

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 2465

By: Lowe (Dick)

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5  
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.  
8 2011, Section 6-105, as last amended by Section 14,  
Chapter 42, O.S.L. 2017 (47 O.S. Supp. 2020, Section  
9 6-105), which relates to graduated class D licenses;  
10 allowing approved written examination proctors to  
administer certain examinations; amending 47 O.S.  
11 2011, Section 6-110, as last amended by Section 1,  
Chapter 395, O.S.L. 2019 (47 O.S. Supp. 2020, Section  
12 6-110), which relates to examination of applicants;  
13 requiring establishment of procedures to administer  
certain examinations; authorizing Department of  
14 Public Safety to approve and enter into agreements to  
allow certain entities to proctor written  
examinations; modifying individuals who may take  
certain examination; and declaring an emergency.

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

18 SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-105, as  
19 last amended by Section 14, Chapter 42, O.S.L. 2017 (47 O.S. Supp.  
20 2020, Section 6-105), is amended to read as follows:

21 Section 6-105. A. Unless a legal custodial parent or legal  
22 guardian has filed an objection to licensure pursuant to Section 6-  
23 103.1 of this title, any person under eighteen (18) years of age who  
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1 is in compliance with or not subject to Section 6-107.3 of this  
2 title may be permitted to operate:

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

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

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

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

15 C. Any person:

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

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

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

D. 1. Any person:

1           a.    who has applied for, been issued, and has possessed a  
2                    learner permit for a minimum of six (6) months, and  
3           b.    whose custodial legal parent or legal guardian  
4                    certifies to the Department by sworn affidavit that  
5                    the person has received a minimum of fifty (50) hours  
6                    of actual behind-the-wheel training, of which at least  
7                    ten (10) hours of such training was at night, from a  
8                    licensed driver who was at least twenty-one (21) years  
9                    of age and who was properly licensed to operate a  
10                  Class D motor vehicle for a minimum of two (2) years,  
11 may be issued an intermediate Class D license upon successfully  
12 passing all parts of the driver license examinations administered by  
13 the Department; provided, the written examination, if it has not  
14 previously been administered or waived, may be waived by the  
15 Department upon verification that the person has successfully  
16 completed driver education or the driving examination may be waived  
17 by the Department 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

1           b.   shall not operate a motor vehicle with more than one  
2           passenger unless:

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

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

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

10          1.   One (1) year; or

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

15   may be issued a Class D license.  However, notwithstanding the date  
16   of issuance of the Class D license, if the person has been convicted  
17   of a traffic offense which is reported on the driving record of that  
18   person, the time periods specified in paragraph 1 or 2 of this  
19   subsection, as applicable, shall be recalculated to begin from the  
20   date of conviction for the traffic offense, and must elapse before  
21   that person may be issued a Class D license.  If the person has been  
22   convicted of more than one traffic offense which is reported on the  
23   driving record of that person, the time periods specified in  
24   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. The Department of Public Safety shall promulgate rules  
15 establishing procedures for removal of learner permit and  
16 intermediate Class D license restrictions from the permit or license  
17 upon the permittee or licensee qualifying for a less restricted or  
18 an unrestricted 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, and has met all requirements provided

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

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

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

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



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

15 J. As used in this section:

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

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

23 K. All driver education courses provided for in paragraph 1 of  
24 subsection C of this section shall include education regarding the

1 dangers of texting while driving and the effects of being under the  
2 influence of alcohol or other intoxicating substance while driving.

3 SECTION 2. AMENDATORY 47 O.S. 2011, Section 6-110, as  
4 last amended by Section 1, Chapter 395, O.S.L. 2019 (47 O.S. Supp.  
5 2020, Section 6-110), is amended to read as follows:

6 Section 6-110. A. 1. The Department of Public Safety shall  
7 ~~examine every~~ establish procedures to ensure every applicant for an  
8 original Class A, B, C or D license and for any endorsements  
9 thereon, is examined by the Department, or an approved written  
10 examination proctor, except as otherwise provided in Section 6-101  
11 et seq. of this title or as provided in paragraph 2 of this  
12 subsection or in subsections D and E of this section. The  
13 Department is authorized to approve and enter into agreements with  
14 local school districts, the Oklahoma Department of Career and  
15 Technology Education, or institutions of higher education to act as  
16 approved written examination proctors with regard to any written  
17 examination required by this section. The examination shall include  
18 a test of the applicant's:

