

SHORT TITLE: Driver license revocations; limiting mandatory revocation period; emergency.

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

SENATE BILL NO. 118

By: Cain

AS INTRODUCED

An Act relating to driver license revocations;

amending 47 O.S. 1991, Sections 6-205.1, as amended by Section 11, Chapter 217, O.S.L. 1992, 754.1 and 755 (47 O.S. Supp. 1992, Section 6-205.1), which relate to periods of revocation, and modification due to hardship and appeals; modifying language; limiting certain mandatory revocation period; expanding grounds for modification of revocation; and declaring an emergency.

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~~ The first eighteen (18) months 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.

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

SECTION 2. AMENDATORY 47 O.S. 1991, Section 754.1, is amended to read as follows:

Section 754.1 A. The Department of Public Safety, prior to an administrative hearing for a revocation or denial arising under the provisions of Sections 751 through 754 of this title or under the

provisions of Section ~~2~~ 6-205.1 of this ~~act~~ title, may modify the revocation or denial in cases of extreme and unusual hardship when it is determined by the Department that no other adequate means of transportation exists for the person whose license has been revoked or denied to allow driving in any or all of the following situations, subject to the limitations of Section ~~2~~ 6-205.1 of this ~~act~~ title:

1. To and from a place of employment;

2. To and from a child care facility, providing the person is a single parent with no other means of transporting the child so the parent can maintain employment or attend classes;

3. In the course of employment;

~~3.~~ 4. To and from an educational institution for the purpose of attending classes if the person is enrolled and regularly attending classes at such institution;

~~4.~~ 5. To attend a course for drinking drivers, when required by the court; or

~~5.~~ 6. To permit the person to comply with any existing court order.

B. Such modification order shall state the specific times and circumstances under which driving is permitted.

C. Upon the issuance of a modification order pursuant to this section or Section 755 of this title, the person shall pay a modification fee of One Hundred Dollars (\$100.00) to the Department. Fees collected pursuant to the provisions of this section shall be remitted to the State Treasurer to be credited to the General Revenue Fund in the State Treasury.

SECTION 3. AMENDATORY 47 O.S. 1991, Section 755, is amended to read as follows:

Section 755. A. If the revocation or denial is sustained the person whose license or permit to drive or nonresident operating privilege has been revoked or denied may file a petition for appeal

in the district court in the manner provided in Section 6-211 of this title, and the proceedings upon said appeal shall be the proceedings prescribed by Section 6-211 of this title. The district court may modify the revocation or denial in cases of extreme and unusual hardship when it is determined by the court that the person whose license or permit to drive has been revoked or denied has no other adequate means of transportation and enter a written order directing the Department of Public Safety to allow driving in any or all of the following situations, subject to the limitations of Section ~~2~~ 6-205.1 of this ~~act~~ title:

1. To and from a place of employment; ~~or~~

2. To and from a child care facility, providing the person is a single parent with no other means of transporting the child so the parent can maintain employment or attend classes;

3. In the course of employment; ~~or~~

~~3.~~ 4. To and from an educational institution for the purpose of attending classes if the person is enrolled and regularly attending classes at such institution; ~~or~~

~~4.~~ 5. To attend a course for drinking drivers, when required by the court; or

~~5.~~ 6. To permit the person to comply with any existing court order filed of record prior to the filing of a petition for appeal.

B. Any such modification order shall state the specific times and circumstances under which driving is permitted.

SECTION 4. 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.

44-1-0692

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