

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 HOUSE BILL 3013

 By: Faught of the House

5 and

6 Sykes of the Senate

7
8
9 AS INTRODUCED

10 An Act relating to driver license requirements;
11 amending 47 O.S. 2011, Section 6-107.3, which relates
12 to driver licenses for minors; adding exemption from
13 license requirements for certain students; requiring
 verification by parent or guardian; providing
 administrative fine for falsified verification; and
 providing an effective date.

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

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

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

1. a. is a student enrolled in a public or private secondary school, including any technology center school, of this state or any other state,
- b. has received a diploma or certificate of completion issued to the person from a secondary school of this state or any other state,
- c. is enrolled and making satisfactory progress in a program leading to a Certificate of High School Equivalency issued by the State Department of Education, or has obtained such certificate,
- d. is excused from such requirement pursuant to a lawful excuse as defined in subsection G F of this section or due to circumstances beyond the control of the person, or
- e. is excused from such requirement pursuant to subsection G B of this section; and

2. Has successfully passed the criterion-referenced reading test required for all eighth grade students or an alternative reading proficiency test approved by the State Department of Education, pursuant to the provisions of Section 1210.515 of Title 70 of the Oklahoma Statutes, demonstrating reading proficiency at the eighth-grade reading level, unless such student is excused from such requirement pursuant to the provisions of Section 1210.515 of Title 70 of the Oklahoma Statutes.

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~~7~~ and

3 ~~b.~~ the employer of the person verifies the employment on
4 a form prescribed by the Department of Public Safety,7
5 or

6 b. the person is receiving education by other means,
7 including education at home, pursuant to Section 4 of
8 Article XIII of the Oklahoma Constitution and the
9 parent or legal guardian of the person verifies this
10 on a form prescribed by the Department of Public
11 Safety.

12 2. Any person who has retained or been issued a driver license
13 pursuant to subparagraph a of paragraph 1 of this subsection who
14 leaves such employment shall have fifteen (15) days from the date of
15 termination of employment to provide verification of employment from
16 a new employer.

17 3. Any ~~employer~~ person who falsifies a verification of
18 employment or education required by paragraph 1 of this subsection
19 shall be subject to an administrative fine of not more than Fifty
20 Dollars (\$50.00), to be assessed by the Department of Public Safety.

21 ~~D.~~ C. 1. School district attendance officers, upon request,
22 shall provide a documentation of enrollment status form, established
23 and approved by the Department of Public Safety, to any person under
24 eighteen (18) years of age who is properly enrolled in a school for

1 which the attendance officer is responsible, for presentation to the
2 Department of Public Safety upon application for or reinstatement of
3 an instruction permit, restricted license, or license to operate a
4 motor vehicle.

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

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

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

- 22 1. Due to circumstances beyond the control of the person;
 - 23 2. Pursuant to any lawful excuse; or
- 24

1 3. For the purpose of transfer to another school, including
2 education by other means, including education at home, pursuant to
3 Section 4 of Article XIII of the Oklahoma Constitution, as confirmed
4 in writing by the legal custodial parent or legal guardian of the
5 person,
6 no notice as required by subsection ~~D~~ C of this section shall be
7 sent to the Department of Public Safety, or, if sent, such notice
8 shall be disregarded by the Department of Public Safety. If the
9 person is applying for a license, restricted license, or instruction
10 permit, the attendance officer shall provide the person with
11 documentation to present to the Department of Public Safety to
12 excuse the person from the requirements of this section.

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

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

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

23 2. "Lawful excuse" means absence from school pursuant to any
24 valid physical or mental illness or pursuant to any legal excuse as

1 provided in Section 10-105 of Title 70 of the Oklahoma Statutes;
2 provided, however, the meaning of such term shall not include
3 marriage;

4 3. "Circumstances beyond the control of the person" shall not
5 include marriage, suspension or expulsion from school, or
6 imprisonment in a jail, penitentiary or other correctional
7 institution;

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

17 5. "Documentation of reading proficiency" means information
18 provided by a school authorized by subsection B of Section 1210.515
19 of Title 70 of the Oklahoma Statutes to certify the eligibility of a
20 person under eighteen (18) years of age to apply for a license or
21 permit based on passage of a reading proficiency test approved by
22 the State Department of Education, or pursuant to the alternative
23 documentation criteria provided in subsection C of Section 1210.515
24 of Title 70 of the Oklahoma Statutes. Such documentation shall not

1 include any information which is considered an education record
2 pursuant to the Family Education Rights and Privacy Act, 20 U.S.C.,
3 Sections 1232g through 1232i, unless compliance is made with the
4 restrictions regarding disclosure of the information.

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

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

16 SECTION 2. This act shall become effective November 1, 2018.

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18 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/12/2018 -
19 DO PASS, As Coauthored.
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