certain drivers from texting; amending 47 O.S. 2011, Section 12-417, which relates to seat belt requirements; requiring certain seat belts be worn in commercial vehicles; amending 47 O.S. 2011, Section 18-101, which relates to traffic violations; modifying time period within which certain abstract must be provided; modifying exemption from report filing requirement; amending 47 O.S. 2011, Section 230.6, which relates to operation

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of vehicles; expanding prohibition to include drivers placed out-of-service; requiring satisfaction of certain requirements and approval of certain individuals prior to returning to service; increasing range of punishments; providing for codification; and declaring an emergency.

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 Tank Vehicle.

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 C.F.R., Part 171~~. Provided however, the term "tank vehicle" shall not include a portable tank having~~; provided, a commercial motor vehicle transporting an empty

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storage container tank, not designed for transportation, with a rated capacity of ~~under~~ one thousand (1,000) or more gallons that is temporarily attached to a flatbed trailer is not considered a tank vehicle.

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

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

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

3. Every applicant for a driver license or identification card shall provide to the Department at the time of application both primary and secondary proofs of identity. The Department shall

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promulgate rules prescribing forms of primary and secondary identification acceptable for an original Oklahoma driver license.

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

1. Full name;

2. Date of birth;

3. Sex;

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

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

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

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

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

9. Whether the applicant has previously been licensed, and, if so, when and by what state or country, and whether any license has ever been suspended or revoked, or whether an application has ever

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been refused, and, if so, the date of and reason for the suspension, revocation or refusal;

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

11. Whether the applicant has:

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

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

12. Social security number.

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

C. 1. In addition to the requirements of subsections A and B of this section, every applicant for a commercial driver license

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~~with~~ who is subject to the requirements of 49 C.F.R., Part 391, and is applying for an original, renewal, or replacement license, and every person who, upon the effective date of this act, is currently the holder of a commercial driver license and is subject to the requirements of 49 C.F.R., Part 391, and who does not apply for a renewal or replacement license prior to January 30, 2014, shall submit to the Department and maintain with the Department a current approved medical examination certificate signed by a licensed physician authorized to perform and approve medical examination certifications. The Department shall adopt rules regarding procedures for maintaining medical examination certificates pursuant to the requirements in 49 C.F.R., Parts 383 and 384. Any commercial driver licensee subject to the requirements of this paragraph who fails to maintain on file with the Department a current, approved medical examination certificate shall have the driving privileges of the person downgraded to a Class D driver license by the Department.

2. If the applicant is applying for an original commercial driver license in Oklahoma or is transferring a commercial driver license from another state to Oklahoma, the Department shall review the driving record of the applicant in other states for the immediately preceding ten (10) years, unless the record review has already been performed by the Department. As a result of the review, if it is determined by the Department that the applicant is

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subject to a period of disqualification as prescribed by Section 6-205.2 of this title which has not yet been imposed, the Department shall impose the period of disqualification and the applicant shall serve the period of disqualification before a commercial driver license is issued to the applicant; provided, nothing in this paragraph shall be construed to prevent the issuance of a Class D driver license to the applicant.

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

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

D. ~~Upon the effective date of this act and in~~ In addition to the requirements of subsections A and B of this section, every applicant shall be given an option on the application for issuance of a driver license or identification card or renewal pursuant to Section 6-115 of this title to provide an emergency contact person.

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The emergency contact information requested may include full name, address, and phone number. The emergency contact information shall be maintained by the Department and shall be used by the Department and law enforcement for emergency purposes only. A person listed as an emergency contact may request to be removed at any time. Any update to a change of name, address, or phone number may be made by the applicant listing the emergency contact person or by the person listed as the emergency contact.

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

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

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

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

1. A nonvacated adjudication of guilt;

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

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

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

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

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

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

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

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2. Refusing to submit to a test for determination of alcohol concentration, as required by Section 751 of this title, or as required by the state in which the arrest occurred, while operating a Class A, B or C commercial motor vehicle, or if the person is the holder of a commercial driver license, committing the offense while operating any vehicle;

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

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

5. Any felony during the commission of which a Class A, B or C commercial motor vehicle is used, except a felony involving the

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manufacture, distribution or dispensation of a controlled dangerous substance, or if the person is the holder of a commercial driver license, committing the offense while operating any vehicle;

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

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

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

D. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for life upon receiving a record of conviction in any court of any of the disqualifying offenses described in subsection B of this section

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after a former conviction of any of the following disqualifying offenses, when the second conviction has become final.

The Department of Public Safety may promulgate rules establishing conditions under which a disqualification for life pursuant to the provisions of this subsection may be reduced to a period of not less than ten (10) years provided a previous lifetime disqualification has not been reduced.

