

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION

☒ FLOOR AMENDMENT

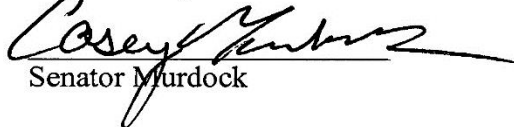
No. 3

☐ COMMITTEE AMENDMENT

(Date)

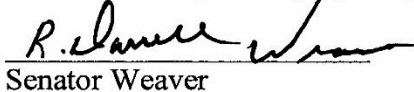
I move to amend engrossed House Bill No. 3822, by substituting the attached floor substitute (Request # 3858) for the title, enacting clause and entire body of the measure.

Submitted by:


Senator Murdock

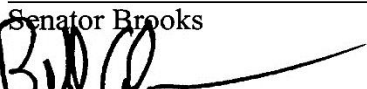
I hereby grant permission for the floor substitute to be adopted.

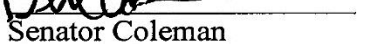

Senator Paxton, Chair (required)


Senator Weaver


Senator Allen

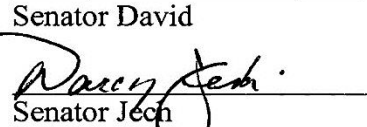

Senator Bergstrom


Senator Brooks

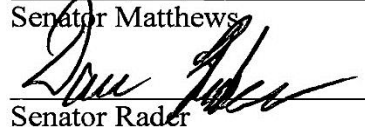

Senator Coleman

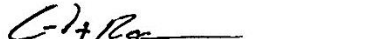
Senator Dahm

Senator David


Senator Jech

Senator Matthews


Senator Rader


Senator Rogers

Senator Treat, President Pro Tempore

Senator McCortney, Majority Floor Leader

Note: Public Safety committee majority requires seven (7) members' signatures.

Murdock-JES-FS-HB3822
4/25/2022 1:31 PM

(Floor Amendments Only)

Date and Time Filed: 4-26-22

2:24 pm *jd*

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

FLOOR SUBSTITUTE

FOR ENGROSSED

HOUSE BILL NO. 3822

By: Newton, Davis, Phillips,
McDugle, and Grego of the
House

and

Murdock of the Senate

FLOOR SUBSTITUTE

[driver licenses - farm vehicle special permits -
permit holders of a certain age - suspension and
revocation of permit - violations resulting in
license restrictions -

emergency]

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

SECTION 1. AMENDATORY 47 O.S. 2021, 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) years of age may
8 drive during a session in which the driver is being instructed in a
9 driver education course, as set out in subparagraphs a, b, c, d and
10 e of paragraph 1 of subsection C of this section, by a certified
11 driver education instructor who is seated in the right front seat of
12 the motor vehicle.

13 C. Any person:

14 1. Who is at least fifteen and one-half (15 1/2) years of age
15 and is currently receiving instruction in or has successfully
16 completed driver education. For purposes of this section, the term
17 "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, or an approved written
12 examination proctor, except the driving examination, be issued a
13 learner permit which will grant the permittee the privilege to
14 operate a Class D motor vehicle upon the public highways only
15 between the hours of 5:00 a.m. and 10:00 p.m. and while accompanied
16 by a licensed driver who is at least twenty-one (21) years of age
17 and who is actually occupying a seat beside the permittee; provided,
18 the written examination for a learner permit may be waived by the
19 Department of Public Safety upon verification that the person has
20 successfully completed driver education.

21 D. 1. Any person:

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

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

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

1. Any person who is less than seventeen (17) years of age but is at least fourteen (14) years of age and who resides upon a farm in this state or is employed for compensation upon a farm in this state may apply to the Department of Public Safety for a farm permit authorizing such person, while possessing the permit, to operate any Class D motor vehicle.

2. a. A farm permit shall entitle the licensee, who is at least fourteen (14) years of age but less than sixteen (16) years of age, to operate the appropriate motor vehicles at any time:

(1) while going to or from or in connection with any farm job, employment, or other farm-related work,

- 1 (2) on days while school is in session, over the most
2 direct and accessible route between the
3 licensee's residence and school of enrollment for
4 the purpose of school attendance; provided, that
5 the privilege shall only extend to those
6 licensees who reside on a farm and commute
7 directly from their place of residence to the
8 school in which they are enrolled, or
9 (3) when the licensee is operating a passenger car at
10 any time when accompanied by an adult who is the
11 holder of a valid commercial driver license,
12 Class A, B, C, or D driver license and who is
13 actually occupying a seat beside the driver.

14 b. For a period of six (6) months, a farm permit shall
15 entitle the licensee who is at least sixteen (16)
16 years of age to operate the appropriate motor vehicles
17 at any time:

- 18 (1) from 5:00 a.m. to 9:00 p.m.,
19 (2) while going to or from or in connection with any
20 farm job, employment, or other farm-related work,
21 (3) while going to or from authorized school
22 activities,

- 1 (4) while going directly to or from any religious
2 worship service held by a religious organization,
3 or
4 (5) while the licensee is operating a passenger car
5 at any time while accompanied by an adult who is
6 the holder of a valid commercial driver license,
7 Class A, B, C, or D driver license, and who is
8 actually occupying a seat beside the driver.

