

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL 408

By: Paxton

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 2011, Section 6-110.1, which relates to endorsements; requiring certain compliance to operate a motor vehicle; amending 47 O.S. 2011, Section 6-303, as last amended by Section 2, Chapter 141, O.S.L. 2016 (47 O.S. Supp. 2018, Section 6-303), which relates to penalties for driving without a license; creating misdemeanor offense for certain noncompliance; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-110.1, is amended to read as follows:

Section 6-110.1. A. The following endorsements shall be placed on an Oklahoma driver license to any person qualifying therefore as determined by the Department of Public Safety.

Endorsement	Authorizes the operation of:
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"H"	A non-tank-type vehicle used to
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A non-tank-type vehicle used to
transport hazardous materials in
placardable amounts pursuant to 49
C.F.R., Part 172, subpart F;

1 "M" A motorcycle;

2 "N" A tank vehicle as defined in Section

3 1-173.1 of this title;

4 "P" A vehicle designed by the manufacturer

5 to transport sixteen or more

6 passengers, including the driver;

7 "S" A school bus;

8 "T" A vehicle with double or triple

9 trailers;

10 "X" A tank vehicle used to transport

11 hazardous materials in placardable

12 amounts pursuant to 49 C.F.R., Part

13 172, subpart F.

14 B. The Department may also provide for additional endorsements

15 as may be needed or as otherwise provided for by law.

16 C. No person shall operate a motor vehicle requiring

17 endorsements as provided for in this section without having a valid

18 Class A, B, C or D license with the required endorsements.

19 D. All endorsements as provided for in this section must be

20 obtained prior to the operation of such vehicles. However, the

21 requirement for a hazardous materials endorsement is not required

22 for the operation of farm vehicles used to transport pesticides,

23 fertilizers, or other products integral to farming, but which are

24 defined as hazardous materials. If, after obtaining a hazardous

1 material endorsement, a person becomes ineligible for the hazardous  
2 material endorsement pursuant to state or federal law, or both, or  
3 any regulation, the Department of Public Safety shall provide notice  
4 as provided in Section 2-116 of this title. A person will have  
5 thirty (30) days from the date of the notice to appear at a  
6 designated testing facility to apply and be issued a commercial  
7 driver license without the endorsement. Failure to comply within  
8 the required time shall be grounds for the Department of Public  
9 Safety to disqualify the commercial driver license of the person  
10 until compliance has been met.

11 SECTION 2. AMENDATORY 47 O.S. 2011, Section 6-303, as  
12 last amended by Section 2, Chapter 141, O.S.L. 2016 (47 O.S. Supp.  
13 2018, Section 6-303), is amended to read as follows:

14 Section 6-303. A. No person shall operate a motor vehicle upon  
15 the public roads, streets, highways, turnpikes or other public place  
16 of this state without having a valid driver license for the class of  
17 vehicle being operated from the Department of Public Safety, except  
18 as herein specifically exempted.

19 Any violation of the provisions of this subsection shall  
20 constitute a misdemeanor and shall be punishable by a fine of not  
21 less than Fifty Dollars (\$50.00) nor more than Three Hundred Dollars  
22 (\$300.00) plus costs or by imprisonment for not more than thirty  
23 (30) days, or by both such fine and imprisonment.

1 Any person charged with violating this section who produces in  
2 court, on or before the court date, a renewal or replacement driver  
3 license issued to him or her shall be entitled to dismissal of such  
4 charge without payment of court costs and fine.

5 B. Any person who drives a motor vehicle on any public roads,  
6 streets, highways, turnpikes or other public place of this state at  
7 a time when the person's privilege to do so is canceled, denied,  
8 suspended or revoked or at a time when the person is disqualified  
9 from so doing shall be guilty of a misdemeanor and upon conviction  
10 shall be punished by a fine:

11 1. For a first conviction, of not less than One Hundred Dollars  
12 (\$100.00) and not more than Five Hundred Dollars (\$500.00);

13 2. For a second conviction, of not less than Two Hundred  
14 Dollars (\$200.00) and not more than Seven Hundred Fifty Dollars  
15 (\$750.00);

16 3. For a third and subsequent conviction, of not less than  
17 Three Hundred Dollars (\$300.00) and not more than One Thousand  
18 Dollars (\$1,000.00);

19 or by imprisonment for not more than one (1) year or by both  
20 such fine and imprisonment. Each act of driving on the highways as  
21 prohibited shall constitute a separate offense.

