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HOUSE BILL 2465

By: Lowe (Dick), West (Kevin),
Crosswhite Hader, Talley,
Miller, Boles, Conley,
Stearman and West (Josh) of
the House

Paxton of the Senate

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 2011, Section 6-105, as last amended by Section 14, Chapter 42, O.S.L. 2017 (47 O.S. Supp. 2020, Section 6-105), which relates to graduated class D licenses; allowing approved written examination proctors to administer certain examinations; amending 47 O.S. 2011, Section 6-110, as last amended by Section 1, Chapter 395, O.S.L. 2019 (47 O.S. Supp. 2020, Section 6-110), which relates to examination of applicants; requiring establishment of procedures to administer certain examinations; authorizing Department of 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.

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

1 SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-105, as
2 last amended by Section 14, Chapter 42, O.S.L. 2017 (47 O.S. Supp.
3 2020, Section 6-105), is amended to read as follows:

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

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

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

13 3. A farm vehicle under the provisions prescribed in subsection
14 I of this section.

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

21 C. Any person:

22 1. Who is at least fifteen and one-half (15 1/2) years of age
23 and is currently receiving instruction in or has successfully
24

1 completed driver education. For purposes of this section, the term
2 "driver education" shall mean:

- 3 a. a prescribed secondary school driver education course,
4 as provided for in Sections 19-113 through 19-121 of
5 Title 70 of the Oklahoma Statutes,
- 6 b. a driver education course, certified by the Department
7 of Public Safety, from a parochial, private, or other
8 nonpublic secondary school,
- 9 c. a commercial driver training course, as defined by
10 Sections 801 through 808 of this title,
- 11 d. a parent-taught driver education course, certified by
12 the Department of Public Safety. The Department shall
13 promulgate rules for any parent-taught driver
14 education course, or
- 15 e. a driver education course certified by a state other
16 than Oklahoma; or

17 2. Who is at least sixteen (16) years of age,
18 may, upon successfully passing all parts of the driver license
19 examination administered by the Department, or an approved written
20 examination proctor, except the driving examination, be issued a
21 learner permit which will grant the permittee the privilege to
22 operate a Class D motor vehicle upon the public highways only
23 between the hours of 5:00 a.m. and 10:00 p.m. and while accompanied
24 by a licensed driver who is at least twenty-one (21) years of age

1 and who is actually occupying a seat beside the permittee; provided,
2 the written examination for a learner permit may be waived by the
3 Department of Public Safety upon verification that the person has
4 successfully completed driver education.

5 D. 1. Any person:

6 a. who has applied for, been issued, and has possessed a
7 learner permit for a minimum of six (6) months, and

8 b. whose custodial legal parent or legal guardian
9 certifies to the Department by sworn affidavit that
10 the person has received a minimum of fifty (50) hours
11 of actual behind-the-wheel training, of which at least
12 ten (10) hours of such training was at night, from a
13 licensed driver who was at least twenty-one (21) years
14 of age and who was properly licensed to operate a
15 Class D motor vehicle for a minimum of two (2) years,

16 may be issued an intermediate Class D license upon successfully
17 passing all parts of the driver license examinations administered by
18 the Department; provided, the written examination, if it has not
19 previously been administered or waived, may be waived by the
20 Department upon verification that the person has successfully
21 completed driver education or the driving examination may be waived
22 by the Department upon successful passage of the examination
23 administered by a certified designated examiner, as provided for in
24 Section 6-110 of this title. However, notwithstanding the date of

1 issuance of the learner permit, if the person has been convicted of
2 a traffic offense which is reported on the driving record of that
3 person, the time period specified in subparagraph a of this
4 paragraph shall be recalculated to begin from the date of conviction
5 for the traffic offense, and must elapse before that person may be
6 issued an intermediate Class D license. If the person has been
7 convicted of more than one traffic offense which is reported on the
8 driving record of that person, the time period specified in
9 subparagraph a of this paragraph shall be recalculated to begin from
10 the most recent date of conviction, and must elapse before that
11 person may be issued an intermediate Class D license.

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

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

16 (1) only between the hours of 5:00 a.m. and 10:00

17 p.m., except for driving to and from work,
18 school, school activities, and church activities,
19 or

20 (2) at any time, if a licensed driver who is at least
21 twenty-one (21) years of age is actually

22 occupying a seat beside the intermediate Class D
23 licensee, or if the intermediate Class D licensee
24 is a farm or ranch resident, and is operating a

1 motor vehicle while engaged in farming or
2 ranching operations outside the limits of a
3 municipality, or driving to and from work,
4 school, school activities, or church activities,
5 and

6 b. shall not operate a motor vehicle with more than one
7 passenger unless:

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

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

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

15 1. One (1) year; or

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

20 may be issued a Class D license. However, notwithstanding the date
21 of issuance of the Class D license, if the person has been convicted
22 of a traffic offense which is reported on the driving record of that
23 person, the time periods specified in paragraph 1 or 2 of this
24 subsection, as applicable, shall be recalculated to begin from the

1 date of conviction for the traffic offense, and must elapse before
2 that person may be issued a Class D license. If the person has been
3 convicted of more than one traffic offense which is reported on the
4 driving record of that person, the time periods specified in
5 paragraph 1 or 2 of this subsection, as applicable, shall be
6 recalculated to begin from the most recent date of conviction, and
7 must elapse before that person may be issued a Class D license.