- 19 a. eyesight,
- 20 b. ability to read and understand highway signs  
21 regulating, warning and directing traffic,
- 22 c. knowledge of the traffic laws of this state, including  
23 a portion on bicycle and motorcycle safety, and  
24

1 d. ability, by actual demonstration, to exercise ordinary  
2 and reasonable control in the operation of a motor  
3 vehicle. The actual demonstration shall be conducted  
4 in the type of motor vehicle for the class of driver  
5 license being applied for.

6 The Department of Public Safety may create a knowledge test that may  
7 be taken on the Internet by an applicant applying for a Class D  
8 license.

9 Any licensee seeking to apply for a driver license of another class  
10 which is not covered by the licensee's current driver license shall  
11 be considered an applicant for an original license for that class.

12 2. The Department of Public Safety shall have the authority to  
13 waive the requirement of any part of the examination required in  
14 paragraph 1 of this subsection for those applicants whose driving  
15 record meets the standards set by the Department of Public Safety  
16 and surrenders either of the following:

17 a. a valid unexpired driver license issued by any state  
18 or country for the same type or types of vehicles, or

19 b. an expired driver license that:

20 (1) is not expired more than six (6) months past the  
21 expiration date listed on the driver license, and

22 (2) is not a Class A, B or C commercial driver  
23 license or commercial driver license permit.  
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1           3. The Department of Public Safety shall accept skills test  
2 results from another state for Class A, B or C license applicants  
3 who have successfully completed commercial motor vehicle driver  
4 training in that state and successfully passed the skills test in  
5 that state; provided, the Department shall not accept skills test  
6 results from another state when the applicant has not successfully  
7 completed commercial motor vehicle driver training in that state.  
8 Nothing in this section shall be construed to prohibit the  
9 Department of Public Safety from administering the skills test to  
10 any applicant who has successfully completed commercial vehicle  
11 driver training in another state.

12           4. All applicants requiring a hazardous materials endorsement  
13 shall be required, for the renewal of the endorsement, to  
14 successfully complete the examination and to submit to a security  
15 threat assessment performed by the Transportation Security  
16 Administration of the Department of Homeland Security as required by  
17 and pursuant to 49 C.F.R., Part 1572, which shall be used to  
18 determine whether the applicant is eligible for renewal of the  
19 endorsement pursuant to federal law and regulation.

20           5. The Department of Public Safety, or an approved written  
21 examination proctor, shall give the complete examination as provided  
22 for in this section within thirty (30) days from the date the  
23 application is received, and the examination shall be given at a  
24 location within one hundred (100) miles of the residence of the

1 applicant. The Department of Public Safety shall make every effort  
2 to make the examination locations and times convenient for  
3 applicants. The Department of Public Safety shall consider giving  
4 the examination at various school sites if the district board of  
5 education for the district in which the site is located agrees and  
6 if economically feasible and practicable.

7 B. Any person holding a valid Oklahoma Class D license or  
8 provisional driver license pursuant to Section 6-212 of this title  
9 and applying for a Class A, B or C commercial license shall be  
10 required to successfully complete all examinations as required for  
11 the specified class. Failure to submit to the Department of Public  
12 Safety federally required medical certification information pursuant  
13 to 49 C.F.R., Part 391.41 et seq. shall result in an automatic  
14 downgrade of a commercial license to a Class D license. Provided,  
15 however, once the required medical certification information has  
16 been received by the Department of Public Safety, the license shall  
17 be reinstated to the classification of the commercial license prior  
18 to the downgrade and the holder of such a license shall not be  
19 required to reapply.

20 C. Except as provided in subsection E of Section 6-101 of this  
21 title, any person holding a valid Oklahoma Class A, B or C  
22 commercial license shall, upon time for renewal thereof, be entitled  
23 to a Class D license without any type of testing or examination,  
24

1 except for any endorsements thereon as otherwise provided for by  
2 Section 6-110.1 of this title.

