

An Act

ENROLLED HOUSE
BILL NO. 1962

By: Newton of the House

and

Jech and Stephens of the
Senate

An Act relating to driver licenses; 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 farm vehicle special permits; deleting certain special permit; allowing individuals of a certain age to make application for a farm permit; authorizing operation of certain vehicles; specifying scenarios when permit may be used by permit holders of a certain age; providing requirements for farm permit issuance; providing restrictions for permit holders of a certain age; prohibiting use of certain device while driving; providing exception; defining term; providing for suspension and revocation of permit; requiring certain affidavit; stating content requirements for affidavit; disallowing the admissibility of certain evidence; and providing violations resulting in license restrictions.

SUBJECT: Driver licenses

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

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

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

C. Any person:

1. Who is at least fifteen and one-half (15 1/2) years of age and is currently receiving instruction in or has successfully completed driver education. For purposes of this section, the term "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 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
- b. whose custodial legal parent or legal guardian certifies to Service Oklahoma 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 Service Oklahoma; provided, the written examination, if it has not previously been administered or waived, may be waived by Service Oklahoma upon verification that the person has successfully completed driver education or the driving examination may be waived by Service Oklahoma 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

driving record of that person, the time period specified in subparagraph a of this paragraph shall be recalculated to begin from the most recent date of conviction, and must elapse before that person may be issued an intermediate Class D license.

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

- a. shall be granted the privilege to operate a Class D motor vehicle upon the public highways:
 - (1) only between the hours of 5:00 a.m. and 10:00 p.m., except for driving to and from work, school, school activities, and church activities, or
 - (2) at any time, if a licensed driver who is at least twenty-one (21) years of age is actually occupying a seat beside the intermediate Class D licensee, or if the intermediate Class D licensee is a farm or ranch resident, and is operating a motor vehicle while engaged in farming or ranching operations outside the limits of a municipality, or driving to and from work, school, school activities, or church activities, 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 recalculated to begin from the most recent date of conviction, and must elapse before that person may be issued a Class D license.

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

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

H. Any person fourteen (14) years of age or older may apply for a restricted Class D license with a motorcycle-only restriction. After the person has successfully passed all parts of the motorcycle examination other than the driving examination, has successfully completed a certified state-approved motorcycle basic rider course approved by the Department of Public Safety, in conjunction with Service Oklahoma, and has met all requirements provided for in the rules of the Department and Service Oklahoma, Service Oklahoma shall issue to the person a restricted Class D license with a motorcycle-only restriction which shall grant to the person, while having the

license in the person's immediate possession, the privilege to operate a motorcycle or motor-driven cycle:

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

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

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

~~I. Service Oklahoma may in its discretion issue a special permit 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, Service Oklahoma shall not issue a special permit pursuant to this subsection until Service Oklahoma 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 Service Oklahoma 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,

(2) on days while school is in session, over the most direct and accessible route between the licensee's residence and school of enrollment for the purpose of school attendance; provided, that the privilege shall only extend to those licensees who reside on a farm and commute directly from their place of residence to the school in which they are enrolled, or

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

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

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

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

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

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

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

3. A farm permit shall be issued only if:

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

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

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

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

7. a. A farm permit issued under this subsection is subject to suspension or revocation in the same manner as any other driver license.
- b. A farm permit may be suspended in accordance with Section 6-113 of this title for any violation of restrictions under this subsection.
- c. Service Oklahoma shall suspend the farm permit upon receiving satisfactory evidence that the licensee has been involved in two or more accidents chargeable to the licensee and such suspended license shall not be reinstated for one (1) year.

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

required to complete the fifty (50) hours of adult-supervised driving under this subsection shall not be admissible in any action for the purpose of determining any aspect of comparative negligence or mitigation of damages.

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

- a. is under sixteen (16) years of age and is convicted of two or more moving traffic violations committed on separate occasions shall not be eligible to receive a driver license which is not restricted, in accordance with the provisions of subparagraph a of paragraph 2 of this subsection, until the person reaches seventeen (17) years of age,
- b. is at least sixteen (16) years of age but less than seventeen (17) years of age and is convicted of two or more moving traffic violations committed on separate occasions shall not be eligible to receive a driver license which is not restricted, in accordance with the provisions of subparagraph b of paragraph 2 of this subsection, until the person reaches eighteen (18) years of age, or
- c. fails to provide the affidavit required under paragraph 8 of this subsection shall not be eligible to receive a driver license which is not restricted, in accordance with the provisions of subparagraph a of paragraph 2 of this subsection, until the person provides such affidavit to Service Oklahoma or the person reaches seventeen (17) years of age, whichever occurs first.

J. As used in this section:

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

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

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

Passed the House of Representatives the 8th day of May, 2023.

Presiding Officer of the House
of Representatives

Passed the Senate the 26th day of April, 2023.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____
day of _____, 20_____, at _____ o'clock _____ M.
By: _____

Approved by the Governor of the State of Oklahoma this _____
day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____
day of _____, 20_____, at _____ o'clock _____ M.
By: _____