

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE BILL 143

By: Ford

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5
6 AS INTRODUCED

7 An Act relating to the issuing of driver licenses;
8 amending 47 O.S. 2001, Section 6-107.3, as amended by
9 Section 12, Chapter 311, O.S.L. 2006 (47 O.S. Supp.
10 2010, Section 6-107.3), which relates to restrictions
11 on driver license for persons under eighteen (18)
12 years of age; deleting requirement for presentation
13 of certain documentation; deleting certain exception
14 for the issuance or retention of a driver license;
15 providing an effective date; and declaring an
16 emergency.

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

18 SECTION 1. AMENDATORY 47 O.S. 2001, Section 6-107.3, as
19 amended by Section 12, Chapter 311, O.S.L. 2006 (47 O.S. Supp. 2010,
20 Section 6-107.3), is amended to read as follows:

21 Section 6-107.3 A. The Department of Public Safety shall deny
22 a license, restricted license, or instruction permit for the
23 operation of a motor vehicle to any person under eighteen (18) years
24 of age who does not, at the time of application, present
documentation that such person:

1 Provided, during the summer months when school is not in regular
2 session, as established by the school district pursuant to Section
3 1-109 of Title 70 of the Oklahoma Statutes, a person under eighteen
4 (18) years of age may satisfy the documentation requirement of this
5 subsection by providing a notarized written statement from and
6 signed by the legal custodial parent or legal guardian of the person
7 to the Department of Public Safety stating that the person completed
8 the immediately previous school year and is enrolled or intends to
9 enroll for the immediately subsequent school year.

10 B. 1. A person under eighteen (18) years of age who is
11 receiving education by other means, including education at home
12 pursuant to Section 4 of Article XIII of the Oklahoma Constitution,
13 shall satisfy the documentation requirement of paragraph 1 of
14 subsection A of this section by providing a written statement from
15 and signed by the legal custodial parent or legal guardian of the
16 person to the Department of Public Safety stating that the person is
17 receiving instruction by other means pursuant to Section 4 of
18 Article XIII of the Oklahoma Constitution.

19 2. Any person who falsifies the information required in such
20 documentation, upon conviction, shall be guilty of a misdemeanor.

21 ~~C. 1. A person under eighteen (18) years of age, who does not~~
22 ~~meet the requirements of subparagraphs a through c of paragraph 1 of~~
23 ~~subsection A of this section or the requirements of subsection B of~~
24 ~~this section, may retain or be issued a driver license if:~~

- 1 ~~a. the person is employed at least twenty-four (24) hours~~
2 ~~per week, and~~
- 3 ~~b. the employer of the person verifies the employment on~~
4 ~~a form prescribed by the Department of Public Safety.~~

5 ~~2. Any person who has retained or been issued a driver license~~
6 ~~pursuant to this subsection who leaves such employment shall have~~
7 ~~fifteen (15) days from the date of termination of employment to~~
8 ~~provide verification of employment from a new employer.~~

9 ~~3. Any employer who falsifies a verification of employment~~
10 ~~shall be subject to an administrative fine of not more than Fifty~~
11 ~~Dollars (\$50.00), to be assessed by the Department of Public Safety.~~

12 ~~D.~~ 1. School district attendance officers, upon request, shall
13 provide a documentation of enrollment status form, established and
14 approved by the Department of Public Safety, to any person under
15 eighteen (18) years of age who is properly enrolled in a school for
16 which the attendance officer is responsible, for presentation to the
17 Department of Public Safety upon application for or reinstatement of
18 an instruction permit, restricted license, or license to operate a
19 motor vehicle.

20 2. Except as provided in subsection ~~E~~ D of this section,
21 whenever a person over fourteen (14) years of age and under eighteen
22 (18) years of age, who has a driver license or permit issued by the
23 Department of Public Safety, withdraws from school, the attendance
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1 officer shall notify the Department of Public Safety of such
2 withdrawal through a documentation of enrollment status form.