22 C. Any person who drives a motor vehicle on any public roads,  
23 streets, highways, turnpikes or other public roads of this state at  
24 a time when the driving privilege of that person is canceled,

1 denied, suspended or revoked, pursuant to paragraph 1 of subsection  
2 A of Section 6-205.1 of this title, shall be guilty of a misdemeanor  
3 and upon conviction shall be punished by a fine:

4 1. For a first conviction, of not less than Five Hundred  
5 Dollars (\$500.00) and not more than One Thousand Dollars  
6 (\$1,000.00);

7 2. For a second conviction, of not less than One Thousand  
8 Dollars (\$1,000.00) and not more than Two Thousand Dollars  
9 (\$2,000.00);

10 3. For a third and subsequent conviction, of not less than Two  
11 Thousand Dollars (\$2,000.00) and not more than Five Thousand Dollars  
12 (\$5,000.00);

13 or by imprisonment for not more than one (1) year or by both  
14 such fine and imprisonment. Each act of driving on the highways as  
15 prohibited shall constitute a separate offense.

16 D. The Department, upon receiving a record of conviction of an  
17 offense committed by any person whose license or privilege to  
18 operate motor vehicles is under suspension or revocation, shall  
19 extend the period of such suspension or revocation for an additional  
20 three-month period of time. The additional orders of suspension or  
21 revocation shall be dated and become effective the day following the  
22 date terminating the prior order of suspension or revocation.

23 E. The Department, upon receiving a record of conviction of an  
24 offense committed by any person whose license or privilege to  
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1 operate motor vehicles is under revocation, pursuant to paragraph 1,  
2 2, or 3 of subsection A of Section 6-205.1 of this title, shall  
3 extend the period of such revocation for an additional four-month  
4 period of time. The additional orders of revocation shall be dated  
5 and become effective the day following the date terminating the  
6 prior order of revocation.

7 F. The Department, upon receiving a record of conviction for a  
8 person convicted of an offense specified in Section 11-905 of this  
9 title, shall extend the period of such suspension, revocation or  
10 denial of driving privilege for an additional twelve-month period of  
11 time. The additional orders of suspension, revocation or denial of  
12 driving privilege shall be dated and become effective the day  
13 following the date terminating the prior order of suspension,  
14 revocation or denial of driving privilege.

15 G. It shall be a misdemeanor punishable by imprisonment for not  
16 less than seven (7) days nor more than six (6) months, or by a fine  
17 of not more than Five Hundred Dollars (\$500.00), or by both such  
18 fine and imprisonment, for any person to apply for a renewal or a  
19 replacement license to operate a motor vehicle while the person's  
20 license, permit or other evidence of driving privilege is in the  
21 custody of a law enforcement officer or the Department. A notice  
22 regarding this offense and the penalty therefor shall be included on  
23 the same form containing the notice of revocation issued by the  
24 officer.

1 H. Any fine collected pursuant to a second or subsequent  
2 conviction, as provided in subsections B and C of this section,  
3 shall be deposited to the Trauma Care Assistance Revolving Fund  
4 created in Section 1-2530.9 of Title 63 of the Oklahoma Statutes.

5 I. Any person who drives a motorcycle or motor-driven cycle, as  
6 defined in this title, on public roads, streets, highways, turnpikes  
7 or other public place of this state without the proper endorsement  
8 on a current state-issued license shall be guilty of a misdemeanor.  
9 Any person charged with violating this section may request a six-  
10 month deferral for the purpose of obtaining the following:

11 1. Proof of successful completion of a Motorcycle Safety  
12 Foundation rider course approved by the Department; and

13 2. Proper motorcycle endorsement on the person's valid driver  
14 license.

15 Upon presenting the court with proof of satisfaction of both  
16 requirements within the deferral period, the offender shall be  
17 entitled to dismissal of the charge, and may be subject to a reduced  
18 payment of court costs and fine.

19 J. Any person who operates a motor vehicle requiring an  
20 endorsement or endorsements, as provided by Section 6-110.1 of this  
21 title, on public roads, streets, highways, turnpikes or other public  
22 places of this state without the proper endorsement on a current  
23 state-issued license shall be guilty of a misdemeanor.

1       SECTION 3.   This act shall become effective November 1, 2019.

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