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

F. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for sixty (60) days upon receiving a record of a second conviction of the person for a serious traffic offense arising out of separate transactions or occurrences within a three-year period, when the convictions have become final. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for one hundred twenty (120) days upon

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receiving a record of a third conviction of a person for a serious traffic offense arising out of separate transactions or occurrences within a three-year period, when the convictions have become final; provided, the one-hundred-twenty-day period shall run in addition to and shall not run concurrently with any other period disqualification imposed pursuant to this subsection. As used in this subsection, "serious traffic offense" shall mean any of the following offenses committed while operating a commercial motor vehicle:

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

2. Reckless driving;

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

4. Erratic or unsafe lane changes;

5. Following too ~~close~~ closely;

6. Failure to obtain a commercial driver license;

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

8. Failure to have:

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

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

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

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

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

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

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

b. while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act, 49 P. app. 180-1813, or while operating a motor vehicle designed for transport of sixteen (16) or more

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passengers, including the driver, the period of disqualification shall be for one (1) year;

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

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

b. while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act, 49 P. app. 180-1813, or while operating a motor vehicle designed for transport of sixteen (16) or more passengers, including the driver, the period of disqualification shall be for three (3) years; and

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

H. ~~Upon the receipt of a person's record of conviction of violating a lawful out-of-service order while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act (49 P. app. 1801-1813), or while operating motor vehicles designed for transport of more than fifteen passengers, including the driver, when the conviction becomes final, the~~

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~~Department shall disqualify the driving privilege of the person as follows:~~

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

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

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

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

~~K.~~ J. Upon the receipt of the record of a conviction of a person of a railroad highway grade crossing offense in a commercial motor vehicle, pursuant to Sections 11-701 or 11-702 of this title

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or Section 11-1115 of this title, or upon receipt of an equivalent conviction from any state, when the conviction becomes final, the Department shall disqualify the driving privileges of the person convicted as follows:

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

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

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

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

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

~~N.~~ M. When any record of conviction, as specified in this section, is received by the Department and pertains to a nonresident operator of a Class A, B or C commercial motor vehicle, or if the nonresident operator is the holder of a commercial driver license, a

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record of the conviction pertaining to the nonresident operator of any vehicle, the Department shall not disqualify the person and shall report the conviction to the licensing jurisdiction in which the license of the nonresident to operate the commercial vehicle was issued.

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

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

Section 7-606. A. 1. An owner or operator who fails to comply with the Compulsory Insurance Law, or who fails to produce for inspection a valid and current security verification form or equivalent form which has been issued by the Department of Public Safety upon request of any peace officer, representative of the Department of Public Safety or other authorized person, shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than Two Hundred Fifty Dollars ($250.00), or imprisonment for not more than thirty (30) days, or by both such fine and imprisonment, and in addition thereto, shall be subject to suspension of the driving privilege of the person in accordance with Section 7-605 of this title. Upon issuing a citation under this paragraph, the law enforcement officer issuing the citation may

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seize the vehicle being operated by the person and cause the vehicle to be towed and stored as provided by subsection B of Section 955 of this title, if the officer has probable cause to believe that the vehicle is not insured as required by the Compulsory Insurance Law of this state. If the operator of the vehicle produces what appears to be a valid security verification form and the officer is unable to confirm compliance through the online verification system or noncompliance by a subsequent investigation, the officer shall be prohibited from seizing the vehicle and causing such vehicle to be towed and stored. Further, no vehicle shall be seized and towed under the provisions of this paragraph if said vehicle is displaying a temporary license plate that has not expired pursuant to the provisions of Sections 1137.1 and 1137.3 of this title.

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

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privilege of the person in accordance with Section 7-605 of this title.

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

C. Any person producing proof in court that a current security verification form or equivalent form which has been issued by the Department of Public Safety reflecting liability coverage for the person was in force at the time of the alleged offense shall be entitled to dismissal of the charge. If proof of security verification is presented to the court by no later than the business day preceding the first scheduled court appearance date, the dismissal shall be without payment of court costs. The court may access information from the online verification system to confirm liability coverage. The court shall not dismiss the fine unless proof that liability coverage for the person was in force at the time of the alleged offense is presented to the court.

