

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 372

By: Paddack

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5
6 AS INTRODUCED

7 An Act relating to driver licenses; amending 47 O.S.
8 2011, Section 6-101, as last amended by Section 2,
9 Chapter 259, O.S.L. 2013 (47 O.S. Supp. 2014, Section
10 6-101), which relates to class requirements for
11 driver licenses; requiring certain compliance;
12 amending 47 O.S. 2011, Section 6-303, which relates
13 to penalties for driving without a license;
14 authorizing certain allowances; and providing an
15 effective date.

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

17 SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-101, as
18 last amended by Section 2, Chapter 259, O.S.L. 2013 (47 O.S. Supp.
19 2014, Section 6-101), is amended to read as follows:

20 Section 6-101. A. No person, except those hereinafter
21 expressly exempted in ~~Section~~ Sections 6-102 and 6-102.1 of this
22 title ~~and Section 2 of this act~~, shall operate any motor vehicle
23 upon a highway in this state unless the person has a valid Oklahoma
24 driver license for the class of vehicle being operated under the
provisions of this title. No person shall be permitted to possess

1 more than one valid license at any time, except as provided in
2 paragraph 4 of subsection F of this section.

3 B. 1. No person shall operate a Class A commercial motor
4 vehicle unless the person is eighteen (18) years of age or older and
5 holds a valid Class A commercial license, except as provided in
6 paragraph 5 of this subsection and subsection F of this section.

7 Any person holding a valid Class A commercial license shall be
8 permitted to operate motor vehicles in Classes A, B, C and D, except
9 as provided for in paragraph 4 of this subsection.

10 2. No person shall operate a Class B commercial motor vehicle
11 unless the person is eighteen (18) years of age or older and holds a
12 valid Class B commercial license, except as provided in paragraph 5
13 of subsection F of this section. Any person holding a valid Class B
14 commercial license shall be permitted to operate motor vehicles in
15 Classes B, C and D, except as provided for in paragraph 4 of this
16 subsection.

17 3. No person shall operate a Class C commercial motor vehicle
18 unless the person is eighteen (18) years of age or older and holds a
19 valid Class C commercial license, except as provided in subsection F
20 of this section. Any person holding a valid Class C commercial
21 license shall be permitted to operate motor vehicles in Classes C
22 and D, except as provided for in paragraph 4 of this subsection.

23 4. No person under twenty-one (21) years of age shall be
24 licensed to operate any motor vehicle which is required to be

1 placarded for hazardous materials pursuant to 49 C.F.R., Part 172,
2 subpart F, except as provided in subsection F of this section;
3 provided, a person eighteen (18) years of age or older may be
4 licensed to operate a farm vehicle which is required to be placarded
5 for hazardous materials pursuant to 49 C.F.R., Part 172, subpart F,
6 except as provided in subsection F of this section.

7 5. A person at least seventeen (17) years of age who
8 successfully completes all examinations required by law may be
9 issued by the Department:

- 10 a. a restricted Class A commercial license which shall
11 grant to the licensee the privilege to operate a Class
12 A or Class B commercial motor vehicle for harvest
13 purposes or a Class D motor vehicle, or
- 14 b. a restricted Class B commercial license which shall
15 grant to the licensee the privilege to operate a Class
16 B commercial motor vehicle for harvest purposes or a
17 Class D motor vehicle.

18 6. No person shall operate a Class D motor vehicle unless the
19 person is sixteen (16) years of age or older and holds a valid Class
20 D license, except as provided for in Section 6-102 or 6-105 of this
21 title. Any person holding a valid Class D license shall be
22 permitted to operate motor vehicles in Class D only.

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1 C. Any person issued a driver license pursuant to this section
2 may exercise the privilege thereby granted upon all streets and
3 highways in this state.

