

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

HOUSE BILL NO. 2431

BY: MANAR

AS INTRODUCED

AN ACT RELATING TO MOTOR VEHICLES; AMENDING 47 O.S. 1991, SECTION 1-173.1, WHICH RELATES TO TANK VEHICLES; MODIFYING DEFINITION; AMENDING 47 O.S. 1991, SECTIONS 6-101 (SECTION 1, CHAPTER 342, O.S.L. 1991), 6-101.1, 6-102, 6-103, 6-111, 6-122, 6-204, 6-205, 6-205.1, 6-205.2, 6-206.1, 6-209, 6-308 AND 6-309, WHICH RELATE TO LICENSES TO OPERATE MOTOR VEHICLES; CLARIFYING LANGUAGE; PROVIDING FOR CERTAIN RULE-MAKING AUTHORITY; PROVIDING FOR CERTAIN EXAMINATION FEES; PROVIDING FOR ISSUANCE OF CERTAIN CLASSES OF LICENSE WITHOUT PHOTOGRAPH; MODIFYING CRIMES AND REVOCATION PERIOD FOR MANDATORY REVOCATION OF LICENSE; DEFINING TERMS; MAKING CERTAIN REVOCATIONS FOR CLASS A, B AND C COMMERCIAL LICENSES DISCRETIONARY; PROVIDING FOR ONE DISQUALIFICATION OF DRIVING PRIVILEGE FOR VIOLATIONS ARISING OUT OF THE SAME INCIDENT; PROVIDING FOR SEIZURE OF LICENSE IN CERTAIN CIRCUMSTANCES; AUTHORIZING CERTAIN LICENSEES TO OPERATE MOTORCYCLES, MOTOR-DRIVEN CYCLES, OR MOTORIZED BICYCLES; AMENDING 47 O.S. 1991, SECTION 761, WHICH RELATES TO OPERATION OF A MOTOR VEHICLE WHILE IMPAIRED; MODIFYING TIME OF SUSPENSION; REPEALING 47 O.S. 1991, SECTION 6-101 (SECTION 13,

CHAPTER 335, O.S.L. 1991), WHICH IS A DUPLICATE SECTION OF LAW RELATING TO AUTHORITY TO OPERATE MOTOR VEHICLES; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 1-173.1, is amended to read as follows:

Section 1-173.1 Tank Vehicle.

Any commercial motor vehicle designed to transport any liquid, ~~powdered~~ or gaseous materials within a tank that is either permanently or temporarily attached to the vehicle or the chassis. Such vehicles include but are not limited to cargo tanks and portable tanks as defined by 49 C.F.R., Part 171. Provided however, the term "tank vehicle" shall not include a portable tank having a rated capacity of under one thousand (1,000) gallons.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 6-101 (Section 1, Chapter 342, O.S.L. 1991), is amended to read as follows:

Section 6-101. A. No person, except those hereinafter expressly exempted in Section 6-102 of this title, shall operate any motor vehicle upon a highway in this state unless such person has a valid Oklahoma license for the class of vehicle being operated under the provisions of this title. No person shall be permitted to possess more than one valid license at any time.

B. 1. No person shall operate a Class A commercial motor vehicle unless such person is eighteen (18) years of age or older and holds a valid Class A commercial license. Any person holding a valid Class A commercial license shall be permitted to operate motor vehicles in Classes A, B, C and D, except as provided for in paragraph 4 of this subsection;

2. No person shall operate a Class B commercial motor vehicle unless such person is eighteen (18) years of age or older and holds a valid Class B commercial license. Any person holding a valid Class B commercial license shall be permitted to operate motor vehicles in Classes B, C and D, except as provided for in paragraph 4 of this subsection;

3. No person shall operate a Class C commercial motor vehicle unless such person is eighteen (18) years of age or older and holds a valid Class C commercial license. Any person holding a valid Class C commercial license shall be permitted to operate motor vehicles in Classes C and D, except as provided for in paragraph 4 of this subsection;

4. No person under twenty-one (21) years of age shall be licensed to operate any motor vehicle which is required to be placarded for hazardous materials pursuant to 49 C.F.R., Part 172, subpart F; provided, the Department of Public Safety shall provide by rule promulgated pursuant to the Administrative Procedures Act, Section 250 et seq. of Title 75 of the Oklahoma Statutes, that a person under twenty-one (21) years of age may be licensed to operate:

a. a farm vehicle, or

b. if such person is the operator of or employed by the operator of a farm retail outlet, any vehicle,

which is required to be placarded for hazardous materials pursuant to 49 C.F.R., Part 172, subpart F, if such licensure will not result in the loss of federal funds to the State of Oklahoma pursuant to federal law or regulation; and

5. No person shall operate a Class D motor vehicle unless such person is sixteen (16) years of age or older and holds a valid Class D license, except as provided for in Section 6-105 of this title. Any person holding a valid Class D license shall be permitted to operate motor vehicles in Class D only.

