

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

HOUSE BILL 2298

By: McDaniel (Randy)

AS INTRODUCED

An Act relating to motor vehicles; creating the Safe Driving Act; amending 47 O.S. 2011, Section 6-105, as last amended by Section 102, Chapter 1, O.S.L. 2015 (47 O.S. Supp. 2015, Section 6-105), which relates to graduated Class D driver licenses; expanding scope of certain definition; providing for noncodification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Safe Driving Act".

SECTION 2. AMENDATORY 47 O.S. 2011, Section 6-105, as last amended by Section 102, Chapter 1, O.S.L. 2015 (47 O.S. Supp. 2015, Section 6-105), is amended to read as follows:

Section 6-105. A. Unless a legal custodial parent or legal guardian has filed an objection to licensure pursuant to Section 6-103.1 of this title, any person under eighteen (18) years of age who

1 is in compliance with or not subject to Section 6-107.3 of this
2 title may be permitted to operate:

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

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

7 3. A farm vehicle under the provisions prescribed in subsection
8 I of this section.

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

15 C. Any person:

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

20 a. a prescribed secondary school driver education course,
21 as provided for in Sections 19-113 through 19-121 of
22 Title 70 of the Oklahoma Statutes,
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- 1 b. a driver education course, certified by the Department
2 of Public Safety, from a parochial, private, or other
3 nonpublic secondary school,
- 4 c. a commercial driver training course, as defined by
5 Sections 801 through 808 of this title,
- 6 d. a parent-taught driver education course, certified by
7 the Department of Public Safety. The content of the
8 parent-taught driver education course shall include
9 instruction regarding the dangers of texting while
10 driving and the effects of being under the influence
11 of alcohol or other intoxicating substance while
12 driving. The Department shall promulgate rules for
13 any parent-taught driver education course, or
- 14 e. a driver education course certified by a state other
15 than Oklahoma; or

16 2. Who is at least sixteen (16) years of age,
17 may, upon successfully passing all parts of the driver license
18 examination administered by the Department except the driving
19 examination, be issued a learner permit which will grant the
20 permittee the privilege to operate a Class D motor vehicle upon the
21 public highways only between the hours of 5:00 a.m. and 10:00 p.m.
22 and while accompanied by a licensed driver who is at least twenty-
23 one (21) years of age and who is actually occupying a seat beside
24 the permittee; provided, the written examination for a learner

1 permit may be waived by the Department of Public Safety upon
2 verification that the person has successfully completed driver
3 education.

4 D. 1. Any person:

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

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

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

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

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

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

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

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

1 ranching operations outside the limits of a
2 municipality, or driving to and from work,
3 school, school activities, or church activities,
4 and

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

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

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

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

14 1. One (1) year; or

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

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

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

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

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

23 H. Any person fourteen (14) years of age or older may apply for
24 a restricted Class D license with a motorcycle-only restriction.

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

- 8 1. With a piston displacement not to exceed three hundred (300)
9 cubic centimeters;
- 10 2. Between the hours of 4:30 a.m. to 9:00 p.m. only;
- 11 3. While wearing approved protective headgear; and
- 12 4. While accompanied by and receiving instruction from any
13 person who is at least twenty-one (21) years of age and who is
14 properly licensed pursuant to the laws of this state to operate a
15 motorcycle or motor-driven cycle, and who has visual contact with
16 the restricted licensee.

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

22 The written examination and driving examination for a restricted
23 Class D license with a motorcycle-only endorsement may be waived by
24 the Department of Public Safety upon verification that the person

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 3. This act shall become effective November 1, 2016.

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