

## 47 SENATE BILLSTAKE EFFECT NOV. 1

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■(GIT) Economic development, rural health care, tax incentives, as well as landmark legislation addressing teen drivers are among the forty-seven Senate bills that are becoming law Nov. 1. The following is an analysis of several important Senate measures that are going into effect today.

### Teen Behind the Wheel Becomes Parent's Choice

SB1115 allows parents to decide whether or not their teenage children are licensed to drive. Two Shawnee Democrats, Sen. Brad Henry and Rep. Robert Weaver, were principal authors of the bill that passed both houses with huge margins.

As a result of SB1115, parents can file a written objection with the local testing of-

fice of the Oklahoma Department of Public Safety blocking their teenage son or daughter's ability to become a licensed driver.

Further, if a child under the age of 18 is licensed and the parent or legal guardian feels the teen is not handling the responsibility well, the license can be revoked.

In either case, a written request, signed by the parent or legal guardian, must be on file at the local testing facility of the Department of Public Safety. A license will not be issued and a previously issued license will remain canceled until the objection is withdrawn by the custodial parent or guardian or until the child reaches age 18.

"A driver's license is not an automatic rite of passage," Sen. Henry said. "If they can't handle the responsibility, then their

parents should have the right to take that privilege away."

"Since introducing this bill last spring, one of the most common reactions I've heard from parents is, 'Thank goodness!' I want families to have more control over their children's behavior," Henry said. "This [law] gives them an important tool to do that. It puts the law back on the parents' side."

### Zero Tolerance Law Becomes Effective in Oklahoma

In another landmark effort by the Senate to address the problem of teenage drivers, SB1230 makes it unlawful for any person under the age of 21 to drive, operate, or be in actual physical control of a motor vehicle if they have any measurable quantity of alcohol in their blood or breath at the time of a test taken within two hours after arrest, or if they exhibit any evidence of being under the influence of any other intoxicating substance as shown by a blood, breath, saliva, or urine specimen.

Incremental to the bill are stiffer penalties for violations and provisions to fight the problem through education before the fact.

SB1230 sets first offense fines of up to \$500 or completion of 20 hours of community service or completion of a treatment program or any combination of the above. Second offenses receive fines of up to \$1,000, 40 hours of community service, or completion of a treatment program or any combination thereof.

Most importantly, anyone under the age of 21 arrested for driving under the influence with any measurable alcohol or other intoxicating substance in his or her system may lose their driver's license until age 21.

SB1230 also addresses the problem of teens driving under the influence by seeking a solution through education to reduce the problem rather than just heighten penalties for the problem after the fact.

The State Department of Education is directed by the measure to develop and administer appropriate driver education programs in all schools to increase awareness of the dangers of drinking and driving. All driver's license manuals will also contain dialogue concerning the hazards of drinking and driving and the legal and financial consequences available to law enforcement. The new elements of the driver's education programs will be fully implemented no later than November 1, 1997.

The new law, approved overwhelmingly  
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homa, much like other parts of the country, is seeing an increasing number of incidents when adults, particularly those involved in gang activity, "send children to do their dirty work." Like in the case of the 14-year-old boy, prosecutors were left with few alternatives — Charge the child with the most serious offense possible and attempt to find ways to prosecute those behind the crime.

"They're the real criminals," Smith said on the Senate floor. "They are the ones responsible for having this 14-year-old boy go out and commit a crime. They are the ones who really deserve to be prosecuted and to receive a severe sentence."

### HB2494: Bill Disappoints, Satisfies Groups

Months before Oklahoma Attorney General Drew Edmondson filed suit against the major tobacco companies, the industry faced what many considered a significant threat to the way it does business in Oklahoma, HB2494.

The bill, authored by Rep. Ray Vaughn, R-Edmond, allows cities and towns to enact and local law enforcement officers to enforce "ordinances prohibiting and penalizing" the sale of tobacco products to minors. A caveat in the bill, however, prevents municipalities from enacting measures more stringent than state law on virtually any tobacco issue.

When introduced, the bill posed a much greater threat by empowering municipalities to do just the opposite — Enact ordinances more stringent than state law. The original bill carried the support of 42 members of

the House and 14 members of the Senate. Nine Oklahoma communities and the Oklahoma Municipal League formally endorsed the measure.

Vaughn, however, withdrew the original bill and offered a substitute, reversing the role of municipalities, much to the chagrin of anti-smoking groups, particularly those concerned with children's access to tobacco products.

The move appeared to set the stage for a major battle over the proposal. On April 9, the Senate passed the so-called Murcer Amendment, named for baseball legend Bobby Murcer, a one-time chewing tobacco pitchman turned anti-smoking advocate, which would have allowed cities and towns to pass local laws in three narrowly tailored areas:

- Prohibiting cigarette vending machines in areas accessible to children;
- Prohibiting self-service displays of tobacco in areas accessible to children; and
- Establishing a tobacco license for retailers with a possible seven-day suspension for stores that repeatedly sold tobacco products to children.

Despite pressure from groups like the American Cancer Society, the American Heart Association and others, the amendment was rejected by the conference committee assigned to the bill. When it made its way back to the floors of the Senate and the House, cities and towns had won the right to enact ordinances dealing with tobacco on a basis equal to or less than that of the state.