

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 54th Legislature (2014)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 1332

By: Schulz, Fields, Justice and
Allen of the Senate

and

DeWitt of the House

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10 COMMITTEE SUBSTITUTE

11 An Act relating to motor vehicles; amending 47 O.S.
12 2011, Sections 6-105, as amended by Section 2,
13 Chapter 280, O.S.L. 2012 and 6-110, as last amended
14 by Section 4, Chapter 259, O.S.L. 2013 (47 O.S. Supp.
15 2013, Sections 6-105 and 6-110), which relate to
16 driver licenses and examination of applicants;
17 modifying definition; authorizing the Department of
18 Public Safety to create certain test for Class D
19 license applicants; requiring automatic downgrade of
20 commercial driver license under certain
21 circumstances; providing for reinstatement of
22 commercial driver license; authorizing waiver of
23 certification fee under certain circumstances;
24 providing an effective date; and declaring an
 emergency.

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

SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-105, as
amended by Section 2, Chapter 280, O.S.L. 2012 (47 O.S. Supp. 2013,
Section 6-105), is amended to read as follows:

1 Section 6-105. A. Unless a legal custodial parent or legal
2 guardian has filed an objection to licensure pursuant to Section 6-
3 103.1 of this title, any person under eighteen (18) years of age who
4 is in compliance with or not subject to Section 6-107.3 of this
5 title may be permitted to operate:

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

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

10 3. A farm vehicle under the provisions prescribed in subsection
11 I of this section.

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

18 C. Any person:

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

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24

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

1 verification that the person has successfully completed driver
2 education.

3 D. 1. Any person:

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

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

14 may be issued an intermediate Class D license upon successfully
15 passing all parts of the driver license examinations administered by
16 the Department; provided, the written examination, if it has not
17 previously been administered or waived, may be waived by the
18 Department upon verification that the person has successfully
19 completed driver education or the driving examination may be waived
20 by the Department upon successful passage of the examination
21 administered by a certified designated examiner, as provided for in
22 Section 6-110 of this title. However, notwithstanding the date of
23 issuance of the learner permit, if the person has been convicted of
24 a traffic offense which is reported on the driving record of that

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

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

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

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

18 (2) at any time, if a licensed driver who is at least
19 twenty-one (21) years of age is actually
20 occupying a seat beside the intermediate Class D
21 licensee, or if the intermediate Class D licensee
22 is a farm or ranch resident, and is operating a
23 motor vehicle while engaged in farming or
24 ranching operations outside the limits of a

1 municipality, or driving to and from work,
2 school, school activities, or church activities,
3 and

4 b. shall not operate a motor vehicle with more than one
5 passenger unless:

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

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

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

13 1. One (1) year; or

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

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

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

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

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

22 H. Any person fourteen (14) years of age or older may apply for
23 a restricted Class D license with a motorcycle-only restriction.
24 After the person has successfully passed all parts of the motorcycle

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

7 1. With a piston displacement not to exceed two hundred fifty
8 (250) cubic centimeters;

9 2. Between the hours of 4:30 a.m. to 9:00 p.m. only;

10 3. While wearing approved protective headgear; and

11 4. While accompanied by and receiving instruction from any
12 person who is at least twenty-one (21) years of age and who is
13 properly licensed pursuant to the laws of this state to operate a
14 motorcycle or motor-driven cycle, and who has visual contact with
15 the restricted licensee.

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

21 The written examination and driving examination for a restricted
22 Class D license with a motorcycle-only endorsement may be waived by
23 the Department of Public Safety upon verification that the person
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1 has successfully completed a certified Motorcycle Safety Foundation
2 rider course approved by the Department.

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

17 J. As used in this section:

18 1. "Hand-held electronic device" means a mobile telephone or
19 electronic device with which a user engages in a telephone call,
20 plays or stores media, including but not limited to music and video,
21 or sends or reads a text message while requiring the use of at least
22 one hand; and

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

1 SECTION 2. AMENDATORY 47 O.S. 2011, Section 6-110, as
2 last amended by Section 4, Chapter 259, O.S.L. 2013 (47 O.S. Supp.
3 2013, Section 6-110), is amended to read as follows:

4 Section 6-110. A. 1. The Department of Public Safety shall
5 examine every applicant for an original Class A, B, C or D license
6 and for any endorsements thereon, except as otherwise provided in
7 Section 6-101 et seq. of this title or as provided in paragraph 2 of
8 this subsection or in subsection D of this section. The examination
9 shall include a test of the applicant's:

- 10 a. eyesight,
- 11 b. ability to read and understand highway signs
12 regulating, warning and directing traffic,
- 13 c. knowledge of the traffic laws of this state, including
14 a portion on bicycle and motorcycle safety, and
- 15 d. ability, by actual demonstration, to exercise ordinary
16 and reasonable control in the operation of a motor
17 vehicle. The actual demonstration shall be conducted
18 in the type of motor vehicle for the class of driver
19 license being applied for.

20 The Department may create a knowledge test that may be taken on
21 the Internet by an applicant applying for a Class D license.

22 Any licensee seeking to apply for a driver license of another
23 class which is not covered by the licensee's current driver license
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1 shall be considered an applicant for an original license for that
2 class.

