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February 16, 2023

By: Jech

An Act relating to teenage driver, work zone, and first responder safety; amending 47 O.S. 2021, Section 6-105, as amended by Section 42, Chapter 282, O.S.L. 2022 (47 O.S. Supp. 2022, Section 6-105), which relates to graduated Class D licenses; adding requirement for receiving certain license; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2021, Section 6-105, as amended by Section 42, Chapter 282, O.S.L. 2022 (47 O.S. Supp. 2022, 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. A Class D motor vehicle under the graduated driver license provisions prescribed in subsections B through E of this section;

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

1 3. A farm vehicle under the provisions prescribed in subsection
2 I of this section.

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

9 C. Any person:

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

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

17 b. a driver education course, certified by the Department
18 of Public Safety, from a parochial, private, or other
19 nonpublic secondary school,

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

22 d. a parent-taught driver education course, certified by
23 the Department of Public Safety. The Department shall
24

1 promulgate rules for any parent-taught driver
2 education course, or

3 e. a driver education course certified by a state other
4 than Oklahoma; or

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

17 D. 1. Any person:

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

20 b. whose custodial legal parent or legal guardian
21 certifies to Service Oklahoma by sworn affidavit that
22 the person has received a minimum of fifty (50) hours
23 of actual behind-the-wheel training, of which at least
24 ten (10) hours of such training was at night, from a

1 licensed driver who was at least twenty-one (21) years
2 of age and who was properly licensed to operate a
3 Class D motor vehicle for a minimum of two (2) years,
4 and

5 c. who has completed a free course approved by the
6 Department of Transportation on teenage driver, work
7 zone, and first responder safety offered by the
8 Department of Transportation, Service Oklahoma, or an
9 approved provider of driver education as defined in
10 this section,

11 may be issued an intermediate Class D license upon successfully
12 passing all parts of the driver license examinations administered by
13 Service Oklahoma; provided, the written examination, if it has not
14 previously been administered or waived, may be waived by Service
15 Oklahoma upon verification that the person has successfully
16 completed driver education or the driving examination may be waived
17 by Service Oklahoma upon successful passage of the examination
18 administered by a certified designated examiner, as provided for in
19 Section 6-110 of this title. However, notwithstanding the date of
20 issuance of the learner permit, if the person has been convicted of
21 a traffic offense which is reported on the driving record of that
22 person, the time period specified in subparagraph a of this
23 paragraph shall be recalculated to begin from the date of conviction
24 for the traffic offense, and must elapse before that person may be

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

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

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

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

12 p.m., except for driving to and from work,

13 school, school activities, and church activities,

14 or

15 (2) at any time, if a licensed driver who is at least

16 twenty-one (21) years of age is actually

17 occupying a seat beside the intermediate Class D

18 licensee, or if the intermediate Class D licensee

19 is a farm or ranch resident, and is operating a

20 motor vehicle while engaged in farming or

21 ranching operations outside the limits of a

22 municipality, or driving to and from work,

23 school, school activities, or church activities,

24 and

b. shall not operate a motor vehicle with more than one 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

1 recalculated to begin from the most recent date of conviction, and
2 must elapse before that person may be issued a Class D license.

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

14 G. Service Oklahoma shall promulgate rules establishing
15 procedures for removal of learner permit and intermediate Class D
16 license restrictions from the permit or license upon the permittee
17 or licensee qualifying for a less restricted or an unrestricted
18 license.

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

1 Service Oklahoma, and has met all requirements provided for in the
2 rules of the Department and Service Oklahoma, Service Oklahoma shall
3 issue to the person a restricted Class D license with a motorcycle-
4 only restriction which shall grant to the person, while having the
5 license in the person's immediate possession, the privilege to
6 operate a motorcycle or motor-driven cycle:

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

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

10 3. While wearing approved protective headgear; and

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

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

21 The written examination and driving examination for a restricted
22 Class D license with a motorcycle-only endorsement shall be waived
23 by Service Oklahoma upon verification that the person has

24

1 successfully completed a certified state-approved motorcycle basic
2 rider course approved by the Department and Service Oklahoma.

3 I. Service Oklahoma may in its discretion issue a special
4 permit to any person who has attained the age of fourteen (14)
5 years, authorizing such person to operate farm vehicles between the
6 farm and the market to haul commodities grown on the farm; provided,
7 that the special permit shall be temporary and shall expire not more
8 than thirty (30) days after the issuance of the special permit.

9 Special permits shall be issued only to farm residents and shall be
10 issued only during the time of the harvest of the principal crops
11 grown on such farm. Provided, however, Service Oklahoma shall not
12 issue a special permit pursuant to this subsection until Service
13 Oklahoma is fully satisfied after the examination of the application
14 and other evidence furnished in support thereof, that the person is
15 physically and mentally developed to such a degree that the
16 operation of a motor vehicle by the person would not be inimical to
17 public safety.

18 J. As used in this section:

19 1. "Hand-held electronic device" means a mobile telephone or
20 electronic device with which a user engages in a telephone call,
21 plays or stores media, including but not limited to music and video,
22 or sends or reads a text message while requiring the use of at least
23 one hand; and
24

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

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

7 SECTION 2. This act shall become effective November 1, 2023.

8 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
9 February 16, 2023 - DO PASS
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