4 D. No person shall operate a motorcycle or motor-driven cycle
5 without having a valid Class A, B, C or D license with a motorcycle
6 endorsement. Except as otherwise provided by law, any new applicant
7 for an original driver license shall be required to successfully
8 complete a written examination, vision examination, and driving
9 examination for a motorcycle as prescribed by the Department of
10 Public Safety to be eligible for a motorcycle endorsement thereon.
11 The written examination and driving examination for a motorcycle may
12 be waived by the Department of Public Safety upon verification that
13 the person has successfully completed a certified Motorcycle Safety
14 Foundation rider course approved by the Department. Applicants
15 under eighteen (18) years of age must successfully complete a
16 certified Motorcycle Safety Foundation rider course to secure the
17 motorcycle endorsement.

18 E. Except as otherwise provided by law, any person who lawfully
19 possesses a valid Oklahoma driver license which is eligible for
20 renewal shall be required to successfully complete a written
21 examination, vision examination, and driving examination for a
22 motorcycle as prescribed by the Department to be eligible for a
23 motorcycle endorsement. The written examination and driving
24 examination for a motorcycle may be waived by the Department of

1 Public Safety upon verification that the person has successfully
2 completed a certified Motorcycle Safety Foundation rider course
3 approved by the Department.

4 F. 1. Any person eighteen (18) years of age or older may apply
5 for a restricted Class A, B or C commercial learner permit. The
6 Department, after the applicant has passed all parts of the
7 examination for a Class D license and has successfully passed all
8 parts of the examination for a Class A, B or C commercial license
9 other than the driving examination, may issue to the applicant a
10 commercial learner permit which shall entitle the person having
11 immediate lawful possession of the commercial learner permit and a
12 valid Oklahoma driver license to operate a Class A, B or C
13 commercial motor vehicle upon the public highways solely for the
14 purpose of behind-the-wheel training in accordance with rules
15 promulgated by the Department.

16 2. This commercial learner permit shall be issued for a period
17 as provided in Section 6-115 of this title of one hundred eighty
18 (180) days, which may be renewed one time for an additional one
19 hundred eighty (180) days; provided, such commercial learner permit
20 may be suspended, revoked, canceled, denied or disqualified at the
21 discretion of the Department for violation of the restrictions, for
22 failing to give the required or correct information on the
23 application, or for violation of any traffic laws of this state
24 pertaining to the operation of a motor vehicle. Except as otherwise

1 provided, the lawful possessor of a commercial learner permit who
2 has been issued a commercial learner permit for a minimum of
3 fourteen (14) days may have the restriction requiring an
4 accompanying driver removed by satisfactorily completing a driver's
5 examination; provided, the removal of a restriction shall not
6 authorize the operation of a Class A, B or C commercial motor
7 vehicle if such operation is otherwise prohibited by law.

8 3. No person shall apply for and the Department shall not issue
9 an original Class A, B or C driver license until the person has been
10 issued a commercial learner permit and held the permit for at least
11 fourteen (14) days. Any person who currently holds a Class B or C
12 license and who wishes to apply for another class of commercial
13 driver license shall be required to apply for a commercial learner
14 permit and to hold the permit for at least fourteen (14) days before
15 applying for the Class A or B license, as applicable. Any person
16 who currently holds a Class A, B or C license and who wishes to add
17 an endorsement or remove a restriction for which a skills
18 examination is required shall be required to apply for a commercial
19 learner permit and to hold the permit for at least fourteen (14)
20 days before applying for the endorsement.

21 4. A commercial learner permit shall be issued by the
22 Department as a separate and unique document which shall be valid
23 only in conjunction with a valid Oklahoma driver license, both of
24 which shall be in the possession of the person to whom they have

1 | been issued whenever that person is operating a commercial motor
2 | vehicle as provided in this subsection.

3 | 5. After one renewal of a commercial learner permit, as
4 | provided in paragraph 2 of this subsection, a commercial permit
5 | shall not be renewed again. Any person who has held a commercial
6 | learner permit for the initial issuance period and one renewal
7 | period shall not be eligible for and the Department shall not issue
8 | another renewal of the permit; provided, the person may reapply for
9 | a new commercial learner permit, as provided for in this subsection.