C. No person shall operate a motorcycle, motor-driven cycle or a motorized bicycle without ~~first~~ having ~~obtained~~ a valid Class A, B, C or D license with a motorcycle endorsement.

D. Any person issued a classified driver's license pursuant to this section may exercise the privilege thereby granted upon all streets and highways in this state.

E. Except as otherwise may be provided for by law, any new applicant for an original classified license shall be required to successfully complete a written examination, vision examination and driving examination for a motorcycle as prescribed by the Department of Public Safety to be eligible for a motorcycle endorsement thereon.

F. Except as otherwise may be provided for by law, any holder of an Oklahoma commercial chauffeur, chauffeur or operator driver's license which is eligible for renewal who applies for a Class A, B, C or D license shall be required to successfully complete a written examination, vision examination and driving examination for a motorcycle as prescribed by the Department to be eligible for a motorcycle endorsement thereon; provided, however, the Department may waive all such examinations upon being furnished satisfactory proof that the applicant has regularly operated a motorcycle, motor-driven cycle or motorized bicycle for a minimum of two (2) years immediately preceding the application.

G. Any person eighteen (18) years of age or older may apply for a restricted Class A, B or C license. The Department, after the applicant has passed all parts of the examination for and has been issued a Class D license and has successfully passed all parts of the examination for a Class A, B or C license other than the driving test, may issue to the applicant a restricted driver's license which shall entitle the applicant having such license in his immediate possession to operate a Class A, B or C commercial motor vehicle upon the public highways solely for the purpose of behind-the-wheel

~~training while accompanied by a licensed driver twenty-one (21) years of age or older holding a valid license for the class of vehicle being driven including any and all required endorsements in accordance with rules promulgated by the Department.~~

This restricted driver's license shall be issued for the same period as all other licenses; provided, such restricted license may be suspended, revoked, canceled or denied at the discretion of the Department for violation of the restrictions, for failing to give the required or correct information on the application or for violation of any traffic laws of this state pertaining to the operation of a motor vehicle. Except as otherwise provided, the holder of such restricted license who has been issued such restricted license for a minimum of thirty (30) days may have the restriction requiring an accompanying driver removed by satisfactorily completing a driver's examination; provided, the removal of such restriction shall not authorize the operation of a Class A, B or C commercial motor vehicle if such operation is otherwise prohibited by law. The Department shall cause such examination to be conducted not more than three times during the first six (6) months after date of issuance of said restricted license and not more than one time every three (3) months thereafter upon request of the holder thereof.

H. The fee charged for a successful examination shall be assessed in accordance with the following schedule:

Class A Commercial License	\$25.00
Class B Commercial License	\$15.00
Class C Commercial License	\$15.00
Class D License	\$ 4.00
Motorcycle Examination	\$ 4.00

Notwithstanding the provisions of Section 1104 of this title, all monies collected from the examination fees charged for Class A, B and C Commercial Licenses pursuant to the provisions of this

subsection shall be deposited in the General Revenue Fund of this state.

I. The fee charged for an examination other than a successful examination shall be Four Dollars (\$4.00) for any license classification. Notwithstanding the provisions of Section 1104 of this title, all monies collected from such examination fees pursuant to the provisions of this subsection shall be deposited in the General Revenue Fund of the state.

J. In addition to any fee charged for a successful examination pursuant to the provisions of subsection H of this section, the fee charged for the issuance or renewal of an Oklahoma license shall be in accordance with the following schedule:

Class A Commercial License	\$35.00
Class B Commercial License	\$35.00
Class C Commercial License	\$25.00
Class D License	\$15.00

~~J.~~ K. All original and renewal classified licenses shall expire four (4) years from the last day of the month in which the license was issued.

~~K.~~ L. Any person sixty-two (62) years of age or older during the calendar year of issuance or renewal of a Class D license or motorcycle endorsement shall be charged the following prorated fee:

Age 62	\$11.25
Age 63	\$ 7.50
Age 64	\$ 3.75
Age 65	-0-

~~L.~~ M. The Oklahoma Department of Public Safety and the Oklahoma Tax Commission are authorized to promulgate rules ~~and regulations~~ for the issuance and for the renewal of driver's licenses authorized to be issued pursuant to the provisions of Sections 6-101 through 6-309 of this title. Applications for such licenses shall be handled by the motor license agents, provided that the Department of Public

Safety is authorized to assume these duties in any county of this state. Each motor license agent accepting applications for such drivers' licenses shall receive Two Dollars (\$2.00) to be deducted from the total collected for each license or renewal application accepted. The two-dollar fee received by the motor license agent shall be used for operating expenses.