3 2. The Department of Public Safety shall have the authority to
4 waive the requirement of any part of the examination required in
5 paragraph 1 of this subsection for those applicants who surrender a
6 valid unexpired driver license issued by any state or country for
7 the same type or types of vehicles, provided that the applicant's
8 driving record meets the standards set by the Department of Public
9 Safety.

10 3. The Department shall accept skills test results from another
11 state for Class A, B or C license applicants who have successfully
12 completed commercial motor vehicle driver training in that state and
13 successfully passed the skills test in that state; provided, the
14 Department shall not accept skills test results from another state
15 when the applicant has not successfully completed commercial motor
16 vehicle driver training in that state. Nothing in this section
17 shall be construed to prohibit the Department from administering the
18 skills test to any applicant who has successfully completed
19 commercial vehicle driver training in another state.

20 4. All applicants requiring a hazardous materials endorsement
21 shall be required, for the renewal of the endorsement, to
22 successfully complete the examination and to submit to a security
23 threat assessment performed by the Transportation Security
24 Administration of the Department of Homeland Security as required by

1 and pursuant to 49 C.F.R., Part 1572, which shall be used to
2 determine whether the applicant is eligible for renewal of the
3 endorsement pursuant to federal law and regulation.

4 5. The Department of Public Safety shall give the complete
5 examination as provided for in this section within thirty (30) days
6 from the date the application is received, and the examination shall
7 be given at a location within one hundred (100) miles of the
8 residence of the applicant. The Department shall make every effort
9 to make the examination locations and times convenient for
10 applicants. The Department shall consider giving the examination at
11 various school sites if the district board of education for the
12 district in which the site is located agrees and if economically
13 feasible and practicable.

14 B. Any person holding a valid Oklahoma Class D license and
15 applying for a Class A, B or C commercial license shall be required
16 to successfully complete all examinations as required for the
17 specified class. Failure to submit to the Department federally
18 required medical certification information pursuant to 49 C.F.R Part
19 391.41 et seq. shall result in an automatic downgrade of a
20 commercial license to a Class D license. Provided however, once the
21 required medical certification information has been received by the
22 Department, the license shall be reinstated to the classification of
23 the commercial license prior to the downgrade and the holder of such
24 a license shall not be required to reapply.

1 C. Except as provided in subsection E of Section 6-101 of this
2 title, any person holding a valid Oklahoma Class A, B or C
3 commercial license shall, upon time for renewal thereof, be entitled
4 to a Class D license without any type of testing or examination,
5 except for any endorsements thereon as otherwise provided for by
6 Section 6-110.1 of this title.

7 D. 1. Any certified driver education instructor who is
8 currently an operator or an employee of a commercial driver training
9 school in this state or any driver education instructor employed by
10 any school district in this state shall be eligible to apply to be a
11 designated examiner of the Department of Public Safety for the
12 purposes of administering the Class D driving skills portion of the
13 Oklahoma driving examination to any person who has not previously
14 been a student of the instructor.

15 2. The Department of Public Safety shall adopt a curriculum of
16 required courses and training to be offered to applicants who are
17 qualified to apply to be a designated examiner. The courses and
18 training for certification shall meet the same standards as required
19 for driver examiners of the Department of Public Safety.

20 3. Each person applying to be a designated examiner shall be
21 required to pay an initial designated examiner certification fee of
22 One Thousand Dollars (\$1,000.00). Upon successful completion of
23 training prescribed by paragraph 2 of this subsection, the person
24 shall be required to pay an annual designated examiner certification

1 fee of Five Hundred Dollars (\$500.00). If an applicant for the
2 designated examiner program is employed by an Oklahoma public school
3 system that offers driver education, and he or she administers the
4 skills test only to students enrolled in a public school driver
5 education program, the certification fee may be waived by the
6 Department. Each designated examiner certification shall expire on
7 the last day of the calendar year and may be renewed upon
8 application to the Department of Public Safety. The designated
9 examiner certification fees collected by the Department pursuant to
10 this subsection shall be deposited to the credit of the Department
11 of Public Safety Restricted Revolving Fund to be used for the
12 purposes of this subsection. No designated examiner certification
13 fee shall be refunded in the event that certification is denied,
14 suspended or revoked.

15 4. A designated examiner may charge a fee of no more than
16 Twenty-five Dollars (\$25.00) for each Class D driving skills
17 examination given, whether the person being examined passes or fails
18 the examination.

19 5. The Department shall conduct an annual complete nationwide
20 criminal history background check on each designated examiner and a
21 complete nationwide criminal history background check on each
22 designated examiner applicant. The fees for the background check
23 shall be borne by the designated examiner or designated examiner
24 applicant.

1 6. The Department of Public Safety shall promulgate rules to
2 implement and administer the provisions of this subsection.

3 SECTION 3. This act shall become effective July 1, 2014.

4 SECTION 4. It being immediately necessary for the preservation
5 of the public peace, health and safety, an emergency is hereby
6 declared to exist, by reason whereof this act shall take effect and
7 be in full force from and after its passage and approval.

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9 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 03/26/2014 -
10 DO PASS, As Amended.

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