10 | 6. Enrollment in or successful completion of a commercial
11 | driver training school shall not be required for any commercial
12 | learner permit applicant who requests a skills examination for a
13 | Class A, B or C license, nor shall any student enrolled in a
14 | commercial driver training school be prohibited from taking a skills
15 | examination for a Class A, B or C license upon request with a
16 | Department of Public Safety examiner regardless of whether the
17 | person has completed the course, is still enrolled in the course to
18 | be completed or has voluntarily withdrawn from the course.

19 | G. 1. The fee charged for an approved application for an
20 | original Oklahoma driver license or an approved application for the
21 | addition of an endorsement to a current valid Oklahoma driver
22 | license shall be assessed in accordance with the following schedule:

23 Class A Commercial Learner Permit	\$25.00
24 Class A Commercial License	\$25.00

1	Class B Commercial Learner Permit	\$15.00
2	Class B Commercial License	\$15.00
3	Class C Commercial Learner Permit	\$15.00
4	Class C Commercial License	\$15.00
5	Class D License	\$ 4.00
6	Motorcycle Endorsement	\$ 4.00

7 2. Notwithstanding the provisions of Section 1104 of this
8 title, all monies collected from the fees charged for Class A, B and
9 C commercial licenses pursuant to the provisions of this subsection
10 shall be deposited in the General Revenue Fund of this state.

11 H. The fee charged for any failed examination shall be Four
12 Dollars (\$4.00) for any license classification. Notwithstanding the
13 provisions of Section 1104 of this title, all monies collected from
14 such examination fees pursuant to the provisions of this subsection
15 shall be deposited in the General Revenue Fund of this state.

16 I. In addition to any fee charged pursuant to the provisions of
17 subsection G of this section, the fee charged for the issuance or
18 renewal of an Oklahoma license shall be in accordance with the
19 following schedule; provided, that any applicant who has a CDL
20 Learner Permit shall be charged only the replacement fee for the
21 issuance of the license:

22	Class A Commercial Learner Permit	\$51.50
23	Class A Commercial License	\$51.50
24	Class B Commercial Learner Permit	\$51.50

1	Class B Commercial License	\$51.50
2	Class C Commercial License	\$41.50
3	Class D License	\$33.50

4 A commercial learner permit may be renewed one time for a period
5 of one hundred eighty (180) days. The cost for the renewed permit
6 shall be the same as for the original permit.

7 Notwithstanding the provisions of Section 1104 of this title, of
8 each fee charged pursuant to the provisions of this subsection:

9 1. Five Dollars and fifty cents (\$5.50) shall be deposited to
10 the Trauma Care Assistance Revolving Fund created in Section 1-
11 2530.9 of Title 63 of the Oklahoma Statutes;

12 2. Six Dollars and seventy-five cents (\$6.75) shall be
13 deposited to the Department of Public Safety Computer Imaging System
14 Revolving Fund to be used solely for the purpose of administration
15 and maintenance of the computerized imaging system of the
16 Department; and

17 3. Ten Dollars (\$10.00) shall be deposited to the Department of
18 Public Safety Revolving Fund for all original or renewal issuances
19 of licenses.

20 J. All original and renewal driver licenses shall expire as
21 provided in Section 6-115 of this title.

22 K. Any person sixty-two (62) years of age or older during the
23 calendar year of issuance of a Class D license or motorcycle
24 endorsement shall be charged the following prorated fee:

1	Age 62	\$21.25
2	Age 63	\$17.50
3	Age 64	\$13.75
4	Age 65	-0-

5 L. No person who has been honorably discharged from active
6 service in any branch of the Armed Forces of the United States or
7 Oklahoma National Guard and who has been certified by the United
8 States Department of Veterans Affairs, its successor, or the Armed
9 Forces of the United States to be a disabled veteran in receipt of
10 compensation at the one-hundred-percent rate for a permanent
11 disability sustained through military action or accident resulting
12 from disease contracted while in such active service shall be
13 charged a fee for the issuance or renewal of an Oklahoma driver
14 license.