~~M.~~ N. Notwithstanding the provisions of Section 1104 of this title and subsection ~~±~~ M of this section and except as provided in subsection H of this section, the first Sixty Thousand Dollars (\$60,000.00) of all monies collected pursuant to this section shall be paid by the Oklahoma Tax Commission to the State Treasurer to be deposited each fiscal year under the provisions of this section to the credit of the Department of Public Safety Revolving Fund for the purpose of the Department of Public Safety Share the Road Program as that program pertains to the operation of commercial vehicles in this state with a gross vehicle weight rating of twenty-six thousand one (26,001) or more pounds. The next Five Hundred Thousand Dollars (\$500,000.00) of monies collected pursuant to this section shall be paid by the Oklahoma Tax Commission to the State Treasurer to be deposited each fiscal year under the provisions of this section to the credit of the Department of Public Safety Revolving Fund for the purpose of the Statewide Law Enforcement Communications System. All other monies collected in excess of Five Hundred Sixty Thousand Dollars (\$560,000.00) each fiscal year shall be apportioned as provided in Section 1104 of this title, except as provided in subsection ~~±~~ M of this section.

~~N. The Commissioner of the Department of Public Safety is authorized to employ such additional personnel as shall be necessary to administer the provisions of Sections 6-101 through 6-309 of this title.~~

SECTION 3. AMENDATORY 47 O.S. 1991, Section 6-101.1, is amended to read as follows:

Section 6-101.1 A. Beginning January 1, 1986, any license issued pursuant to Sections 6-101, 6-105 or 6-114 of ~~Title 47 of the Oklahoma Statutes~~ this title to any person under twenty-one (21) years of age shall be of special design, easily recognizable as the license of such a person and shall include the language "UNDER 21" on the face of the license.

B. When a person who has been issued a license designated to be the license of a person under twenty-one (21) years of age attains the age of twenty-one (21) years, said person may obtain a duplicate license without said designation upon payment of the fee required for a duplicate license and by furnishing proof satisfactory to the Department of Public Safety or the motor license agent that said person has attained the age of twenty-one (21) years.

SECTION 4. AMENDATORY 47 O.S. 1991, Section 6-102, is amended to read as follows:

Section 6-102. ~~The following persons are exempt from an Oklahoma driver's license hereunder:~~

A nonresident who is sixteen (16) years of age or older who is properly licensed in his home state or country to operate a commercial or noncommercial motor vehicle and who has in his immediate possession a valid driver's license issued by his home state or country may operate a motor vehicle in this state as authorized by the class, restrictions and endorsements specified on the license.

SECTION 5. AMENDATORY 47 O.S. 1991, Section 6-103, is amended to read as follows:

Section 6-103. A. Except as otherwise provided by law, the Department of Public Safety shall not issue a driver's license to:

1. Any person who is under the age of sixteen (16) years;
2. Any person whose driving privilege is under suspension, revocation, cancellation or denial in this or any other state until

such privilege has been reinstated by the state withdrawing such privilege;

3. Any person whose driving privilege has been revoked for a period of three (3) years pursuant to the provisions of paragraph 4 of Section 6-205.1 of this title, until the person has furnished a report from a licensed physician that the person has been free from alcohol or drug abuse for at least the preceding twelve-month period;

4. Any person who is required by ~~this chapter~~ Section 6-101 et seq. of this title to take an examination, unless such person shall have successfully passed such examination;

5. Any person who is required under the laws of this state to deposit proof of financial responsibility and who has not deposited such proof;

6. Any person who is physically deformed or who is afflicted with any mental disease or physical condition that would impair the driving ability of such a person or when the Commissioner of Public Safety, from information concerning such person or from the records and reports on file in the Department of Public Safety, determines that the operation of a motor vehicle by such person on the highways ~~to~~ would be inimical to public safety or welfare;

7. Any person who is a nonresident as defined in Section 1-137 of this title;

8. Any alien unless such person presents valid documentation of identity issued pursuant to the laws of the United States; or

9. Any person who possesses a valid license to operate a motor vehicle issued by another state until such other state license has been surrendered.

B. Any applicant who is denied a license under the provisions of this section shall have the right to an appeal as provided in Section 6-211 of this title.

