

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

HOUSE BILL 2616

By: Fourkiller

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 2011, Section 6-105, as last amended by Section 14, Chapter 42, O.S.L. 2017 (47 O.S. Supp. 2016, Section 6-105), which relates to driver licenses requirements; reducing age where individual is eligible to drive in a driver education course; reducing age where individual is eligible for a learner permit; clarifying minimum age where an individual is eligible for an intermediate Class D license; amending 47 O.S. 2011, Section 6-105.2, which relates to driver education instructor permit; reducing the age of individuals eligible to be instructed; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-105, as last amended by Section 14, Chapter 42, O.S.L. 2017 (47 O.S. Supp. 2016, 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 is in compliance with or not subject to Section 6-107.3 of this title may be permitted to operate:

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

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

5        3. A farm vehicle under the provisions prescribed in subsection  
6 I of this section.

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

13        C. Any person:

14        1. Who is at least ~~fifteen and one-half (15 1/2)~~ fourteen and  
15 one-half (14 1/2) years of age and is currently receiving  
16 instruction in or has successfully completed driver education. For  
17 purposes of this section, the term "driver education" shall mean:

18            a. a prescribed secondary school driver education course,  
19 as provided for in Sections 19-113 through 19-121 of  
20 Title 70 of the Oklahoma Statutes,

21            b. a driver education course, certified by the Department  
22 of Public Safety, from a parochial, private, or other  
23 nonpublic secondary school,  
24

1 c. a commercial driver training course, as defined by  
2 Sections 801 through 808 of this title,

3 d. a parent-taught driver education course, certified by  
4 the Department of Public Safety. The Department shall  
5 promulgate rules for any parent-taught driver  
6 education course, or

7 e. a driver education course certified by a state other  
8 than Oklahoma; or

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

21 D. 1. Any person:

22 a. who is at least sixteen (16) years of age,

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

1        ~~b.~~ c. whose custodial legal parent or legal guardian  
2                certifies to the Department by sworn affidavit that  
3                the person has received a minimum of fifty (50) hours  
4                of actual behind-the-wheel training, of which at least  
5                ten (10) hours of such training was at night, from a  
6                licensed driver who was at least twenty-one (21) years  
7                of age and who was properly licensed to operate a  
8                Class D motor vehicle for a minimum of two (2) years,  
9 may be issued an intermediate Class D license upon successfully  
10 passing all parts of the driver license examinations administered by  
11 the Department; provided, the written examination, if it has not  
12 previously been administered or waived, may be waived by the  
13 Department upon verification that the person has successfully  
14 completed driver education or the driving examination may be waived  
15 by the Department upon successful passage of the examination  
16 administered by a certified designated examiner, as provided for in  
17 Section 6-110 of this title. However, notwithstanding the date of  
18 issuance of the learner permit, if the person has been convicted of  
19 a traffic offense which is reported on the driving record of that  
20 person, the time period specified in subparagraph a of this  
21 paragraph shall be recalculated to begin from the date of conviction  
22 for the traffic offense, and must elapse before that person may be  
23 issued an intermediate Class D license. If the person has been  
24 convicted of more than one traffic offense which is reported on the

1 driving record of that person, the time period specified in  
2 subparagraph a of this paragraph shall be recalculated to begin from  
3 the most recent date of conviction, and must elapse before that  
4 person may be issued an intermediate Class D license.

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

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

9 (1) only between the hours of 5:00 a.m. and 10:00

10 p.m., except for driving to and from work,  
11 school, school activities, and church activities,  
12 or

13 (2) at any time, if a licensed driver who is at least  
14 twenty-one (21) years of age is actually  
15 occupying a seat beside the intermediate Class D  
16 licensee, or if the intermediate Class D licensee  
17 is a farm or ranch resident, and is operating a  
18 motor vehicle while engaged in farming or  
19 ranching operations outside the limits of a  
20 municipality, or driving to and from work,  
21 school, school activities, or church activities,  
22 and

23 b. shall not operate a motor vehicle with more than one  
24 passenger unless:

- (1) all passengers live in the same household as the custodial legal parent or legal guardian, or
- (2) a licensed driver at least twenty-one (21) years of age is actually occupying a seat beside the intermediate Class D licensee.

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

1. One (1) year; or

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

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

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

12 G. The Department of Public Safety shall promulgate rules  
13 establishing procedures for removal of learner permit and  
14 intermediate Class D license restrictions from the permit or license  
15 upon the permittee or licensee qualifying for a less restricted or  
16 an unrestricted license.

17 H. Any person fourteen (14) years of age or older may apply for  
18 a restricted Class D license with a motorcycle-only restriction.  
19 After the person has successfully passed all parts of the motorcycle  
20 examination other than the driving examination, has successfully  
21 completed a certified state-approved motorcycle basic rider course  
22 approved by the Department, and has met all requirements provided  
23 for in the rules of the Department, the Department shall issue to  
24 the person a restricted Class D license with a motorcycle-only

1 restriction which shall grant to the person, while having the  
2 license in the person's immediate possession, the privilege to  
3 operate a motorcycle or motor-driven cycle:

4 1. With a piston displacement not to exceed three hundred (300)  
5 cubic centimeters;

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

7 3. While wearing approved protective headgear; and

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

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

18 The written examination and driving examination for a restricted  
19 Class D license with a motorcycle-only endorsement shall be waived  
20 by the Department of Public Safety upon verification that the person  
21 has successfully completed a certified state-approved motorcycle  
22 basic rider course approved by the Department.

23 I. The Department may in its discretion issue a special permit  
24 to any person who has attained the age of fourteen (14) years,



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

13 J. As used in this section:

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

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

21 K. All driver education courses provided for in paragraph 1 of  
22 subsection C of this section shall include education regarding the  
23 dangers of texting while driving and the effects of being under the  
24 influence of alcohol or other intoxicating substance while driving.

1       SECTION 2.       AMENDATORY       47 O.S. 2011, Section 6-105.2, is  
2 amended to read as follows:

3       Section 6-105.2 The Department of Public Safety may issue an  
4 instructor permit to any qualified secondary school driver education  
5 instructor as defined by the State Board of Education Rules and  
6 Regulations for Oklahoma High School Driver and Traffic Safety  
7 Education or any driver education instructor, certified by the  
8 Department of Public Safety, of a parochial, private, or other  
9 nonpublic secondary school upon a proper application to the State  
10 Board of Education or the Department of Public Safety in the case of  
11 secondary schools that are not regulated by the State Board of  
12 Education or a commercial driver training course instructor, as  
13 provided for in Sections 801 through 808 of Title 47 of the Oklahoma  
14 Statutes. The Department shall promulgate rules for the issuance of  
15 the permits. Any instructor as defined in this subsection who has  
16 been issued a permit may instruct any person who is at least ~~fifteen~~  
17 ~~and one-half (15 1/2)~~ fourteen and one-half (14 1/2) years of age or  
18 who is at least ~~fifteen (15)~~ fourteen (14) years of age and of  
19 secondary school or higher educational standing while regularly  
20 enrolled and certified by the instructor as a student taking a  
21 prescribed course of secondary school driver education or a driver  
22 education course, certified by the Department of Public Safety, from  
23 a parochial, private, or other nonpublic secondary school or a  
24 commercial driver training course, as defined by Sections 801

1 through 808 of Title 47 of the Oklahoma Statutes, to operate a motor  
2 vehicle while accompanied by and receiving instruction from the  
3 instructor who is actually occupying a seat beside the driver.

4 SECTION 3. This act shall become effective November 1, 2018.

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