

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1343

By: Hamilton

AS INTRODUCED

An Act relating to driver licenses; amending 47 O.S. 2021, Section 6-105, as last amended by Section 1, Chapter 229, O.S.L. 2023 (47 O.S. Supp. 2023, Section 6-105), which relates to farm vehicle special permits; modifying requirement for certain affidavit; stating content requirements for certain affidavit; prohibiting admissibility of certain evidences for certain purposes; amending 47 O.S. 2021, Section 6-105.2, as amended by Section 43, Chapter 282, O.S.L. 2022 (47 O.S. Supp. 2023, Section 6-105.2), which relates to driver education instruction; lowering age requirement for driver education instruction; and declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 2021, Section 6-105, as last amended by Section 1, Chapter 229, O.S.L. 2023 (47 O.S. Supp. 2023, 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 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~~ 19-  
20 123 of Title 70 of the Oklahoma Statutes,

21            b. a driver education course, certified by ~~the Department~~  
22 ~~of Public Safety~~ Service Oklahoma, from a parochial,  
23 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~~ Service Oklahoma. ~~The Department~~ Service Oklahoma 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 Service Oklahoma, 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 Service Oklahoma upon verification that the person has successfully completed driver education.

D. 1. Any person:

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

1           b.    whose custodial legal parent or legal guardian  
2                certifies to Service Oklahoma 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   Service Oklahoma; provided, the written examination, if it has not  
12   previously been administered or waived, may be waived by Service  
13   Oklahoma upon verification that the person has successfully  
14   completed driver education or the driving examination may be waived  
15   by Service Oklahoma 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 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~~ Service Oklahoma for violation of restrictions, for  
5 failing to give the required or correct information on the  
6 application, for knowingly giving false or inaccurate information on  
7 the application or any subsequent documentation related to the  
8 granting of driving privileges, for using a hand-held electronic  
9 device while operating a motor vehicle for non-life-threatening  
10 emergency purposes or for violation of any traffic laws of this  
11 state pertaining to the operation of a motor vehicle.

12 G. Service Oklahoma shall promulgate rules establishing  
13 procedures for removal of learner permit and intermediate Class D  
14 license restrictions from the permit or license upon the permittee  
15 or licensee qualifying for a less restricted or an unrestricted  
16 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 of Public Safety, in conjunction with  
23 Service Oklahoma, and has met all requirements provided for in the  
24 rules of the Department and Service Oklahoma, Service Oklahoma shall

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

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

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

8 3. While wearing approved protective headgear; and

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

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

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



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

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

- 11 (1) while going to or from or in connection with any  
12 farm job, employment, or other farm-related work,  
13 (2) on days while school is in session, over the most  
14 direct and accessible route between the  
15 licensee's residence and school of enrollment for  
16 the purpose of school attendance; provided, that  
17 the privilege shall only extend to those  
18 licensees who reside on a farm and commute  
19 directly from their place of residence to the  
20 school in which they are enrolled, or  
21 (3) when the licensee is operating a passenger car ~~at~~  
22 ~~any time~~ when accompanied by an adult who is the  
23 holder of a valid commercial driver license,  
24

1                   Class A, B, C, or D driver license and who is  
2                   actually occupying a seat beside the driver.

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

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

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

10              (3)   while going to or from authorized school  
11               activities,

12              (4)   while going directly to or from any religious  
13               worship service held by a religious organization,  
14               or

15              (5)   while the licensee is operating a passenger car  
16               ~~at any time~~ while accompanied by an adult who is  
17               the holder of a valid commercial driver license,  
18               Class A, B, ~~or~~ C, or D driver license, and who is  
19               actually occupying a seat beside the driver.

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

24           3.   A farm permit shall be issued only if:  
25

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

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

- a. who is less than sixteen (16) years of age shall not operate any motor vehicle with nonsibling minor passengers,
- b. who is at least sixteen (16) years of age, for a period of six (6) months after reaching sixteen (16) years of age, shall not operate any motor vehicle with more than one passenger who is less than eighteen (18) years of age and who is not a member of the licensee's immediate family, or
- c. who is at least fourteen (14) years of age, but less than sixteen (16) years of age, shall not operate any motor vehicle on interstate or turnpike highway

1 systems, nor shall a licensee operate a motor vehicle  
2 within the limits of a city with a population in  
3 excess of one hundred thousand (100,000) persons  
4 according to the latest Federal Decennial Census.

5 Any conviction for violating this paragraph shall be construed  
6 as a moving traffic violation. Service Oklahoma may, in its  
7 discretion, suspend the permit of an individual for violation of  
8 this paragraph.

9 5. Any licensee issued a farm permit under this subsection  
10 shall not operate a wireless communication device while driving a  
11 motor vehicle, except that a licensee may operate a wireless  
12 communication device while driving a motor vehicle to report illegal  
13 activity or to summon medical or other emergency help.

14 6. As used in this subsection, "farm" means any parcel of land  
15 for which the owner has an agricultural exemption permit issued by  
16 the Oklahoma Tax Commission.

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

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

23 c. Service Oklahoma shall suspend the farm permit upon  
24 receiving satisfactory evidence that the licensee has  
25

1           been involved in two or more accidents chargeable to  
2           the licensee and such suspended license shall not be  
3           reinstated for one (1) year.

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

17           a. a signed affidavit of either a parent or guardian  
18           stating that the applicant has completed at least  
19           fifty (50) hours of adult-supervised driving with at  
20           least ten (10) of those hours being at night. The  
21           adult-supervised driving provided by this subparagraph  
22           shall be conducted by an adult who is at least twenty-  
23           one (21) years of age and is the holder of a valid  
24           commercial driver license and Class A, B, C, or D

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

7 b. a signed affidavit of a driver education instructor,  
8 who possesses an active instructor permit from Service  
9 Oklahoma as outlined in Section 6-105.2 of this title,  
10 stating that the applicant has completed a driver  
11 education course overseen by such instructor.

12 Evidence of failure of any licensee who has opted to  
13 complete the driver education course under this  
14 subsection shall not be admissible in any action for  
15 the purpose of determining any aspect of comparative  
16 negligence or mitigation of damage.

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

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

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

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

17       J.   As used in this section:

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

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

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

5 SECTION 2. AMENDATORY 47 O.S. 2021, Section 6-105.2, as  
6 amended by Section 43, Chapter 282, O.S.L. 2022 (47 O.S. Supp. 2023,  
7 Section 6-105.2), is amended to read as follows:

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



1 enrolled and certified by the instructor as a student taking a  
2 prescribed course of secondary school driver education or a driver  
3 education course, certified by Service Oklahoma, from a parochial,  
4 private, or other nonpublic secondary school or a commercial driver  
5 training course, as defined by Sections 801 through 808 of this  
6 title, to operate a motor vehicle while accompanied by and receiving  
7 instruction from the instructor who is actually occupying a seat  
8 beside the driver.

9 SECTION 3. It being immediately necessary for the preservation  
10 of the public peace, health or safety, an emergency is hereby  
11 declared to exist, by reason whereof this act shall take effect and  
12 be in full force from and after its passage and approval.

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