SECTION 6. AMENDATORY 47 O.S. 1991, Section 6-111, is amended to read as follows:

Section 6-111. A. The Department of Public Safety shall, upon payment of the required fee, issue to every applicant qualifying therefor a Class A, B, C or D license or identification card as applied for, which license or card shall bear thereon a distinguishing number assigned to the licensee or cardholder, date of issuance and date of expiration of the license or card, the full name, signature, date of birth, mailing address, sex, height and a brief description of the licensee or cardholder, and a color photograph of the licensee or cardholder. The Department of Public Safety may authorize all motor license agents to accept applications for the license or card immediately upon payment of the required fee in accordance with the rules ~~and regulations~~ promulgated by the Department of Public Safety. The Department of Public Safety shall develop an alternative procedure whereby an individual applying for a new or renewal Class D license who satisfactorily demonstrates to the Department the inability to appear personally to be photographed, shall be issued a license or card bearing the words "Valid Without Photo"; provided, however, only persons with legitimate religious objection to being photographed may be issued a new or renewal Class A, B or C license without a photograph and bearing the words "Valid Without Photo".

B. The Department may issue a temporary permit to an applicant for a driver's license permitting such applicant to operate a motor vehicle while the Department is completing its investigation and determination of all facts relative to such applicant's privilege to receive a license. Such permit must be in his immediate possession while operating a motor vehicle, and it shall be invalid when the applicant's driver's license has been issued or for good cause has been refused.

SECTION 7. AMENDATORY 47 O.S. 1991, Section 6-122, is amended to read as follows:

Section 6-122. The Department of Public Safety shall develop procedures whereby licenses issued under the provisions of ~~this act~~ Section 6-101 et seq. of this title may be renewed by mail and a picture may be used for a period of at least four (4) years.

SECTION 8. AMENDATORY 47 O.S. 1991, Section 6-204, is amended to read as follows:

Section 6-204. A. Whenever any person is convicted of any offense for which this act makes mandatory the revocation of the driver's license of such person by the Department as provided in Section 6-205 of this title, the court in which such conviction occurred may require the surrender to it of all driver's licenses then held by the person so convicted and the court shall thereupon forward the same together with a record of such conviction to the Department.

B. Every court, including courts not of record, having jurisdiction over offenses committed under this act, or any other act of this state or municipal ordinance regulating the operation of motor vehicles on highways, shall forward to the Department a record of the conviction of any person in said court for a violation of any said laws other than regulations governing standing or parking, and may recommend the suspension of the driver's license of the person so convicted.

C. For the purposes of ~~this chapter~~ Section 6-101 et seq. of this title, except for Section 6-205.2, the term "conviction" shall mean a final conviction. ~~Also, for the purposes of this chapter or shall mean~~ a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, ~~shall be equivalent to a conviction.~~

SECTION 9. AMENDATORY 47 O.S. 1991, Section 6-205, is amended to read as follows:

Section 6-205. A. The Department of Public Safety shall forthwith revoke the driver's license or driving privilege of any person upon receiving a record of conviction in any court of any of the following offenses, when such conviction has become final:

1. Manslaughter or negligent homicide resulting from the operation of a motor vehicle;

2. Driving or being in actual physical control of a motor vehicle while under the influence of alcohol or any other intoxicating substance or the combined influence of alcohol and any other intoxicating substance provided however, the Department shall not additionally revoke such license pursuant to this subsection if the person's driving privilege has been revoked because of a test result or test refusal pursuant to Sections 753 or 754 of this title arising from the same circumstances which resulted in the conviction;

3. Any felony during the commission of which a motor vehicle is used;

4. Failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;

5. Perjury or the making of a false affidavit or statement under oath to the Department under the Uniform Vehicle Code, Section 1-101 et seq. of this title, or under any other law relating to the ownership or operation of motor vehicles; or

6. A misdemeanor or felony conviction for unlawfully possessing, distributing, dispensing, manufacturing or trafficking in a controlled dangerous substance as defined in the Uniform Controlled Dangerous Substances Act; ~~or~~

~~7. A misdemeanor conviction for unlawfully possessing a controlled dangerous substance as defined in the Uniform Controlled Dangerous Substances Act while in actual physical control of a motor vehicle.~~

B. The first license revocation under any provision of this section except for ~~paragraphs~~ paragraph 2 and ~~7~~ of subsection A of this section shall be for a period of one (1) year. Such period shall not be modified.

C. A license revocation under any provision of this section except for paragraph 2 of subsection A of this section shall be for a period of three (3) years if a prior revocation under this section, except under paragraph 2 of subsection A of this section, commenced within the preceding five-year period as shown by the Department's record. Such period shall not be modified.

D. The period of license revocation under paragraph 2 of subsection A of this section shall be governed by the provisions of Section 6-205.1 of this title.