15 M. The Department of Public Safety and the Oklahoma Tax
16 Commission are authorized to promulgate rules for the issuance and
17 renewal of driver licenses authorized pursuant to the provisions of
18 Sections 6-101 through 6-309 of this title. Applications, upon
19 forms approved by the Department of Public Safety, for such licenses
20 shall be handled by the motor license agents; provided, the
21 Department of Public Safety is authorized to assume these duties in
22 any county of this state. Each motor license agent accepting
23 applications for driver licenses shall receive Four Dollars (\$4.00)
24 to be deducted from the total collected for each license or renewal

1 application accepted. The four-dollar fee received by the motor
2 license agent shall be used for operating expenses.

3 N. Notwithstanding the provisions of Section 1104 of this title
4 and subsection M of this section and except as provided in
5 subsections G and I of this section, the first Sixty Thousand
6 Dollars (\$60,000.00) of all monies collected pursuant to this
7 section shall be paid by the Oklahoma Tax Commission to the State
8 Treasurer to be deposited in the General Revenue Fund of the State
9 Treasury.

10 The next Five Hundred Thousand Dollars (\$500,000.00) of monies
11 collected pursuant to this section shall be paid by the Tax
12 Commission to the State Treasurer to be deposited each fiscal year
13 under the provisions of this section to the credit of the Department
14 of Public Safety Restricted Revolving Fund for the purpose of the
15 Statewide Law Enforcement Communications System. All other monies
16 collected in excess of Five Hundred Sixty Thousand Dollars
17 (\$560,000.00) each fiscal year shall be apportioned as provided in
18 Section 1104 of this title, except as otherwise provided in this
19 section.

20 O. The Department of Public Safety shall implement a procedure
21 whereby images displayed on licenses and identification cards issued
22 pursuant to the provisions of Sections 6-101 through 6-309 of this
23 title are maintained by the Department to create photographs or
24 computerized images which may be used only:

1 1. By a law enforcement agency for purposes of criminal
2 investigations, missing person investigations, or any law
3 enforcement purpose which is deemed necessary by the Commissioner of
4 Public Safety;

5 2. By the driver licensing agency of another state for its
6 official purpose; and

7 3. As provided in Section 2-110 of this title.

8 The computer system and related equipment acquired for this
9 purpose must conform to industry standards for interoperability and
10 open architecture. The Department of Public Safety may promulgate
11 rules to implement the provisions of this subsection.

12 SECTION 2. AMENDATORY 47 O.S. 2011, Section 6-303, is
13 amended to read as follows:

14 Section 6-303. A. No person shall operate a motor vehicle upon
15 the public roads, streets, highways, turnpikes or other public place
16 of this state without having a valid driver license for the class of
17 vehicle being operated from the Department of Public Safety, except
18 as herein specifically exempted.

19 Any violation of the provisions of this subsection shall
20 constitute a misdemeanor and shall be punishable by a fine of not
21 less than Fifty Dollars (\$50.00) nor more than Three Hundred Dollars
22 (\$300.00) plus costs or by imprisonment for not more than thirty
23 (30) days, or by both such fine and imprisonment.

1 Any person charged with violating this section who produces in
2 court, on or before the court date, a renewal or replacement driver
3 license issued to him or her shall be entitled to dismissal of such
4 charge without payment of court costs and fine.

5 B. Any person who drives a motor vehicle on any public roads,
6 streets, highways, turnpikes or other public place of this state at
7 a time when the person's privilege to do so is canceled, denied,
8 suspended or revoked or at a time when the person is disqualified
9 from so doing shall be guilty of a misdemeanor and upon conviction
10 shall be punished by a fine:

11 1. For a first conviction, of not less than One Hundred Dollars
12 (\$100.00) and not more than Five Hundred Dollars (\$500.00);

13 2. For a second conviction, of not less than Two Hundred
14 Dollars (\$200.00) and not more than Seven Hundred Fifty Dollars
15 (\$750.00); or

16 3. For a third and subsequent conviction, of not less than
17 Three Hundred Dollars (\$300.00) and not more than One Thousand
18 Dollars (\$1,000.00), or by imprisonment for not more than one (1)
19 year or by both such fine and imprisonment. Each act of driving on
20 the highways as prohibited shall constitute a separate offense.