3 3. Within fifteen (15) working days of the receipt of such
4 notice, the Department of Public Safety shall provide written notice
5 to the person, by first class, postage prepaid mail, that the
6 license of the person will be canceled thirty (30) days following
7 the date the notice to the person was sent, unless documentation of
8 compliance with the provisions of this section is received by the
9 Department of Public Safety before such time. After the thirty-day
10 period, the Department of Public Safety shall cancel the driving
11 privileges of the person.

12 ~~E.~~ D. When the withdrawal from school of a person under
13 eighteen (18) years of age is:

14 1. Due to circumstances beyond the control of the person;

15 2. Pursuant to any lawful excuse; or

16 3. For the purpose of transfer to another school, including
17 education at home pursuant to Section 4 of Article XIII of the
18 Oklahoma Constitution, as confirmed in writing by the legal
19 custodial parent or legal guardian of the person,

20 no notice as required by subsection ~~D~~ C of this section shall be
21 sent to the Department of Public Safety, or, if sent, such notice
22 shall be disregarded by the Department of Public Safety. If the
23 person is applying for a license, restricted license, or instruction
24 permit, the attendance officer shall provide the person with

1 documentation to present to the Department of Public Safety to
2 excuse the person from the requirements of this section.

3 ~~F.~~ E. Every school district shall, upon request, provide
4 documentation of reading proficiency for any person under eighteen
5 (18) years of age enrolled in such school district by certifying
6 passage of a reading examination pursuant to the provisions of
7 Section 1210.515 of Title 70 of the Oklahoma Statutes.

8 ~~G.~~ F. As used in Sections 6-107.3 through 6-107.6 of this
9 title:

10 1. "Withdrawal" means more than ten (10) consecutive days, or
11 parts of days, of unexcused absences or fifteen (15) days, or parts
12 of days, total unexcused absences during a single semester;

13 2. "Lawful excuse" means absence from school pursuant to any
14 valid physical or mental illness or pursuant to any legal excuse as
15 provided in Section 10-105 of Title 70 of the Oklahoma Statutes;
16 provided, however, the meaning of such term shall not include
17 marriage;

18 3. "Circumstances beyond the control of the person" shall not
19 include marriage, suspension or expulsion from school, or
20 imprisonment in a jail, penitentiary or other correctional
21 institution;

22 4. "Documentation of enrollment status form" means the document
23 established and approved by the Department of Public Safety to
24 substantiate information concerning the eligibility of a person

1 under eighteen (18) years of age to apply for or to retain a license
2 or permit to drive. Such documentation shall not include any
3 information which is considered an education record pursuant to the
4 Family Education Rights and Privacy Act, 20 U.S.C., Sections 1232g
5 through 1232i, unless compliance is made with the restrictions
6 regarding disclosure of the information; and

7 5. "Documentation of reading proficiency" means information
8 provided by a school authorized by subsection B of Section 1210.515
9 of Title 70 of the Oklahoma Statutes to certify the eligibility of a
10 person under eighteen (18) years of age to apply for a license or
11 permit based on passage of a reading proficiency test approved by
12 the State Department of Education, or pursuant to the alternative
13 documentation criteria provided in subsection C of Section 1210.515
14 of Title 70 of the Oklahoma Statutes. Such documentation shall not
15 include any information which is considered an education record
16 pursuant to the Family Education Rights and Privacy Act, 20 U.S.C.,
17 Sections 1232g through 1232i, unless compliance is made with the
18 restrictions regarding disclosure of the information.

19 ~~H.~~ G. The provisions of this section shall be inapplicable with
20 respect to any person under eighteen (18) years of age upon whom
21 rights of majority have been conferred pursuant to Sections 91
22 through 94 of Title 10 of the Oklahoma Statutes.

23 ~~I.~~ H. The Department of Public Safety shall establish and
24 approve documentation forms and certificates required by this

1 section for use by school districts to comply with the provisions of
2 this section. Upon establishment and approval of such forms and
3 certificates, the Department of Public Safety shall notify each
4 school district and the State Board of Education of the content
5 thereof.

6 SECTION 2. This act shall become effective July 1, 2011.

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

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