

1 **SENATE FLOOR VERSION**

2 February 21, 2012

3 SENATE BILL NO. 182

By: Crain of the Senate

4 and

5 Morgan of the House

6  
7  
8 An Act relating to motor vehicle operation; amending  
9 47 O.S. 2011, Section 6-105, which relates to  
10 issuance of license, expiration and renewal;  
11 modifying the prohibition on using a hand-held  
12 electronic device for certain persons; providing an  
13 effective date; and declaring an emergency.

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

15 SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-105, is  
16 amended to read as follows:

17 Section 6-105. A. Unless a legal custodial parent or legal  
18 guardian has filed an objection to licensure pursuant to Section 6-  
19 103.1 of this title, any person under eighteen (18) years of age who  
20 is in compliance with or not subject to Section 6-107.3 of this  
21 title may be permitted to operate:

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

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

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

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

9           C. Any person:

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

- 14           a. a prescribed secondary school driver education course,  
15 as provided for in Sections 19-113 through 19-121 of  
16 Title 70 of the Oklahoma Statutes,
- 17           b. a driver education course, certified by the Department  
18 of Public Safety, from a parochial, private, or other  
19 nonpublic secondary school,
- 20           c. a commercial driver training course, as defined by  
21 Sections 801 through 808 of this title, or
- 22           d. a parent-taught driver education course, certified by  
23 the Department of Public Safety. The Department shall  
24

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

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

12 D. 1. Any person:

13 a. who has applied for, been issued, and has possessed a  
14 learner permit for a minimum of six (6) months, and  
15 b. whose custodial legal parent or legal guardian  
16 certifies to the Department by sworn affidavit that  
17 the person has received a minimum of fifty (50) hours  
18 of actual behind-the-wheel training, of which at least  
19 ten (10) hours of such training was at night, from a  
20 licensed driver who was at least twenty-one (21) years  
21 of age and who was properly licensed to operate a  
22 Class D motor vehicle for a minimum of two (2) years,  
23 may be issued an intermediate Class D license upon successfully  
24 passing all parts of the driver license examinations administered by

1 the Department. However, notwithstanding the date of issuance of  
2 the learner permit, if the person has been convicted of a traffic  
3 offense which is reported on the driving record of that person, the  
4 time period specified in subparagraph a of this paragraph shall be  
5 recalculated to begin from the date of conviction for the traffic  
6 offense, and must elapse before that person may be issued an  
7 intermediate Class D license. If the person has been convicted of  
8 more than one traffic offense which is reported on the driving  
9 record of that person, the time period specified in subparagraph a  
10 of this paragraph shall be recalculated to begin from the most  
11 recent date of conviction, and must elapse before that person may be  
12 issued an intermediate Class D license.

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

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

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

21 (2) at any time, if a licensed driver who is at least  
22 twenty-one (21) years of age is actually  
23 occupying a seat beside the intermediate Class D  
24 licensee, or if the intermediate Class D licensee

1 is a farm or ranch resident, and is operating a  
2 motor vehicle while engaged in farming or  
3 ranching operations outside the limits of a  
4 municipality, or driving to and from work,  
5 school, school activities, or church activities,  
6 and

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

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

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

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

16 1. One (1) year; or

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

21 may be issued a Class D license. However, notwithstanding the date  
22 of issuance of the Class D license, if the person has been convicted  
23 of a traffic offense which is reported on the driving record of that  
24 person, the time periods specified in paragraphs 1 or 2, as

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

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

21 G. No person, under the age of eighteen (18), who is issued a  
22 license pursuant to this section shall use a hand-held electronic  
23 device while operating a motor vehicle, unless the use of the hand-  
24 held electronic device is for a life-threatening emergency purpose.

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

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

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

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

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

21       ~~J.~~ K. As used in this section:

22       1. "Hand-held electronic device" means a mobile telephone or  
23 electronic device with which a user engages in a telephone call,  
24 plays or stores media, including but not limited to music and video,

1 or sends or reads a text message while requiring the use of at least  
2 one hand; and

3 2. "Using a hand-held electronic device" means engaging any  
4 function on an electronic device.

5 SECTION 2. This act shall become effective July 1, 2012.

6 SECTION 3. It being immediately necessary for the preservation  
7 of the public peace, health and safety, an emergency is hereby  
8 declared to exist, by reason whereof this act shall take effect and  
9 be in full force from and after its passage and approval.

10 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 2-16-12 - DO  
11 PASS, As Coauthored.

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