

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 HOUSE BILL 3822

 By: Newton of the House

5 and

6 **Murdock** of the Senate

7
8
9 AS INTRODUCED

10 An Act relating to driver licenses; amending 47 O.S.
11 2021, Section 6-105, which relates to farm vehicle
12 special permits; deleting certain special permit;
13 allowing individuals of a certain age to make
14 application for a farm permit; authorizing operation
15 of certain vehicles; specifying scenarios when permit
16 may be used for permit holders of a certain age;
17 providing requirements for farm permit issuance;
18 providing restrictions for permit holders of a
19 certain age; prohibiting use of certain device while
20 driving; providing exception; defining term;
21 providing for suspension and revocation of permit;
22 requiring certain affidavit; stating content
23 requirements for affidavit; disallowing the
24 admissibility of certain evidence; providing
 violations resulting in license restrictions; and
 declaring an emergency.

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

22 SECTION 1. AMENDATORY 47 O.S. 2021, Section 6-105, is
23 amended to read as follows:

1 Section 6-105. A. Unless a legal custodial parent or legal
2 guardian has filed an objection to licensure pursuant to Section 6-
3 103.1 of this title, any person under eighteen (18) years of age who
4 is in compliance with or not subject to Section 6-107.3 of this
5 title may be permitted to operate:

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

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

10 3. A farm vehicle under the provisions prescribed in subsection
11 I of this section.

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

18 C. Any person:

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

- a. a prescribed secondary school driver education course, as provided for in Sections 19-113 through 19-121 of Title 70 of the Oklahoma Statutes,
- b. a driver education course, certified by the Department of Public Safety, from a parochial, private, or other nonpublic secondary school,
- c. a commercial driver training course, as defined by Sections 801 through 808 of this title,
- d. a parent-taught driver education course, certified by the Department of Public Safety. The Department shall promulgate rules for any parent-taught driver education course, or
- e. a driver education course certified by a state other than Oklahoma; or

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

1 Department of Public Safety upon verification that the person has
2 successfully completed driver education.

3 D. 1. Any person:

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

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

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

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

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

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

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

15 p.m., except for driving to and from work,
16 school, school activities, and church activities,
17 or

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

1 municipality, or driving to and from work,
2 school, school activities, or church activities,
3 and

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

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

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

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

13 1. One (1) year; or

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

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

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

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

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

22 H. Any person fourteen (14) years of age or older may apply for
23 a restricted Class D license with a motorcycle-only restriction.
24 After the person has successfully passed all parts of the motorcycle

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

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

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

23 The written examination and driving examination for a restricted
24 Class D license with a motorcycle-only endorsement shall be waived

1 by the Department of Public Safety upon verification that the person
2 has successfully completed a certified state-approved motorcycle
3 basic rider course approved by the Department.

4 ~~I. The Department may in its discretion issue a special permit~~
5 ~~to any person who has attained the age of fourteen (14) years,~~
6 ~~authorizing such person to operate farm vehicles between the farm~~
7 ~~and the market to haul commodities grown on the farm; provided, that~~
8 ~~the special permit shall be temporary and shall expire not more than~~
9 ~~thirty (30) days after the issuance of the special permit. Special~~
10 ~~permits shall be issued only to farm residents and shall be issued~~
11 ~~only during the time of the harvest of the principal crops grown on~~
12 ~~such farm. Provided, however, the Department shall not issue a~~
13 ~~special permit pursuant to this subsection until the Department is~~
14 ~~fully satisfied after the examination of the application and other~~
15 ~~evidence furnished in support thereof, that the person is physically~~
16 ~~and mentally developed to such a degree that the operation of a~~
17 ~~motor vehicle by the person would not be inimical to public safety.~~

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

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

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

7 (2) on days while school is in session, over the most
8 direct and accessible route between the

9 licensee's residence and school of enrollment for
10 the purpose of school attendance, or

11 (3) when the licensee is operating a passenger car at
12 any time when accompanied by an adult who is the
13 holder of a valid commercial driver license,
14 Class A, B, C, or D driver license and who is
15 actually occupying a seat beside the driver.

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

20 (1) from 5:00 a.m. to 9:00 p.m.,

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

23 (3) while going to or from authorized school
24 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, or C 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,
16 b. the applicant has successfully completed the
17 examination requirements in Section 6-110 of this
18 title, and
19 c. the applicant submits the signed affidavit of either a
20 parent or guardian stating that the applicant lives on
21 a farm or, if the applicant does not live on a farm
22 but works on a farm, the applicant submits the signed
23 affidavit of the applicant's employer and parent or
24 guardian 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, or

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.

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

14 5. Any licensee issued a farm permit under this subsection
15 shall not operate a wireless communication device while driving a
16 motor vehicle, except that a licensee may operate a wireless
17 communication device while driving a motor vehicle to report illegal
18 activity or to summon medical or other emergency help.

19 6. As used in this subsection, "farm" means any parcel of land
20 larger than twenty (20) acres which is used in agricultural
21 operations.

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

1 b. A farm permit may be suspended in accordance Section
2 6-113 of this title for any violation of restrictions
3 under this subsection.

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

9 8. Any licensee issued a farm permit under this subsection
10 shall provide, prior to reaching sixteen (16) years of age, a signed
11 affidavit of either a parent or guardian stating that the applicant
12 has completed at least fifty (50) hours of adult-supervised driving
13 with at least ten (10) of those hours being at night. The adult-
14 supervised driving required by this paragraph shall be conducted by
15 an adult who is at least twenty-one (21) years of age and is the
16 holder of a valid commercial driver license, Class A, B, C, or D
17 driver license. Evidence of failure of any licensee who was
18 required to complete the fifty (50) hours of adult-supervised
19 driving under this subsection shall not be admissible in any action
20 for the purpose of determining any aspect of comparative negligence
21 or mitigation of damages.

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

23 a. is under sixteen (16) years of age and is convicted of
24 two or more moving traffic violations committed on

1 separate occasions shall not be eligible to receive a
2 driver license which is not restricted, in accordance
3 with the provisions of subparagraph a of paragraph 2
4 of this subsection, until the person reaches seventeen
5 (17) years of age,

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

14 c. fails to provide the affidavit required under
15 paragraph 8 of this subsection shall not be eligible
16 to receive a driver license which is not restricted,
17 in accordance with the provisions of subparagraph a of
18 paragraph 2 of this subsection, until the person
19 provides such affidavit to the division or the person
20 reaches seventeen (17) years of age, whichever occurs
21 first.

22 J. As used in this section:

23 1. "Hand-held electronic device" means a mobile telephone or
24 electronic device with which a user engages in a telephone call,

1 plays or stores media, including but not limited to music and video,
2 or sends or reads a text message while requiring the use of at least
3 one hand; and

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

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

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

14
15 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/16/2022 -
16 DO PASS, As Coauthored.