21 C. Any person who drives a motor vehicle on any public roads,
22 streets, highways, turnpikes or other public roads of this state at
23 a time when the driving privilege of that person is canceled,
24 denied, suspended or revoked, pursuant to paragraph 1 of subsection

1 A of Section 6-205.1 of this title, shall be guilty of a misdemeanor
2 and upon conviction shall be punished by a fine:

3 1. For a first conviction, of not less than Five Hundred
4 Dollars (\$500.00) and not more than One Thousand Dollars
5 (\$1,000.00);

6 2. For a second conviction, of not less than One Thousand
7 Dollars (\$1,000.00) and not more than Two Thousand Dollars
8 (\$2,000.00); or

9 3. For a third and subsequent conviction, of not less than Two
10 Thousand Dollars (\$2,000.00) and not more than Five Thousand Dollars
11 (\$5,000.00),

12 or by imprisonment for not more than one (1) year or by both such
13 fine and imprisonment. Each act of driving on the highways as
14 prohibited shall constitute a separate offense.

15 D. The Department, upon receiving a record of conviction of an
16 offense committed by any person whose license or privilege to
17 operate motor vehicles is under suspension or revocation, shall
18 extend the period of such suspension or revocation for an additional
19 three-month period of time. The additional orders of suspension or
20 revocation shall be dated and become effective the day following the
21 date terminating the prior order of suspension or revocation.

22 E. The Department, upon receiving a record of conviction of an
23 offense committed by any person whose license or privilege to
24 operate motor vehicles is under revocation, pursuant to paragraph 1,

1 2, or 3 of subsection A of Section 6-205.1 of this title, shall
2 extend the period of such revocation for an additional four-month
3 period of time. The additional orders of revocation shall be dated
4 and become effective the day following the date terminating the
5 prior order of revocation.

6 F. The Department, upon receiving a record of conviction for a
7 person convicted of an offense specified in Section 3 of this act,
8 shall extend the period of such suspension, revocation or denial of
9 driving privilege for an additional twelve-month period of time.
10 The additional orders of suspension, revocation or denial of driving
11 privilege shall be dated and become effective the day following the
12 date terminating the prior order of suspension, revocation or denial
13 of driving privilege.

14 G. It shall be a misdemeanor punishable by imprisonment for not
15 less than seven (7) days nor more than six (6) months, or by a fine
16 of not more than Five Hundred Dollars (\$500.00), or by both such
17 fine and imprisonment, for any person to apply for a renewal or a
18 replacement license to operate a motor vehicle while the person's
19 license, permit or other evidence of driving privilege is in the
20 custody of a law enforcement officer or the Department. A notice
21 regarding this offense and the penalty therefor shall be included on
22 the same form containing the notice of revocation issued by the
23 officer.

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1 H. Any fine collected pursuant to a second or subsequent
2 conviction, as provided in subsections B and C of this section,
3 shall be deposited to the Trauma Care Assistance Revolving Fund
4 created in Section 1-2530.9 of Title 63 of the Oklahoma Statutes.

5 I. Any person who drives a motorcycle or motor-driven cycle, as
6 defined in this title, on public roads, streets, highways, turnpikes
7 or other public place of this state without the proper endorsement
8 on a current state-issued license shall be guilty of a misdemeanor.

9 Any person charged with violating this section may request a six-
10 month deferral for the purpose of obtaining the following:

11 1. Proof of successful completion of a Motorcycle Safety
12 Foundation rider course approved by the Department; and

13 2. Proper motorcycle endorsement on the person's valid driver
14 license.

15 Upon presenting the court with proof of satisfaction of both
16 requirements within the deferral period, the offender shall be
17 entitled to dismissal of the charge, and shall be subject to a
18 reduced payment of court costs and fine.

19 SECTION 3. This act shall become effective November 1, 2015.

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