

SHORT TITLE: Motor vehicles; relating to driving under the influence; adding provisions. Effective date.

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

SENATE BILL NO. 1097

By: Wilcoxson

AS INTRODUCED

An Act relating to motor vehicles; amending Section 1, Chapter 309, O.S.L. 1996 (47 O.S. Supp. 1997, Section 6-106.4), which relates to driving under the influence; adding provisions; and providing an effective date.

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

SECTION 1. AMENDATORY Section 1, Chapter 309, O.S.L. 1996 (47 O.S. Supp. 1997, Section 6-106.4), is amended to read as follows

Section 6-106.4 A. It is unlawful, and punishable as provided in subsection C of this section, for any person under twenty-one (21) years of age to drive, operate, or be in actual physical control of a motor vehicle within this state who:

1. Has any measurable quantity of alcohol in the person's blood or breath at the time of a test administered within two (2) hours after an arrest of the person;

2. Exhibits evidence of being under the influence of any other intoxicating substance as shown by analysis of a specimen of the person's blood, breath, saliva, or urine in accordance with the provisions of Sections 752 and 759 ~~of Title 47 of the Oklahoma Statutes~~ of this title; ~~or~~

3. Exhibits evidence of the presence of alcohol as observed by the arresting officer; or

4. Exhibits evidence of the combined influence of alcohol and any other intoxicating substance.

B. As used in this section, the term "other intoxicating substance" means any controlled dangerous substance as defined in the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of Title 63 of the Oklahoma Statutes, or any other substance, other than alcohol, which is capable of being ingested, inhaled, injected, or absorbed into the human body and is capable of adversely affecting the central nervous system, vision, hearing, or other sensory or motor function.

C. 1. Any person under twenty-one (21) years of age who violates any provision of this section shall, upon conviction, be guilty of driving under the influence while under age. A violator shall be punished for a first offense by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by completion of twenty (20) hours of community service, or by requiring the person to attend and complete a treatment program, or by any combination of fine, community service, or treatment.

2. Any violator, upon a second or subsequent conviction, shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00), or by completion of forty (40) hours of community service, or by requiring the person to attend and complete a treatment program, or by any combination of fine, community service, or treatment.

3. The court may assess additional community service hours in lieu of any fine specified in this section.

4. In addition to any penalty imposed pursuant to the provisions of this section, the person may be subject to:

- a. the cancellation or denial of driving privileges as ordered by the court pursuant to Section 6-107.1 of ~~Title 47 of the Oklahoma Statutes~~ this title,

- b. the seizure of the drivers license at the time of arrest or detention, and the administrative revocation of driving privileges by the Department of Public Safety pursuant to Section 754 of ~~Title 47 of the Oklahoma Statutes~~ this title, and
- c. the mandatory revocation of driving privileges pursuant to Section 6-205.1 of ~~Title 47 of the Oklahoma Statutes~~ this title, which revocation period may be modified as provided by law.

D. Nothing in this section shall be construed to prohibit the filing of charges pursuant to Section 761 or 11-902 ~~of Title 47 of the Oklahoma Statutes~~ of this title when the facts warrant.

SECTION 2. This act shall become effective November 1, 1998.

46-2-1885

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