~~E. The license revocation under paragraph 7 of subsection A of this section shall be for a period of thirty (30) days. Such period shall not be modified.~~

SECTION 10. AMENDATORY 47 O.S. 1991, Section 6-205.1, is amended to read as follows:

Section 6-205.1 (a) The driver's license or driving privilege of a person who is convicted of any offense as provided in paragraph 2 of subsection ~~(a)~~ A of Section 6-205 of ~~Title 47 of the Oklahoma Statutes~~ this title, or a person who has refused to submit to a test or tests as provided in Section 753 of ~~Title 47 of the Oklahoma Statutes~~ this title, or a person whose alcohol concentration is ten-hundredths (0.10) or more as provided in Section 754 of ~~Title 47 of the Oklahoma Statutes~~ this title, shall be revoked or denied by the Department of Public Safety for the following period, as applicable:

1. The first license revocation under Section 753 of ~~Title 47 of the Oklahoma Statutes~~ this title shall be for one hundred eighty (180) days, of which the first ninety (90) days shall not be modified;

2. The first license revocation under paragraph 2 of subsection ~~(a) A~~ of Section 6-205 of ~~Title 47 of the Oklahoma Statutes~~ this title or under Section 754 of ~~Title 47 of the Oklahoma Statutes~~ this title shall be for ninety (90) days, of which the first thirty (30) days shall not be modified;

3. A revocation pursuant to paragraph 2 of subsection ~~(a) A~~ of Section 6-205, 753 or 754 of ~~Title 47 of the Oklahoma Statutes~~ this title shall be for a period of one (1) year if within five (5) years preceding the date of arrest relating thereto, a prior revocation commenced under paragraph 2 of subsection ~~(a) A~~ of Section 6-205, 753 or 754 of ~~Title 47 of the Oklahoma Statutes~~ this title as shown by the Department's records. Such period shall not be modified; or

4. A revocation pursuant to paragraph 2 of subsection ~~(a) A~~ of Section 6-205, 753 or 754 of ~~Title 47 of the Oklahoma Statutes~~ this title shall be for a period of three (3) years if within five (5) years preceding the date of arrest relating thereto, two or more prior revocations commenced under paragraph 2 of subsection ~~(a) A~~ of Section 6-205, 753 or 754 of ~~Title 47 of the Oklahoma Statutes~~ this title as shown by the Department's records. Such period shall not be modified.

(b) The term "revocation" as used in this section includes a denial by the Department to issue a driver's license.

(c) Each period of license revocation not subject to modification shall be mandatory and neither the Department nor any court shall grant a license or permit to drive a motor vehicle based upon hardship or otherwise for the duration of such period. The balance of the revocation period, if any, may be modified as provided for in Section 754.1 or 755 of ~~Title 47 of the Oklahoma Statutes~~ this title.

(d) Any appeal shall be governed by Section 6-211 of ~~Title 47 of the Oklahoma Statutes~~ this title.

SECTION 11. AMENDATORY 47 O.S. 1991, Section 6-205.2, is amended to read as follows:

Section 6-205.2 A. As used in this section, "person" shall mean a resident of this state or an Oklahoma licensee. Also, as used in this section, "conviction" shall mean:

1. An unvacated adjudication of guilt; or

2. A determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal; or

3. An unvacated forfeiture of bail or collateral deposited to secure a person's appearance in court; or

4. The payment of a fine or court costs; or

5. Violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated.

B. The Department of Public Safety ~~shall~~ may disqualify any person from operating a Class A, B or C commercial motor vehicle for a period of not less than one (1) year upon receiving a record of such person's conviction ~~in any court~~ of any of the following offenses, when such conviction has become final:

1. Driving, operating or being in actual physical control of a Class A, B or C commercial motor vehicle while having a blood or breath alcohol concentration, as defined in Section 756 of ~~Title 47 of the Oklahoma Statutes~~ this title, of four-hundredths (0.04) or more;

2. Refusing to submit to a test for determination of alcohol concentration, as required by Section 751 of ~~Title 47 of the Oklahoma Statutes~~ this title, while operating a Class A, B or C commercial motor vehicle;

3. Driving or being in actual physical control of a Class A, B or C commercial motor vehicle while under the influence of alcohol or any other intoxicating substance or the combined influence of alcohol and any other intoxicating substance;

4. Knowingly failing to stop and render aid as required under the laws of this state in the event of a motor vehicle accident which occurs while operating a Class A, B or C commercial motor vehicle; or

5. Any felony during the commission of which a Class A, B or C commercial motor vehicle is used, except a felony involving the manufacture, distribution or dispensation of a controlled dangerous substance.

Provided, however, the Department shall not disqualify such person pursuant to this section if said person's driving privilege has previously been disqualified in this state as a result of any violation arising from the same incident.

