

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1717

By: Satterfield

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 1991, Sections 6-205, as amended by Section 10, Chapter 217, O.S.L. 1992, 6-205.2, as amended by Section 12, Chapter 217, O.S.L. 1992, and 6-209, as amended by Section 14, Chapter 217, O.S.L. 1992 (47 O.S. Supp. 1992, Sections 6-205, 6-205.2 and 6-209), which relate to revocation, disqualification, suspension and cancellation of driver licenses; modifying procedures for drug-related revocations; modifying standards for disqualification; 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, as amended by Section 10, Chapter 217, O.S.L. 1992 (47 O.S. Supp. 1992, Section 6-205), is amended to read as follows:

Section 6-205. A. The Department of Public Safety shall forthwith revoke the ~~driver's~~ driver 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Department shall not additionally revoke such license pursuant to this subsection if the person's driving privilege has been revoked because of a test result or test refusal pursuant to Sections 753 or 754 of this title arising from the same circumstances which resulted in the conviction;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, Section 2-101 et seq. of Title 63 of the Oklahoma Statutes.

B. The first license revocation under any provision of this section except for paragraph 2 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. A license revocation under the provisions of paragraph 6 of subsection A of this section shall not run concurrently with any other driver license revocation, suspension, denial or cancellation or any other action which revokes, suspends, denies or cancels a person's driving privileges. In the event a person is not eligible to apply for a driver license, by failing to meet the age requirement for applying for a driver license or for any other reason, when the Department receives notice of a drug conviction, then commencement of the drug-related revocation shall be delayed until the person is otherwise eligible to apply for a driver license.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 6-205.2, as amended by Section 12, Chapter 217, O.S.L. 1992 (47 O.S. Supp. 1992, 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 and 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 ~~may~~ shall 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 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 this title, or as defined by the state in which the arrest occurred, 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 this title, or as required by the state in which the arrest occurred, 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. 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 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 this title, or as defined by the state in which the arrest occurred, 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 this title, or as required by the state in which the arrest occurred, 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.

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 this title, or as defined by the state in which the arrest occurred, 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 this title, or as required by the state in which the arrest occurred, 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 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.

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 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.

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 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 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;
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.

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.

H. Such periods of disqualification as defined by this section shall not be modified. A person may not be granted driving privileges to operate a Class A, B or C commercial vehicle until the disqualification is reinstated.

SECTION 3. AMENDATORY 47 O.S. 1991, Section 6-209, as amended by Section 14, Chapter 217, O.S.L. 1992 (47 O.S. Supp. 1992, Section 6-209), is amended to read as follows:

Section 6-209. A. The Department upon suspending, canceling or revoking a ~~driver's~~ driver license shall require that such license be surrendered to the Department. Such ~~driver's~~ driver license so surrendered, unless said ~~driver's~~ driver 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~~ driver 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~~ driver 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 4. This act shall become effective September 1, 1993.

44-1-6096

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