

1 ENGROSSED HOUSE
2 BILL NO. 2465

By: Lowe (Dick), West (Kevin),
Crosswhite Hader, Talley,
Miller, Boles, Conley,
Stearman, West (Josh),
Patzkowsky, Sims, Moore,
Davis, Phillips, Lawson and
Luttrell of the House

and

Paxton of the Senate

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

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

20 SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-105, as
21 last amended by Section 14, Chapter 42, O.S.L. 2017 (47 O.S. Supp.
22 2020, Section 6-105), is amended to read as follows:

23 Section 6-105. A. Unless a legal custodial parent or legal
24 guardian has filed an objection to licensure pursuant to Section 6-

1 103.1 of this title, any person under eighteen (18) years of age who
2 is in compliance with or not subject to Section 6-107.3 of this
3 title may be permitted to operate:

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

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

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

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

16 C. Any person:

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

21 a. a prescribed secondary school driver education course,
22 as provided for in Sections 19-113 through 19-121 of
23 Title 70 of the Oklahoma Statutes,
24

- 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

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

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 thereon
9 is examined by the Department, or an approved written examination
10 proctor, except as otherwise provided in Section 6-101 et seq. of
11 this title or as provided in paragraph 2 of this subsection or in
12 subsections D and E of this section. The Department is authorized
13 to approve and enter into agreements with local school districts,
14 the Oklahoma Department of Career and Technology Education, or
15 institutions of higher education to act as approved written
16 examination proctors with regard to any written examination required
17 by this section. The examination shall include a test of the
18 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;

2. Establish a process to inform any school or examiner, who has been denied, within forty-five (45) days from the denial;

3. Create an appeal process for any school or examiner denied;
and

4. If the initial application for approval was denied, limit the number of times an individual school or individual examiner applicant may reapply in a calendar year to two reapplications.

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

Passed the House of Representatives the 22nd day of February, 2021.

Presiding Officer of the House
of Representatives

Passed the Senate the _____ day of _____, 2021.

Presiding Officer of the Senate