~~B.~~ C. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for a period of not less than three (3) years upon receiving a record of such person's conviction ~~in any court~~ of any of the following offenses, committed in connection with the operation of a motor vehicle which is required to be placarded for hazardous materials under 49 C.F.R., Part 172, subpart F, when such conviction has become final:

1. Driving, operating or being in actual physical control of a Class A, B or C commercial motor vehicle while having a blood or breath alcohol concentration, as defined in Section 756 of ~~Title 47 of the Oklahoma Statutes~~ this title, of four-hundredths (0.04) or more;

2. Refusing to submit to a test for determination of alcohol concentration, as required by Section 751 of ~~Title 47 of the Oklahoma Statutes~~ this title, while operating a Class A, B or C commercial motor vehicle;

3. Driving or being in actual physical control of a Class A, B or C commercial motor vehicle while under the influence of alcohol

or any other intoxicating substance or the combined influence of alcohol and any other intoxicating substance;

4. Knowingly failing to stop and render aid as required under the laws of this state in the event of a motor vehicle accident which occurs while operating a Class A, B or C commercial motor vehicle; or

5. Any felony during the commission of which a Class A, B or C commercial motor vehicle is used, except a felony involving the manufacture, distribution or dispensation of a controlled dangerous substance.

Provided, however, the Department shall not disqualify such person pursuant to this section if said person's driving privilege has previously been disqualified in this state as a result of any violation arising from the same incident.

~~C.~~ D. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for life upon receiving a record of such person's conviction in any court of any of the following offenses after a former conviction of any of the following offenses, when such second conviction has become final:

1. Driving, operating or being in actual physical control of a Class A, B or C commercial motor vehicle while having a blood or breath alcohol concentration, as defined in Section 756 of ~~Title 47 of the Oklahoma Statutes~~ this title, of four-hundredths (0.04) or more;

2. Refusing to submit to a test for determination of alcohol concentration, as required by Section 751 of ~~Title 47 of the Oklahoma Statutes~~ this title, while operating a Class A, B or C commercial motor vehicle;

3. Driving or being in actual physical control of a Class A, B or C commercial motor vehicle while under the influence of alcohol

or any other intoxicating substance or the combined influence of alcohol and any other intoxicating substance;

4. Knowingly failing to stop and render aid as required under the laws of this state in the event of a motor vehicle accident which occurs while operating a Class A, B or C commercial motor vehicle; or

5. Any felony during the commission of which a Class A, B or C commercial motor vehicle is used, except a felony involving the manufacture, distribution or dispensation of a controlled dangerous substance.

Provided, however, the Department shall not disqualify such person pursuant to this section if said person's driving privilege has previously been disqualified in this state as a result of any violation arising from the same incident.

The Department of Public Safety may promulgate rules ~~and regulations~~ establishing conditions under which a disqualification for life pursuant to the provisions of this paragraph may be reduced to a period of not less than ten (10) years.

~~D.~~ E. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for life upon receiving a record of such person's conviction ~~in any court~~ for any felony related to the manufacture, distribution or dispensation of a controlled dangerous substance in the commission of which a Class A, B or C commercial motor vehicle is used, when such conviction has become final.

~~E.~~ F. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for sixty (60) days upon receiving a record of such person's second conviction ~~in any court~~ for a serious traffic offense arising out of separate transactions or occurrences within a three-year period, when such convictions have become final. The Department of Public Safety shall disqualify any person from operating a Class A, B or C

commercial motor vehicle for one hundred twenty (120) days upon receiving a record of such person's third conviction ~~in any court~~ for a serious traffic offense arising out of separate transactions or occurrences within a three-year period, when such convictions have become final. As used in this subsection, "serious traffic offense" shall mean any of the following offenses committed while operating a commercial motor vehicle:

1. Speeding in excess of fifteen (15) miles per hour over the limit;
2. Reckless driving ~~as defined in Section 11-901 of Title 47 of the Oklahoma Statutes;~~
3. Any traffic offense committed that results in or in conjunction with a motor vehicle accident resulting in a fatality;
4. Erratic or unsafe lane change;
5. Following too close; or
6. Violating a lawful out-of-service order issued by the Department as authorized by the Commissioner of Public Safety.

~~F.~~ G. Any person who drives a Class A, B or C commercial motor vehicle on any public roads, streets, highways, turnpikes or any other public place of this state at a time when he is disqualified or when his privilege to do so is canceled, denied, suspended or revoked shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00), or by imprisonment for not more than one (1) year, or by both such fine and imprisonment. Each act of driving as prohibited shall constitute a separate offense.

SECTION 12. AMENDATORY 47 O.S. 1991, Section 6-206.1, is amended to read as follows:

Section 6-206.1 A. Driver improvement or defensive driving course is a course which offers an educational setting, provides for driving concepts which encourage attitude or behavioral changes in

the responsibility of operating a motor vehicle in a safe and responsible manner.