8 F. Learner permits and intermediate Class D licenses shall be
9 issued for the same period as all other driver licenses. The
10 licenses may be suspended or canceled at the discretion of the
11 Department for violation of restrictions, for failing to give the
12 required or correct information on the application, for knowingly
13 giving false or inaccurate information on the application or any
14 subsequent documentation related to the granting of driving
15 privileges, for using a hand-held electronic device while operating
16 a motor vehicle for non-life-threatening emergency purposes or for
17 violation of any traffic laws of this state pertaining to the
18 operation of a motor vehicle.

19 G. The Department of Public Safety shall promulgate rules
20 establishing procedures for removal of learner permit and
21 intermediate Class D license restrictions from the permit or license
22 upon the permittee or licensee qualifying for a less restricted or
23 an unrestricted license.

1 H. Any person fourteen (14) years of age or older may apply for
2 a restricted Class D license with a motorcycle-only restriction.
3 After the person has successfully passed all parts of the motorcycle
4 examination other than the driving examination, has successfully
5 completed a certified state-approved motorcycle basic rider course
6 approved by the Department, and has met all requirements provided
7 for in the rules of the Department, the Department shall issue to
8 the person a restricted Class D license with a motorcycle-only
9 restriction which shall grant to the person, while having the
10 license in the person's immediate possession, the privilege to
11 operate a motorcycle or motor-driven cycle:

12 1. With a piston displacement not to exceed three hundred (300)
13 cubic centimeters;

14 2. Between the hours of 4:30 a.m. to 9:00 p.m. only;

15 3. While wearing approved protective headgear; and

16 4. While accompanied by and receiving instruction from any
17 person who is at least twenty-one (21) years of age and who is
18 properly licensed pursuant to the laws of this state to operate a
19 motorcycle or motor-driven cycle, and who has visual contact with
20 the restricted licensee.

21 The restricted licensee may apply on or after thirty (30) days
22 from date of issuance of the restricted Class D license with a
23 motorcycle-only restriction to have the restriction of being
24

1 accompanied by a licensed driver removed by successfully completing
2 the driving portion of an examination.

3 The written examination and driving examination for a restricted
4 Class D license with a motorcycle-only endorsement shall be waived
5 by the Department of Public Safety upon verification that the person
6 has successfully completed a certified state-approved motorcycle
7 basic rider course approved by the Department.

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

22 J. As used in this section:

23 1. "Hand-held electronic device" means a mobile telephone or
24 electronic device with which a user engages in a telephone call,

1 plays or stores media, including but not limited to music and video,
2 or sends or reads a text message while requiring the use of at least
3 one hand; and

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

6 K. All driver education courses provided for in paragraph 1 of
7 subsection C of this section shall include education regarding the
8 dangers of texting while driving and the effects of being under the
9 influence of alcohol or other intoxicating substance while driving.

10 SECTION 2. AMENDATORY 47 O.S. 2011, Section 6-110, as
11 last amended by Section 1, Chapter 395, O.S.L. 2019 (47 O.S. Supp.
12 2020, Section 6-110), is amended to read as follows:

13 Section 6-110. A. 1. The Department of Public Safety shall
14 ~~examine every~~ establish procedures to ensure every applicant for an
15 original Class A, B, C or D license and for any endorsements
16 thereon, is examined by the Department, or an approved written
17 examination proctor, except as otherwise provided in Section 6-101
18 et seq. of this title or as provided in paragraph 2 of this
19 subsection or in subsections D and E of this section. The
20 Department is authorized to approve and enter into agreements with
21 local school districts, the Oklahoma Department of Career and
22 Technology Education, or institutions of higher education to act as
23 approved written examination proctors with regard to any written
24

1 examination required by this section. The examination shall include
2 a test of the applicant's:

- 3 a. eyesight,
- 4 b. ability to read and understand highway signs
5 regulating, warning and directing traffic,
- 6 c. knowledge of the traffic laws of this state, including
7 a portion on bicycle and motorcycle safety, and
- 8 d. ability, by actual demonstration, to exercise ordinary
9 and reasonable control in the operation of a motor
10 vehicle. The actual demonstration shall be conducted
11 in the type of motor vehicle for the class of driver
12 license being applied for.

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

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

19 2. The Department of Public Safety shall have the authority to
20 waive the requirement of any part of the examination required in
21 paragraph 1 of this subsection for those applicants whose driving
22 record meets the standards set by the Department of Public Safety
23 and surrenders either of the following:
24

- 1 a. a valid unexpired driver license issued by any state
2 or country for the same type or types of vehicles, or
3 b. an expired driver license that:
4 (1) is not expired more than six (6) months past the
5 expiration date listed on the driver license, and
6 (2) is not a Class A, B or C commercial driver
7 license or commercial driver license permit.

