

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 SENATE BILL 923

By: Marlatt

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5
6 AS INTRODUCED

7 An Act relating to drivers licenses for persons under
8 eighteen; amending 47 O.S. 2011, Section 6-107.3,
9 which relates to certain requirements for licenses or
10 permits for persons under eighteen; requiring the
11 Department of Public Safety to suspend the driver
12 license of certain persons for certain reason;
13 requiring the school districts to provide certain
14 documentation to the Department; requiring certain
15 written notice; providing certain exception;
16 requiring school districts to provide certain
17 documentation to certain persons; providing for
18 certain reinstatement; defining term; and providing
19 an effective date.

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

21 SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-107.3, is
22 amended to read as follows:

23 Section 6-107.3. A. The Department of Public Safety shall deny
24 a license, restricted license, or instruction permit for the
25 operation of a motor vehicle to any person under eighteen (18) years
26 of age who does not, at the time of application, present
27 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 of this section, whenever
21 a person over fourteen (14) years of age and under eighteen (18)
22 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. When the withdrawal from school of a person under eighteen
13 (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 of this section shall be sent
21 to the Department of Public Safety, or, if sent, such notice shall
22 be disregarded by the Department of Public Safety. If the person is
23 applying for a license, restricted license, or instruction permit,
24 the attendance officer shall provide the person with documentation

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

3 F. 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. The Department of Public Safety shall suspend the license,
9 restricted license, or instruction permit for the operation of a
10 motor vehicle to any person under eighteen (18) years of age who
11 does not score at the proficient level of an end-of-instruction test
12 pursuant to the provisions of Section 1210.508 of Title 70 of the
13 Oklahoma Statutes.

14 1. School districts shall provide documentation of end-of-
15 instruction status to the Department of Public Safety for any person
16 under the age of eighteen (18) years of age who has not met the
17 proficient level of an end-of-instruction test. The Department of
18 Public Safety shall within fifteen (15) working days of the receipt
19 of such notice, provide written notice to the person, by first
20 class, postage prepaid mail, that the license of the person will be
21 suspended thirty (30) days following the date the notice to the
22 person was sent, unless documentation of compliance with the
23 provisions of this subsection is received by the Department of
24 Public Safety before such time. After the thirty-day period, the

1 Department of Public Safety shall suspend the driving privileges of
2 the person for six (6) months.

3 2. School districts shall, upon request, provide documentation,
4 established and approved by the Department of Public Safety, to any
5 person under eighteen (18) years of age for presentation to the
6 Department of Public Safety certifying passage of an end-of-
7 instruction proficient level in order to apply for reinstatement of
8 a suspended driver license or permit. The Department shall
9 reinstate the driving privileges of the person upon receipt of such
10 documentation.

11 G H. As used in Sections 6-107.3 through 6-107.6 of this title:

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

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

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

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1 4. "Documentation of enrollment status form" means the document
2 established and approved by the Department of Public Safety to
3 substantiate information concerning the eligibility of a person
4 under eighteen (18) years of age to apply for or to retain a license
5 or permit to drive. Such documentation shall not include any
6 information which is considered an education record pursuant to the
7 Family Education Rights and Privacy Act, 20 U.S.C., Sections 1232g
8 through 1232i, unless compliance is made with the restrictions
9 regarding disclosure of the information; ~~and~~

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

22 6. "Documentation of end-of-instruction proficient level" means
23 the document established and approved by the Department of Public
24 Safety to substantiate information concerning the eligibility of a

1 person under eighteen (18) years of age to retain a license or
2 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.

7 # I. The provisions of this section shall be inapplicable with
8 respect to any person under eighteen (18) years of age upon whom
9 rights of majority have been conferred pursuant to Sections 91
10 through 94 of Title 10 of the Oklahoma Statutes.

11 # J. The Department of Public Safety shall establish and
12 approve documentation forms and certificates required by this
13 section for use by school districts to comply with the provisions of
14 this section. Upon establishment and approval of such forms and
15 certificates, the Department of Public Safety shall notify each
16 school district and the State Board of Education of the content
17 thereof.

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