B. It shall be the responsibility of the institution or organization to provide:

1. Adequate facilities which meet or exceed state and local fire, health and safety codes;

2. Adequate equipment, in good working order, and instructional materials for such courses;

3. Qualified instructors who shall:

- a. possess an undergraduate degree and have nine (9) college or university credit hours in traffic safety education, unless said instructor has instructed a complete course of instruction within the preceding twelve (12) months prior to ~~the effective date of this section~~ July 1, 1991, for an organization or institution previously recognized for point credits by the Department of Public Safety,
- b. have no alcohol or drug related convictions or revocations in the past five (5) years,
- c. have no more than five (5) points accumulated on the driving record in the past three (3) years in accordance with the Oklahoma Mandatory Point System,
- d. have a valid Oklahoma driver's license, and
- e. complete a course of training through the approved organization or institution;

4. A course of study designed to inform the participant of driver improvement and defensive driving concepts while encouraging attitude or behavioral changes in the responsibility of operating a motor vehicle in a safe and responsible manner. The curriculum, which means the complete lesson plans which include instructional strategy, presentation methods and resources utilized to incorporate

the concepts of traffic safety, must provide for but not be limited to the following:

- a. driver personality traits - behavioral attitudes,
- b. driver qualifications and limitations,
- c. effects of alcohol and other drugs,
- d. current accident prevention and defensive driving techniques: speed control, perception, reactions, lane positioning, safe turning and passing, occupant restraints, following distance and rules of the road; and

5. Provide at least eight (8) hours of classroom instruction.

C. Organizations or institutions desirous of making application shall submit the following to the Department of Public Safety:

1. Evidence of organizational or institutional status which meet statutory requirements;

2. Copy of proposed course curriculum which includes lesson objectives, presentation materials, instructional strategy and resources utilized;

3. Certification that instructors meet statutory requirements; and

4. Upon Department of Public Safety approval said organization or institution shall be considered for point credits as set forth in this section.

D. The Department of Public Safety is authorized to grant a two point credit towards the Oklahoma Point System Regulations to any person who successfully completes a course pursuant to this section provided only one such course shall be acknowledged once every twenty-four (24) months.

E. The Department upon giving of notice and hearing may decline to grant credit points to any organization or institution for:

1. Unethical conduct of an instructor or official of an institution or organization;

2. Failure to satisfactorily resolve citizens complaints;
3. Falsifying or misrepresenting any document or information to the Department or student;
4. Failure of organization or instructor to meet statutory requirements;
5. Conflict of interest by the organization or institution and/or its personnel; or
6. Failure of organization, institution or instructor to continue to meet statutory requirements as provided for in this section.

F. Course enrollment will be limited to not more than thirty (30) students with an enrollment fee of Twenty-five Dollars (\$25.00) per student.

G. Enrollment in the course shall not be limited to persons ordered to enroll, attend and successfully complete the course.

H. The organization or institution shall within fifteen (15) days of the completion certify to the Department of Public Safety all persons who successfully complete the course on a form approved or furnished by the Department. This shall include the persons full name, address, date of birth and driver's license number.

I. Department personnel shall be admitted to any course without charge, upon request and display of proper credentials.

J. Each organization or institution shall develop auditing procedures which could be utilized to show compliance with this section.

K. Any point credit allowed must comply with the Department's Point System Regulations.

SECTION 13. AMENDATORY 47 O.S. 1991, Section 6-209, is amended to read as follows:

Section 6-209. A. The Department upon suspending or revoking a driver's license shall require that such license be surrendered to the Department. Such driver's license so surrendered, unless said

driver's license has expired, shall be returned to the licensee, when statutory requirements for reinstatement are met in accordance with Sections 6-212, 6-212.1, 7-506 or 7-605 of this title; provided the Department has determined that the licensee is a person not prohibited from holding a driver's license under Section 6-103 of this title, and has successfully completed the customary written, physical and driving tests, if such tests are required.

B. The Department, upon entering an order suspending, canceling, revoking, disqualifying, or denying a driver's license, shall forward a copy of said order to the licensee pursuant to the provisions of Section 2-116 of this title and request the immediate return of the license to the Department of Public Safety, Oklahoma City, Oklahoma, or the order may be served upon the licensee by an authorized member of the Department. Failure to comply with the order of the Department shall constitute a misdemeanor, and upon conviction thereof such person so convicted shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00).

C. Any peace officer of this state may seize the license of any person who, according to Department records, is under suspension, cancellation, revocation, disqualification or denial under the provisions of Section 6-101 et seq. of this title. The officer shall immediately forward the license to the Department of Public Safety, Oklahoma City, Oklahoma.