9 After such six-month period, if the licensee has complied with the
10 provisions of this subsection, such farm permit shall entitle the
11 licensee to operate the appropriate motor vehicles at any time
12 without the restrictions required by this subsection.

13 3. A farm permit shall be issued only if:

- 14 a. the applicant can prove that such applicant resides or
15 works on a farm by submitting the signed affidavit of
16 either a parent or guardian stating that the applicant
17 lives on a farm,
18 b. the applicant has successfully completed the
19 examination requirements in Section 6-110 of this
20 title, and
21 c. if the applicant does not live on a farm but works on
22 a farm, the applicant submits the signed affidavit of
23 the applicant's employer and parent or guardian
24 attesting to such employment.

1 4. Any licensee issued a farm permit under this subsection:

2 a. who is less than sixteen (16) years of age shall not
3 operate any motor vehicle with nonsibling minor
4 passengers,

5 b. who is at least sixteen (16) years of age, for a
6 period of six (6) months after reaching sixteen (16)
7 years of age, shall not operate any motor vehicle with
8 more than one passenger who is less than eighteen (18)
9 years of age and who is not a member of the licensee's
10 immediate family, or

11 c. who is at least fourteen (14) years of age, but less
12 than sixteen (16) years of age, shall not operate any
13 motor vehicle on interstate or turnpike highway
14 systems, nor shall a licensee operate a motor vehicle
15 within the limits of a city with a population in
16 excess of one hundred thousand (100,000) persons
17 according to the latest Federal Decennial Census.

18 Any conviction for violating this paragraph shall be construed as a
19 moving traffic violation. The Department may, in its discretion,
20 suspend the permit of an individual for violation of this paragraph.

21 5. Any licensee issued a farm permit under this subsection
22 shall not operate a hand-held electronic device while driving a
23 motor vehicle, except that a licensee may operate a hand-held
24

1 electronic device while driving a motor vehicle to report illegal
2 activity or to summon medical or other emergency help.

3 6. As used in this subsection, "farm" means any parcel of land
4 larger than one hundred sixty (160) acres which is used in
5 agricultural operations.

6 7. a. A farm permit issued under this subsection is subject
7 to suspension or revocation in the same manner as any
8 other driver license.

9 b. A farm permit may be suspended in accordance with
10 Section 6-113 of this title for any violation of
11 restrictions under this subsection.

12 c. The Department of Public Safety shall suspend the farm
13 permit upon receiving satisfactory evidence that the
14 licensee has been involved in two or more accidents
15 chargeable to the licensee and such suspended license
16 shall not be reinstated for one (1) year.

17 8. Any licensee issued a farm permit under this subsection
18 shall provide, prior to reaching sixteen (16) years of age, a signed
19 affidavit of either a parent or guardian stating that the applicant
20 has completed at least fifty (50) hours of adult-supervised driving
21 with at least ten (10) of those hours being at night. The adult-
22 supervised driving required by this paragraph shall be conducted by
23 an adult who is at least twenty-one (21) years of age and is the
24 holder of a valid commercial driver license, Class A, B, C, or D

1 driver license. Evidence of failure of any licensee who was
2 required to complete the fifty (50) hours of adult-supervised
3 driving under this subsection shall not be admissible in any action
4 for the purpose of determining any aspect of comparative negligence
5 or mitigation of damages.

6 9. Any licensee issued a farm permit under this subsection who:

7 a. is under sixteen (16) years of age and is convicted of
8 two or more moving traffic violations committed on
9 separate occasions shall not be eligible to receive a
10 driver license which is not restricted, in accordance
11 with the provisions of subparagraph a of paragraph 2
12 of this subsection, until the person reaches seventeen
13 (17) years of age,

14 b. is at least sixteen (16) years of age but less than
15 seventeen (17) years of age and is convicted of two or
16 more moving traffic violations committed on separate
17 occasions shall not be eligible to receive a driver
18 license which is not restricted, in accordance with
19 the provisions of subparagraph b of paragraph 2 of
20 this subsection, until the person reaches eighteen
21 (18) years of age, or

22 c. fails to provide the affidavit required under
23 paragraph 8 of this subsection shall not be eligible
24 to receive a driver license which is not restricted,

1 in accordance with the provisions of subparagraph a of
2 paragraph 2 of this subsection, until the person
3 provides such affidavit to the division or the person
4 reaches seventeen (17) years of age, whichever occurs
5 first.

6 J. As used in this section:

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

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

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

18 SECTION 2. It being immediately necessary for the preservation
19 of the public peace, health or safety, an emergency is hereby
20 declared to exist, by reason whereof this act shall take effect and
21 be in full force from and after its passage and approval.

22
23 58-2-3858

JES

4/26/2022 4:03:35 PM