8 3. The Department of Public Safety shall accept skills test
9 results from another state for Class A, B or C license applicants
10 who have successfully completed commercial motor vehicle driver
11 training in that state and successfully passed the skills test in
12 that state; provided, the Department shall not accept skills test
13 results from another state when the applicant has not successfully
14 completed commercial motor vehicle driver training in that state.
15 Nothing in this section shall be construed to prohibit the
16 Department of Public Safety from administering the skills test to
17 any applicant who has successfully completed commercial vehicle
18 driver training in another state.

19 4. All applicants requiring a hazardous materials endorsement
20 shall be required, for the renewal of the endorsement, to
21 successfully complete the examination and to submit to a security
22 threat assessment performed by the Transportation Security
23 Administration of the Department of Homeland Security as required by
24 and pursuant to 49 C.F.R., Part 1572, which shall be used to

1 determine whether the applicant is eligible for renewal of the
2 endorsement pursuant to federal law and regulation.

3 5. The Department of Public Safety, or an approved written
4 examination proctor, shall give the complete examination as provided
5 for in this section within thirty (30) days from the date the
6 application is received, and the examination shall be given at a
7 location within one hundred (100) miles of the residence of the
8 applicant. The Department of Public Safety shall make every effort
9 to make the examination locations and times convenient for
10 applicants. The Department of Public Safety shall consider giving
11 the examination at various school sites if the district board of
12 education for the district in which the site is located agrees and
13 if economically feasible and practicable.

14 B. Any person holding a valid Oklahoma Class D license or
15 provisional driver license pursuant to Section 6-212 of this title
16 and applying for a Class A, B or C commercial license shall be
17 required to successfully complete all examinations as required for
18 the specified class. Failure to submit to the Department of Public
19 Safety federally required medical certification information pursuant
20 to 49 C.F.R., Part 391.41 et seq. shall result in an automatic
21 downgrade of a commercial license to a Class D license. Provided,
22 however, once the required medical certification information has
23 been received by the Department of Public Safety, the license shall
24 be reinstated to the classification of the commercial license prior

1 to the downgrade and the holder of such a license shall not be
2 required to reapply.

3 C. Except as provided in subsection E of Section 6-101 of this
4 title, any person holding a valid Oklahoma Class A, B or C
5 commercial license shall, upon time for renewal thereof, be entitled
6 to a Class D license without any type of testing or examination,
7 except for any endorsements thereon as otherwise provided for by
8 Section 6-110.1 of this title.

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

17 2. The Department of Public Safety shall adopt a curriculum of
18 required courses and training to be offered to applicants who are
19 qualified to apply to be a designated examiner. The courses and
20 training for certification shall meet the same standards as required
21 for driver examiners of the Department of Public Safety.

22 3. Each person applying to be a designated examiner shall be
23 required to pay an initial designated examiner certification fee of
24 One Thousand Dollars (\$1,000.00). Upon successful completion of

1 training prescribed by paragraph 2 of this subsection, the person
2 shall be required to pay an annual designated examiner certification
3 fee of Five Hundred Dollars (\$500.00). If an applicant for the
4 designated examiner program is employed by an Oklahoma public school
5 system that offers driver education, and he or she administers the
6 skills test only to students enrolled in a public school driver
7 education program, the certification fee may be waived by the
8 Department of Public Safety. Each designated examiner certification
9 shall expire on the last day of the calendar year and may be renewed
10 upon application to the Department of Public Safety. The designated
11 examiner certification fees collected by the Department of Public
12 Safety pursuant to this subsection shall be deposited to the credit
13 of the Department of Public Safety Restricted Revolving Fund to be
14 used for the purposes of this subsection. No designated examiner
15 certification fee shall be refunded in the event that certification
16 is denied, suspended or revoked.

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

21 5. The Department of Public Safety shall conduct an annual
22 complete nationwide criminal history background check on each
23 designated examiner and a complete nationwide criminal history
24 background check on each designated examiner applicant. The fees

1 for the background check shall be borne by the designated examiner
2 or designated examiner applicant.

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

5 E. 1. Upon application and approval of the Commissioner of the
6 Department of Public Safety, any public or private commercial truck
7 driving school that has or maintains a program instructing students
8 for a Class A, B or C license in the State of Oklahoma shall be
9 authorized to hire or employ designated examiners approved by the
10 Department of Public Safety to be third-party examiners of the Class
11 A, B or C driving skills portion of the Oklahoma driving
12 examination. All designated examiners must successfully have
13 completed the courses and training as outlined in paragraph 2 of
14 this subsection.

15 2. The Department of Public Safety shall adopt a curriculum of
16 required courses and training to be offered to third-party
17 examiners. The courses and training for certification shall meet
18 the same standards as required for commercial driver examiners of
19 the Department of Public Safety.

20 3. The Department of Public Safety shall conduct on an annual
21 basis a complete nationwide criminal history background check on
22 each third-party examiner and a complete nationwide criminal history
23 background check on each third-party examiner applicant. The fees
24

1 for the background check shall be borne by the third-party examiner
2 or third-party examiner applicant.

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

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

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

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

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

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

19
20 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/09/2021 -
21 DO PASS, As Coauthored.