

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

HOUSE BILL NO. 1128

By: Pope (Tim)

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 1991, Section 6-205.1, as last amended by Section 4, Chapter 243, O.S.L. 1994 (47 O.S. Supp. 1994, Section 6-205.1), which relates to periods of revocation of driver licenses; providing for restriction codes on certain licenses; providing time period for restriction code; 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 last amended by Section 4, Chapter 243, O.S.L. 1994 (47 O.S. Supp. 1994, Section 6-205.1), is amended to read as follows:

Section 6-205.1 A. The driver license or driving privilege of a person who is convicted of any offense as provided in paragraph 2 or 6 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, which may be modified. In addition, a restriction code indicating revocation occurred shall be added to the person's driver license upon reissuance. Such restriction code shall remain on the license for a period of five (5) years. The license restriction code period 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 one hundred eighty (180) days, which may be modified. In addition, a restriction code indicating prior revocation occurred shall be added to the person's driver license upon reissuance. Such restriction code shall remain on the license for a period of five (5) years. The license restriction code period shall not be modified;

3. The first license revocation under paragraph 6 of subsection A of Section 6-205 of this title shall be for one hundred eighty (180) days, which may be modified; provided, for license revocations for a misdemeanor charge of possessing a controlled dangerous substance, the provisions of this paragraph shall apply to any such revocations by the Department on or after January 1, 1993. In addition, a restriction code indicating prior revocation occurred shall be added to the person's driver license upon reissuance. Such restriction code shall remain on the license for a period of five (5) years. The license restriction code period shall not be modified;

4. A revocation pursuant to paragraph 2 or 6 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 or 6 of subsection A of Section 6-205, 753 or 754 of this title as shown by the Department's records. Such period may be modified. In

addition, a restriction code indicating prior revocation occurred shall be added to the person's driver license upon reissuance. Such restriction code shall remain on the license for a period of five (5) years. The license restriction code period shall not be modified; or

5. A revocation pursuant to paragraph 2 or 6 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 or 6 of subsection A of Section 6-205, 753 or 754 of this title as shown by the Department's records. Such period may be modified. In addition, a restriction code indicating prior revocation occurred shall be added to the person's driver license upon reissuance. Such restriction code shall remain on the license for a period of five (5) years. The license restriction code 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 revocation periods provided for in this section 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. This act shall become effective November 1, 1995.

45-1-5011 SD