3 D. 1. Any certified driver education instructor who is  
4 currently an operator or an employee of a commercial driver training  
5 school in this state or any driver education instructor employed by  
6 any school district in this state shall be eligible to apply to be a  
7 designated examiner of the Department of Public Safety for the  
8 purposes of administering the Class D driving skills portion of the  
9 Oklahoma driving examination to any person who has ~~not previously~~  
10 ~~been a student of the instructor~~ been issued a learner permit.

11 2. The Department of Public Safety shall adopt a curriculum of  
12 required courses and training to be offered to applicants who are  
13 qualified to apply to be a designated examiner. The courses and  
14 training for certification shall meet the same standards as required  
15 for driver examiners of the Department of Public Safety.

16 3. Each person applying to be a designated examiner shall be  
17 required to pay an initial designated examiner certification fee of  
18 One Thousand Dollars (\$1,000.00). Upon successful completion of  
19 training prescribed by paragraph 2 of this subsection, the person  
20 shall be required to pay an annual designated examiner certification  
21 fee of Five Hundred Dollars (\$500.00). If an applicant for the  
22 designated examiner program is employed by an Oklahoma public school  
23 system that offers driver education, and he or she administers the  
24 skills test only to students enrolled in a public school driver

1 education program, the certification fee may be waived by the  
2 Department of Public Safety. Each designated examiner certification  
3 shall expire on the last day of the calendar year and may be renewed  
4 upon application to the Department of Public Safety. The designated  
5 examiner certification fees collected by the Department of Public  
6 Safety pursuant to this subsection shall be deposited to the credit  
7 of the Department of Public Safety Restricted Revolving Fund to be  
8 used for the purposes of this subsection. No designated examiner  
9 certification fee shall be refunded in the event that certification  
10 is denied, suspended or revoked.

11 4. A designated examiner may charge a fee of no more than  
12 Twenty-five Dollars (\$25.00) for each Class D driving skills  
13 examination given, whether the person being examined passes or fails  
14 the examination.

15 5. The Department of Public Safety shall conduct an annual  
16 complete nationwide criminal history background check on each  
17 designated examiner and a complete nationwide criminal history  
18 background check on each designated examiner applicant. The fees  
19 for the background check shall be borne by the designated examiner  
20 or designated examiner applicant.

21 6. The Department of Public Safety shall promulgate rules to  
22 implement and administer the provisions of this subsection.

23 E. 1. Upon application and approval of the Commissioner of the  
24 Department of Public Safety, any public or private commercial truck

1 driving school that has or maintains a program instructing students  
2 for a Class A, B or C license in the State of Oklahoma shall be  
3 authorized to hire or employ designated examiners approved by the  
4 Department of Public Safety to be third-party examiners of the Class  
5 A, B or C driving skills portion of the Oklahoma driving  
6 examination. All designated examiners must successfully have  
7 completed the courses and training as outlined in paragraph 2 of  
8 this subsection.

9 2. The Department of Public Safety shall adopt a curriculum of  
10 required courses and training to be offered to third-party  
11 examiners. The courses and training for certification shall meet  
12 the same standards as required for commercial driver examiners of  
13 the Department of Public Safety.

14 3. The Department of Public Safety shall conduct on an annual  
15 basis a complete nationwide criminal history background check on  
16 each third-party examiner and a complete nationwide criminal history  
17 background check on each third-party examiner applicant. The fees  
18 for the background check shall be borne by the third-party examiner  
19 or third-party examiner applicant.

20 F. The Department of Public Safety shall promulgate rules no  
21 later than December 15, 2019, to:

22 1. Implement and administer the provisions of this section  
23 based on requirements set forth in Section 383.75 of Title 49 of the  
24 Code of Federal Regulations;



- 1        2. Establish a process to inform any school or examiner, who  
2 has been denied, within forty-five (45) days from the denial;
- 3        3. Create an appeal process for any school or examiner denied;  
4 and
- 5        4. If the initial application for approval was denied, limit  
6 the number of times an individual school or individual examiner  
7 applicant may reapply in a calendar year to two reapplications.

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

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13        58-1-6609        JBH        01/14/21

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