

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1543

By: Apple

AS INTRODUCED

An Act relating to motor vehicles; amending 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), which relates to periods of driver's license revocation; providing for surrender of vehicle registration and plates in certain circumstances; providing for issuance of special plates in certain circumstances; limiting transference of certain vehicles; providing for rules and regulations; 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)~~ 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. Such period shall not be modified.

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

~~(e)~~ 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)~~ D. If a driver's license or driving privilege of a person is revoked pursuant to paragraph 4 of subsection A of this section,

the Department shall issue an order for the surrender to the Department of the registration certificate and plates of the following:

1. All vehicles registered to the person, or jointly to the person and the person's spouse;
2. All vehicles owned by the person, or jointly by the person and the person's spouse; and
3. All vehicles leased to the person, or jointly to the person and the person's spouse. This paragraph does not apply to a rental which is one of a fleet of two or more vehicles rented for periods of four months or less.

If the Department issues an order for the surrender of the registration certificate and registration plates, the registration certificate and registration plates shall be surrendered to the Department either three days after the order is issued or on the date specified by the Department, whichever is later.

E. A person whose vehicle registration and plates have been suspended or an owner may apply to the Tax Commission for new registration plates, which must bear a special series of numbers or letters so as to be readily identified by traffic law enforcement officers. Application for and acceptance of special plates constitutes implied consent for law enforcement officers to stop the vehicle bearing special plates at any time. The Commissioner of Public Safety shall authorize the issuance of special plates by the Tax Commission if any of the following apply:

1. A member of household of the person whose license was suspended has a valid driver's license; or
2. The owner or co-owner of the vehicle is not the person whose license was suspended.

The Tax Commissioner may issue the special plates on payment of a fee of Fifty Dollars (\$50.00) for each vehicle for which special plates are requested.

Until the driver's license of the person is reinstated or reissued, the person shall inform the Tax Commission that an impoundment order is in effect when requesting any new registration plates.

F. A registered owner shall not sell a motor vehicle during the time its registration plates and registration certificate have been ordered surrendered or during the time its registration plates bear a special series number, unless the registered owner applies to the Department of Public Safety for consent to transfer title to the motor vehicle. If the Department is satisfied that the proposed sale is in good faith and for valid consideration, that the registered owner will be deprived of custody and control of the motor vehicle, and that the sale is not for the purpose of circumventing the provisions of this section, the Department may certify its consent to the Tax Commission which shall then transfer the title to the new owner upon proper application and issue new registration plates. After the registration plates and registration certificate have been ordered surrendered pursuant to this section, if the title to the motor vehicle is transferred by the cancellation of a conditional sales contract, a sale upon execution, or by decree or order of a court of competent jurisdiction, the Department shall order the title surrendered to the new registered owner.

This subsection is not intended to change or modify taxation of motor vehicles or the time within which a motor vehicle tax must be paid.

G. A person who fails to surrender any registration plates or a registration certificate upon demand under this section or who fails to comply with this section is guilty of a misdemeanor.

A person who operates a motor vehicle on a street or highway at a time when the surrender of its registration plate and registration certificate has been ordered is guilty of a misdemeanor as a separate and distinct offense from any other penalty imposed in

connection with driving while under a license suspension or
revocation.

The Commissioner of Public Safety and the Oklahoma Tax
Commission may adopt such rules as may be necessary or convenient
for the implementation and administration of this section.

H. Any appeal shall be governed by Section 6-211 of this title.

SECTION 2. This act shall become effective September 1, 1993.

44-1-5213

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