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

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

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

It shall be unlawful for any person to:

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

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

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

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

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

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

C. As used in this section:

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

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

3. "Public transit driver" means:

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

b. any operator of a school bus or multi-passenger motor vehicle owned and approved to operate by the State Department of Education or any school district within this state, or

c. any operator, conductor or driver of a locomotive engine, railway car or train of cars; and

4. "Write, send, or read a text-based communication", also known as texting, means manually entering alphanumeric text into, sending text, or reading text from, an electronic device, and

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includes, but is not limited to, short message service (SMS), e-mailing, instant messaging (IM), a command or request to access a World Wide Web page, or engaging in any other form of electronic text retrieval or entry, for present or future communication. As used in this paragraph, texting does not include:

a. using voice commands to select or enter a telephone number, an extension number, or voicemail retrieval codes and commands into an electronic device for the purpose of initiating or receiving a phone call,

b. inputting, selecting, or reading information on a global positioning system or navigation system, or

c. using a device capable of performing multiple functions for a purpose that is not otherwise prohibited in this part, including, but not limited to, fleet management systems, dispatching devices, smart phones, citizens band radios, and music players.

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

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

Section 12-417. A. 1. Every operator and front seat passenger of a Class A commercial motor vehicle, Class B commercial motor vehicle, Class C commercial motor vehicle or a passenger ~~car~~ vehicle

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operated in this state shall wear a properly adjusted and fastened safety seat belt system, required to be installed in the motor vehicle when manufactured pursuant to 49 C.F.R., Section 571.208.

2. For the purposes of this section, "passenger ~~car~~ vehicle" shall mean ~~"vehicle" as defined in Section 1102 of this title. "Passenger car" shall include the passenger compartment of pickups, vans, minivans, and sport utility vehicles. "Passenger car"~~ a Class D motor vehicle, but shall not include trucks, truck-tractors, recreational vehicles, motorcycles, or motorized bicycles~~.~~ ~~"Passenger car" shall not include~~, or a vehicle used primarily for farm use which is registered and licensed pursuant to the provisions of Section 1134 of this title.

B. The Commissioner of Public Safety, upon application from a person who, for medical reasons, is unable to wear a safety seat belt system supported by written attestation of such fact from a physician licensed pursuant to Section 495 of Title 59 of the Oklahoma Statutes, may issue to the person an exemption from the provisions of this section. The exemption shall be in the form of a restriction appearing on the driver license of the person and shall remain in effect until the expiration date of the driver license. Nothing in this subsection shall be construed to prevent the person from applying for another exemption as provided for in this section. The issuance of an attestation by a physician and the subsequent

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issuance of an exemption by the Commissioner, in good faith, shall not give rise to, nor shall the physician and the state thereby incur, any liability whatsoever in damages or otherwise, to any person injured by reason of failure of the person to wear a safety seat belt system.

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

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

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

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

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

Section 18-101. A. Every magistrate or judge of a court shall keep or cause to be kept a record of every traffic complaint,

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traffic citation, or other legal form of traffic charge deposited with or presented to the court or its traffic-violations bureau, and shall keep a record of every official action by the court or its traffic-violations bureau, including, but not limited to, a record of every conviction, forfeiture of bail, judgment of acquittal, and the amount of fine or forfeiture resulting from every traffic complaint, citation or other legal form of traffic charge deposited with or presented to the court or traffic-violations bureau.

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

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

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

3. The forfeiture of bail of a person;

upon a charge of violating any law regulating the operation of vehicles on highways every magistrate of the court or clerk of the court of record, in which the conviction was had or bail was forfeited, shall prepare and immediately forward to the Department of Public Safety an abstract of the record covering the case in which the person was convicted or forfeited bail, which shall be certified by the person required to prepare the abstract to be true and correct.

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

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

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

2. Rendered by a nonlawyer judge, unless, within a period not to exceed the preceding reporting period for Mandatory Continuing Legal Education, the judge has completed courses held for municipal judges which have been approved by the Oklahoma Bar Association Mandatory Legal Education Commission for at least six (6) hours of continuing judicial education credit, and the Department of Public Safety receives verification of such attendance, from the judge. In the case of attendance of a continuing judicial education course, verification may be made by a statement of attendance signed by the course registration personnel; or

3. Involving any offense for which the offender is eligible for participation in an approved drug court program. However, if the offender does not successfully complete the drug court program, the abstract of the record shall be forwarded as provided in subsection B of this section, or if the offender has a prior felony conviction, the abstract of the record shall be forwarded as provided in Section 471.9 of Title 22 of the Oklahoma Statutes.

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

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

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2. The traffic citation number;

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

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

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

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

E. Every court of record shall also forward a like report to the Department upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

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

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

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

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~~Strike thru~~ language denotes deletion from present Statutes.

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

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

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

1. During any period in which the employee:

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

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

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

d. has more than one commercial driver license;

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

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

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

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

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

COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated 04/05/2012 - DO PASS, As Amended.

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