

1 **SENATE FLOOR VERSION**

2 February 25, 2019

3 SENATE BILL NO. 408

By: Paxton of the Senate

4 and

5 Davis of the House

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7
8 An Act relating to motor vehicles; amending 47 O.S.
9 2011, Section 6-110.1, which relates to endorsements;
10 requiring certain compliance to operate a motor
11 vehicle; amending 47 O.S. 2011, Section 6-303, as
12 last amended by Section 2, Chapter 141, O.S.L. 2016
(47 O.S. Supp. 2018, Section 6-303), which relates to
penalties for driving without a license; creating
misdemeanor offense for certain noncompliance; and
providing an effective date.

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

16 SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-110.1, is
17 amended to read as follows:

18 Section 6-110.1. A. The following endorsements shall be placed
19 on an Oklahoma driver license to any person qualifying therefore as
20 determined by the Department of Public Safety.

21 Endorsement	Authorizes the operation of:
22 "H"	A non-tank-type vehicle used to
	23 transport hazardous materials in

1 placardable amounts pursuant to 49
2 C.F.R., Part 172, subpart F;

3 "M" A motorcycle;

4 "N" A tank vehicle as defined in Section
5 1-173.1 of this title;

6 "P" A vehicle designed by the manufacturer
7 to transport sixteen or more
8 passengers, including the driver;

9 "S" A school bus;

10 "T" A vehicle with double or triple
11 trailers;

12 "X" A tank vehicle used to transport
13 hazardous materials in placardable
14 amounts pursuant to 49 C.F.R., Part
15 172, subpart F.

16 B. The Department may also provide for additional endorsements
17 as may be needed or as otherwise provided for by law.

18 C. No person shall operate a motor vehicle requiring
19 endorsements as provided for in this section without having a valid
20 Class A, B, C or D license with the required endorsements.

21 D. All endorsements as provided for in this section must be
22 obtained prior to the operation of such vehicles. However, the
23 requirement for a hazardous materials endorsement is not required
24 for the operation of farm vehicles used to transport pesticides,

1 fertilizers, or other products integral to farming, but which are
2 defined as hazardous materials. If, after obtaining a hazardous
3 material endorsement, a person becomes ineligible for the hazardous
4 material endorsement pursuant to state or federal law, or both, or
5 any regulation, the Department of Public Safety shall provide notice
6 as provided in Section 2-116 of this title. A person will have
7 thirty (30) days from the date of the notice to appear at a
8 designated testing facility to apply and be issued a commercial
9 driver license without the endorsement. Failure to comply within
10 the required time shall be grounds for the Department of Public
11 Safety to disqualify the commercial driver license of the person
12 until compliance has been met.

13 SECTION 2. AMENDATORY 47 O.S. 2011, Section 6-303, as
14 last amended by Section 2, Chapter 141, O.S.L. 2016 (47 O.S. Supp.
15 2018, Section 6-303), is amended to read as follows:

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

21 Any violation of the provisions of this subsection shall
22 constitute a misdemeanor and shall be punishable by a fine of not
23 less than Fifty Dollars (\$50.00) nor more than Three Hundred Dollars

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1 (\$300.00) plus costs or by imprisonment for not more than thirty
2 (30) days, or by both such fine and imprisonment.

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

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

13 1. For a first conviction, of not less than One Hundred Dollars
14 (\$100.00) and not more than Five Hundred Dollars (\$500.00);

15 2. For a second conviction, of not less than Two Hundred
16 Dollars (\$200.00) and not more than Seven Hundred Fifty Dollars
17 (\$750.00);

18 3. For a third and subsequent conviction, of not less than
19 Three Hundred Dollars (\$300.00) and not more than One Thousand
20 Dollars (\$1,000.00);

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

1 C. Any person who drives a motor vehicle on any public roads,
2 streets, highways, turnpikes or other public roads of this state at
3 a time when the driving privilege of that person is canceled,
4 denied, suspended or revoked, pursuant to paragraph 1 of subsection
5 A of Section 6-205.1 of this title, shall be guilty of a misdemeanor
6 and upon conviction shall be punished by a fine:

7 1. For a first conviction, of not less than Five Hundred
8 Dollars (\$500.00) and not more than One Thousand Dollars
9 (\$1,000.00);

10 2. For a second conviction, of not less than One Thousand
11 Dollars (\$1,000.00) and not more than Two Thousand Dollars
12 (\$2,000.00);

13 3. For a third and subsequent conviction, of not less than Two
14 Thousand Dollars (\$2,000.00) and not more than Five Thousand Dollars
15 (\$5,000.00);

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

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

3 E. The Department, upon receiving a record of conviction of an
4 offense committed by any person whose license or privilege to
5 operate motor vehicles is under revocation, pursuant to paragraph 1,
6 2, or 3 of subsection A of Section 6-205.1 of this title, shall
7 extend the period of such revocation for an additional four-month
8 period of time. The additional orders of revocation shall be dated
9 and become effective the day following the date terminating the
10 prior order of revocation.

11 F. The Department, upon receiving a record of conviction for a
12 person convicted of an offense specified in Section 11-905 of this
13 title, shall extend the period of such suspension, revocation or
14 denial of driving privilege for an additional twelve-month period of
15 time. The additional orders of suspension, revocation or denial of
16 driving privilege shall be dated and become effective the day
17 following the date terminating the prior order of suspension,
18 revocation or denial of driving privilege.

19 G. It shall be a misdemeanor punishable by imprisonment for not
20 less than seven (7) days nor more than six (6) months, or by a fine
21 of not more than Five Hundred Dollars (\$500.00), or by both such
22 fine and imprisonment, for any person to apply for a renewal or a
23 replacement license to operate a motor vehicle while the person's
24 license, permit or other evidence of driving privilege is in the

1 custody of a law enforcement officer or the Department. A notice
2 regarding this offense and the penalty therefor shall be included on
3 the same form containing the notice of revocation issued by the
4 officer.

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

9 I. Any person who drives a motorcycle or motor-driven cycle, as
10 defined in this title, on public roads, streets, highways, turnpikes
11 or other public place of this state without the proper endorsement
12 on a current state-issued license shall be guilty of a misdemeanor.
13 Any person charged with violating this section may request a six-
14 month deferral for the purpose of obtaining the following:

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

17 2. Proper motorcycle endorsement on the person's valid driver
18 license.

19 Upon presenting the court with proof of satisfaction of both
20 requirements within the deferral period, the offender shall be
21 entitled to dismissal of the charge, and may be subject to a reduced
22 payment of court costs and fine.

23 J. Any person who operates a motor vehicle requiring an
24 endorsement or endorsements, as provided by Section 6-110.1 of this

1 title, on public roads, streets, highways, turnpikes or other public
2 places of this state without the proper endorsement on a current
3 state-issued license shall be guilty of a misdemeanor.

4 SECTION 3. This act shall become effective November 1, 2019.

5 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
6 February 25, 2019 - DO PASS
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