

1 STATE OF OKLAHOMA

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

3 SENATE BILL 390

By: Newberry

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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 1,  
9 Chapter 199, O.S.L. 2014, which relates to graduated  
10 class D licenses; modifying certain restriction; and  
11 providing an effective date.

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

13 SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-105, as  
14 last amended by Section 1, Chapter 199, O.S.L. 2014, is amended to  
15 read as follows:

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

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

23 2. A motorcycle under the provisions prescribed in subsection H  
24 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 and d  
6 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  
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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 the Department except the driving  
8 examination, be issued a learner permit which will grant the  
9 permittee the privilege to operate a Class D motor vehicle upon the  
10 public highways only between the hours of 5:00 a.m. and 10:00 p.m.  
11 and while accompanied by a licensed driver who is at least twenty-  
12 one (21) years of age and who is actually occupying a seat beside  
13 the permittee; provided, the written examination for a learner  
14 permit may be waived by the Department of Public Safety upon  
15 verification that the person has successfully completed driver  
16 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 the Department 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 may be issued an intermediate Class D license upon successfully  
5 passing all parts of the driver license examinations administered by  
6 the Department; provided, the written examination, if it has not  
7 previously been administered or waived, may be waived by the  
8 Department upon verification that the person has successfully  
9 completed driver education or the driving examination may be waived  
10 by the Department upon successful passage of the examination  
11 administered by a certified designated examiner, as provided for in  
12 Section 6-110 of this title. However, notwithstanding the date of  
13 issuance of the learner permit, if the person has been convicted of  
14 a traffic offense which is reported on the driving record of that  
15 person, the time period specified in subparagraph a of this  
16 paragraph shall be recalculated to begin from the date of conviction  
17 for the traffic offense, and must elapse before that person may be  
18 issued an intermediate Class D license. If the person has been  
19 convicted of more than one traffic offense which is reported on the  
20 driving record of that person, the time period specified in  
21 subparagraph a of this paragraph shall be recalculated to begin from  
22 the most recent date of conviction, and must elapse before that  
23 person may be issued an intermediate Class D license.

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

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

5           (1) only between the hours of 5:00 a.m. and 10:00  
6 p.m., except for driving to and from work,  
7 school, school activities, and church activities,  
8 or

9           (2) at any time, if a licensed driver who is at least  
10 twenty-one (21) years of age is actually  
11 occupying a seat beside the intermediate Class D  
12 licensee, or if the intermediate Class D licensee  
13 is a farm or ranch resident, and is operating a  
14 motor vehicle while engaged in farming or  
15 ranching operations outside the limits of a  
16 municipality, or driving to and from work,  
17 school, school activities, or church activities,  
18 and

19           b. shall not operate a motor vehicle with more than one  
20 passenger unless:

21           (1) all passengers live in the same household as the  
22 custodial legal parent or legal guardian, or  
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1 (2) a licensed driver at least twenty-one (21) years  
2 of age is actually occupying a seat beside the  
3 intermediate Class D licensee.

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

6 1. One (1) year; or

7 2. Six (6) months, if the person has completed both the driver  
8 education and the parent-certified behind-the-wheel training  
9 provisions of subparagraph b of paragraph 1 of subsection D of this  
10 section;

11 may be issued a Class D license. However, notwithstanding the date  
12 of issuance of the Class D license, if the person has been convicted  
13 of a traffic offense which is reported on the driving record of that  
14 person, the time periods specified in paragraph 1 or 2 of this  
15 subsection, as applicable, shall be recalculated to begin from the  
16 date of conviction for the traffic offense, and must elapse before  
17 that person may be issued a Class D license. If the person has been  
18 convicted of more than one traffic offense which is reported on the  
19 driving record of that person, the time periods specified in  
20 paragraph 1 or 2 of this subsection, as applicable, shall be  
21 recalculated to begin from the most recent date of conviction, and  
22 must elapse before that person may be issued a Class D license.

23 F. Learner permits and intermediate Class D licenses shall be  
24 issued for the same period as all other driver licenses. The

1 licenses may be suspended or canceled at the discretion of the  
2 Department for violation of restrictions, for failing to give the  
3 required or correct information on the application, for knowingly  
4 giving false or inaccurate information on the application or any  
5 subsequent documentation related to the granting of driving  
6 privileges, for using a hand-held electronic device while operating  
7 a motor vehicle for non-life-threatening emergency purposes or for  
8 violation of any traffic laws of this state pertaining to the  
9 operation of a motor vehicle.

10 G. The Department of Public Safety shall promulgate rules  
11 establishing procedures for removal of learner permit and  
12 intermediate Class D license restrictions from the permit or license  
13 upon the permittee or licensee qualifying for a less restricted or  
14 an unrestricted license.

15 H. Any person fourteen (14) years of age or older may apply for  
16 a restricted Class D license with a motorcycle-only restriction.  
17 After the person has successfully passed all parts of the motorcycle  
18 examination other than the driving examination and has met all  
19 requirements provided for in the rules of the Department, the  
20 Department shall issue to the person a restricted Class D license  
21 with a motorcycle-only restriction which shall grant to the person,  
22 while having the license in the person's immediate possession, the  
23 privilege to operate a motorcycle or motor-driven cycle:

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

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

15        The written examination and driving examination for a restricted  
16 Class D license with a motorcycle-only endorsement may be waived by  
17 the Department of Public Safety upon verification that the person  
18 has successfully completed a certified Motorcycle Safety Foundation  
19 rider course approved by the Department.

20        I. The Department may in its discretion issue a special permit  
21 to any person who has attained the age of fourteen (14) years,  
22 authorizing such person to operate farm vehicles between the farm  
23 and the market to haul commodities grown on the farm; provided, that  
24 the special permit shall be temporary and shall expire not more than



1 thirty (30) days after the issuance of the special permit. Special  
2 permits shall be issued only to farm residents and shall be issued  
3 only during the time of the harvest of the principal crops grown on  
4 such farm. Provided, however, the Department shall not issue a  
5 special permit pursuant to this subsection until the Department is  
6 fully satisfied after the examination of the application and other  
7 evidence furnished in support thereof, that the person is physically  
8 and mentally developed to such a degree that the operation of a  
9 motor vehicle by the person would not be inimical to public safety.

10 J. As used in this section:

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

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

18 SECTION 2. This act shall become effective November 1, 2015.

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