SECTION 14. AMENDATORY 47 O.S. 1991, Section 6-308, is amended to read as follows:

Section 6-308. ~~(a)~~ A. It is a misdemeanor for any person to violate any of the provisions of ~~this chapter~~ Section 6-101 et seq. of this title unless such violation is by ~~chapter~~ Section 6-101 et seq. of this title or other law of this state declared to be a felony.

~~(b)~~ B. Unless another penalty is in ~~this chapter~~ Section 6-101 et seq. of this title or by laws of this state provided, every person convicted of a misdemeanor for the violation of any provision of ~~this chapter~~ Section 6-101 et seq. of this title shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

~~(c)~~ C. The Department of Public Safety may, in addition to the penalty above, suspend for a period not exceeding thirty (30) days the registration certificate of a motor vehicle owned by any person who permits said vehicle to be used in violation of Section 6-304, 6-305 or 6-306 of this title. The Department may suspend, for a period of not to exceed six (6) months, the registration certificate of any motor vehicle, when the owner permits said vehicle to be operated by an individual whose driving privilege is under denial, cancellation, suspension or revocation.

SECTION 15. AMENDATORY 47 O.S. 1991, Section 6-309, is amended to read as follows:

Section 6-309. A. Notwithstanding any other provision of law, a holder of an unexpired valid Oklahoma commercial chauffeur's license, chauffeur's license or operator's license shall be entitled to operate a Class D motor vehicle or motorcycle, motor-driven cycle or motorized bicycle in accordance with the driver's license granted until the expiration of said license, except for any period of time in which said driver's license has been canceled, suspended or revoked.

B. Notwithstanding any other provision of law, the holder of a valid Oklahoma commercial chauffeur's license or chauffeur's license which expires on or after April 1, 1992, shall not be entitled to operate a Class A, B or C commercial motor vehicle under the authority of such license on or after April 1, 1992.

C. Notwithstanding any other provision of law, the Department of Public Safety may require that the holder of a valid Oklahoma commercial chauffeur's license or chauffeur's license which expires on or after January 1, 1991, or a person applying for an original Class A, B or C license after January 1, 1991, complete all required parts of the examination for a Class A, B or C license as a condition for renewal or issuance of a Class A, B or C license. Notwithstanding any other provision of law, the Department of Public Safety may require that the holder of a valid Oklahoma commercial chauffeur's license or chauffeur's license, which expires on or after April 1, 1992, complete all required parts of the examination for a Class A, B or C license prior to April 1, 1992. The fee for a successful examination shall be as provided in subsection H of Section 6-101 of ~~Title 47 of the Oklahoma Statutes~~ this title.

D. A holder of a commercial chauffeur's or chauffeur's license who has successfully completed the examination for a Class A, B or C license as required by this section shall be issued a Class A, B or C license upon:

1. Expiration of his commercial chauffeur's license or chauffeur's license on or before April 1, 1992, whichever occurs first;

2. Completion of any other requirements of the Oklahoma Vehicle License and Registration Act, Section 1101 et seq. of ~~Title 47 of the Oklahoma Statutes~~ this title; and

3. Payment of the fee as provided in subsection H of Section 6-101 of ~~Title 47 of the Oklahoma Statutes~~ this title and payment of the appropriate fee for duplicate or renewal as applicable.

SECTION 16. AMENDATORY 47 O.S. 1991, Section 761, is amended to read as follows:

Section 761. A. Any person who operates a motor vehicle while his ability to operate such motor vehicle is impaired by the consumption of alcohol shall be subject to a fine of not less than

One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment.

B. ~~Upon the receipt of a certified report from a court that a person has forfeited bond or has been convicted or has pleaded guilty to two or more offenses of subsection A of this section, the Commissioner of~~ any person's record of conviction of driving while impaired, when such conviction has become final, the Department of Public Safety shall suspend the driving privilege of such person, as follows:

1. The first suspension shall be for thirty (30) days;

2. The second suspension shall be for a period of six (6) months. Such suspension shall not be subject to modification; and

3. The third or subsequent suspension shall be for twelve (12) months. Such suspension shall not be subject to modification.

Provided, however, the Department shall not suspend such privilege pursuant to this subsection if said person's driving privilege has been revoked based upon a test result or test refusal pursuant to Section 753 or Section 754 of this title arising from the same circumstances which resulted in the conviction.

C. The violations as set out in this section shall not be bondable under Section 1115.3 of Title 22 of the Oklahoma Statutes.

SECTION 17. REPEALER 47 O.S. 1991, Section 6-101 (Section 13, Chapter 335, O.S.L. 1991), is hereby repealed.

SECTION 18. This act shall become effective July 1, 1992.

SECTION 19. It being immediately necessary for the preservation of the public peace, health and 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.

43-2-7655

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