

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1363

By: Bryant (John)

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 1991, Sections 6-205.1, as amended by Section 11, Chapter 217, O.S.L. 1992, and 6-212.1 (47 O.S. Supp. 1992, Section 6-205.1), which relate to driver's license revocation; providing for revocation of motor vehicle registration in certain circumstances; providing for the surrender of license plates; providing for a fee in certain circumstances; providing for notification to law enforcement officials; providing for seizure of license plates; making certain act unlawful and providing penalty therefor; providing for transfer of seized license plates to the Department of Public Safety; providing for the deposit and distribution of certain fees; providing certain immunity; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 6-205.1, as amended by Section 11, Chapter 217, O.S.L. 1992 (47 O.S. Supp. 1992, 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 of Section 6-205 of this title, or a person who has refused to submit to a test or tests as provided in Section 753 of this title, or a person whose alcohol concentration is ten-hundredths (0.10) or more as provided in Section 754 of 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 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 of Section 6-205 of this title or under Section 754 of 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 of Section 6-205, 753 or 754 of 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 of Section 6-205, 753 or 754 of 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 of Section 6-205, 753 or 754 of 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 of Section 6-205, 753 or 754 of this title as shown by the Department's records and also shall include revocation of the vehicle registration of any vehicle

registered in the name of such person as owner. 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 this title.

(d) Any appeal shall be governed by Section 6-211 of this title.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 6-212.1, is amended to read as follows:

Section 6-212.1 A. Whenever a driver's license or a person's privilege to operate a motor vehicle is suspended or revoked pursuant to the provisions of Section 7-506 or 7-605 of this title, the license or privilege to operate a motor vehicle shall remain under suspension or revocation and shall not be reinstated until:

1. The expiration of the revocation or suspension order; and
2. The person has paid a reinstatement fee of One Hundred Dollars (\$100.00) to the Department.

B. Whenever a driver's license or a person's privilege to operate a motor vehicle is suspended or revoked pursuant to the provisions of ~~Sections~~ Section 6-205, 6-205.1, 753 or 754 of this title, the license or privilege to operate a motor vehicle shall remain under suspension or revocation and shall not be reinstated until:

1. The expiration of the revocation or suspension order; and
2. The person has paid a reinstatement fee of One Hundred Fifty Dollars (\$150.00) to the Department; and

3. The person has paid the fee provided for in Section 3 of this act, if applicable.

Provided, any person whose driver's license or privilege to operate a motor vehicle is suspended or revoked pursuant to Section 6-205 of this title shall not be required to pay such reinstatement fee until such conviction becomes final.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-212.3 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. Any person whose vehicle registration has been suspended pursuant to the provisions of paragraph 4 of subsection (a) of Section 6-205.1 of Title 47 of the Oklahoma Statutes shall submit the license plate of any vehicle registered in the name of such person as owner to the Department within thirty (30) days from the date of such suspension. Any owner failing to submit any such license plate to the Department within such time shall pay a fee of Fifty Dollars (\$50.00) in addition to the fee required for reinstatement of the person's driver's license.

B. Whenever the registration of any motor vehicle is revoked pursuant to paragraph 4 of subsection (a) of Section 6-205.1 of Title 47 of the Oklahoma Statutes according to the records of the Department, the Department may accordingly notify any law enforcement agency, police officer, sheriff, deputy sheriff, highway patrol trooper or other peace officer of such revocation.

C. Any peace officer who has been notified that a person's motor vehicle registration is currently under revocation according to the records of the Department may, upon observing such motor vehicle anywhere upon a public street, highway, roadway, turnpike or public parking lot within this state, forthwith stop such motor vehicle and seize such revoked license plate.

D. No person who has been issued a vehicle registration or vehicle license plate pursuant to the laws of this state shall

obtain or retain a property interest therein and it shall be the duty of every person to forthwith surrender such revoked license plate upon the request of any peace officer or representative of the Department of Public Safety.

E. Any person upon a public street, highway, roadway, turnpike or public parking lot within this state who willfully refuses to surrender possession of a license plate after being informed by a peace officer or representative of the Department of Public Safety that the same is currently under revocation according to the records of the Department, shall be guilty of a misdemeanor, punishable by imprisonment in the county jail for not more than ten (10) days or a fine not to exceed Five Hundred Dollars (\$500.00) or by both such fine and imprisonment.

F. Any license plate surrendered to or seized by a peace officer pursuant to this section shall be submitted to a representative of the Department of Public Safety in a manner and with a form or method approved by the Department.

G. Following receipt of the fifty-dollar fee collected pursuant to subsection A of this section, the Department shall deposit said fee in the office of the State Treasurer. The State Treasurer shall credit said fees into a special account to be distributed as hereinafter provided.

H. The Department shall certify to the State Treasurer the name of the employing law enforcement agency from which a revoked license plate has been received pursuant to this section, together with a certification that the fifty-dollar fee required by subsection A of this section has been paid. Following receipt of certification from the Department as provided herein, the State Treasurer shall reimburse the law enforcement agency named in the certificate the sum of Twenty-five Dollars (\$25.00) for each vehicle license plate as shown on the certificate, from the special account.

I. Any unencumbered monies remaining in said special account at the close of each calendar month shall be transferred to the General Revenue Fund of the State Treasury.

J. The State of Oklahoma, the departments and agencies thereof, including the Department of Public Safety, all political subdivisions, and the officers and employees of each, shall not be held legally liable in any suit in law or in equity for any erroneous entry of a revocation upon the records of the Department, nor for the enforcement of the provisions of this section performed in good faith.

SECTION 4. This act shall become effective September 1, 1993.

44-1-5399

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