

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

HOUSE BILL NO. 2412

By: Begley

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 1991, Sections 754.1 and 755, as last amended by Sections 6 and 7, Chapter 313, O.S.L. 1995 (47 O.S. Supp. 1995, Sections 754.1 and 755), which relate to modification of suspension or revocation of driver license; making requirement of ignition interlock devices discretionary for hardship modifications; prohibiting Department of Public Safety from requiring ignition interlock devices on vehicles of employers; providing that court may require ignition interlock devices and make exceptions for vehicles of employers; and declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 754.1, as last amended by Section 6, Chapter 313, O.S.L. 1995 (47 O.S. Supp. 1995, 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 6-205.1 of this 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is determined by the Department that no other adequate means of transportation exists for the person whose license has been revoked or denied to allow driving in any or all of the following situations, subject to the limitations of Section 6-205.1 of this title:

1. To and from a place of employment;

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

3. To and from a medical facility;

4. In the course of employment;

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

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

7. To permit the person to comply with any existing court order.

B. As a prerequisite and condition of such modification, the person ~~shall~~ may be required to have installed an ignition interlock device approved by the Department, at the person's own expense, upon every motor vehicle operated by such person, other than a vehicle owned or leased by an employer of the person which the person operates in the course of employment. The person shall comply with all provisions of law regarding ignition interlock devices.

C. Such modification order shall state the specific times and circumstances under which driving is permitted and shall state that the person is required to comply with all provisions of law regarding ignition interlock devices.

D. 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 Fifty Dollars (\$150.00) to the Department. For each modification fee collected pursuant to the provisions of this section, One Hundred Dollars (\$100.00) shall be remitted to the State Treasurer to be credited to the General Revenue Fund in the State Treasury and Fifty Dollars (\$50.00) shall be remitted to the State Treasurer to be credited to the Department of Public Safety Revolving Fund. All monies accruing to the credit of the Department of Public Safety Revolving Fund from modification fees shall be budgeted and expended solely for the purpose of administering the provisions of this section and Section 755 of this title.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 755, as last amended by Section 7, Chapter 313, O.S.L. 1995 (47 O.S. Supp. 1995, 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 6-205.1 of this title:

1. To and from a place of employment;
2. To and from a child care facility, providing the person is a parent or legal guardian with no other means of transporting the

child so the parent or legal guardian can maintain employment or attend classes;

3. To and from a medical facility;

4. In the course of employment;

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

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

7. 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 ~~and shall stipulate as a prerequisite and.~~

C. The modification order may require, as a condition of the modification, that the person shall be required to have installed an ignition interlock device approved by the Department, at the person's own expense, upon every motor vehicle operated by such person, however, if the order does require installation of ignition interlock devices on vehicles operated by the person, the court may provide in the order an exception from the requirement for any vehicle owned or leased by an employer of the person which the person operates in the course of employment. The person shall comply with all provisions of law regarding ignition interlock devices.

SECTION 3. 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.

