STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 99 By: Helton of the Senate

and

Wells of the House

COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; amending 47 O.S. 1991, Section 6-110, as last amended by Section 6, Chapter 425, O.S.L. 1998, Section 11, Chapter 354, O.S.L. 1995, and Section 6-205.2, as last amended by Section 2, Chapter 193, O.S.L. 1997 (47 O.S. Supp. 1998, Sections 6-110, 6-201.1 and 6-205.2), which relate to driver licenses, suspensions and periods of revocation; deleting obsolete language; removing rulemaking authority; modifying definition; repealing Section 1, Chapter 67, O.S.L. 1994 (47 O.S. Supp. 1998, Section 6-208.3), which relates to reinstatement fees; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 6-110, as last amended by Section 6, Chapter 425, O.S.L. 1998 (47 O.S. Supp. 1998, Section 6-110), is amended to read as follows:

Section 6-110. A. 1. The Department of Public Safety shall examine every applicant for an original Class A, B, C or D license and for any endorsements thereon, except as otherwise provided in Sections 6-101 through 6-309 of this title or as provided in paragraph 2 of this subsection or in subsection D of this section. Such examination shall include a test of the applicant's:

a. eyesight,

b. ability to read and understand highway signs regulating, warning and directing traffic,

c. knowledge of the traffic laws of this state, and

d. ability, by actual demonstration, to exercise ordinary and reasonable control in the operation of a motor vehicle. The actual demonstration shall be conducted in the type of motor vehicle for the class of driver license being applied for.

Any licensee seeking to apply for a driver license of another class which is not covered by the licensee's current driver license shall be considered an applicant for an original license for that class.

2. The Department of Public Safety shall have the authority to waive the requirement of any part of the examination required in paragraph 1 of this subsection for those applicants who surrender a valid unexpired driver license issued by any state <u>or country</u> for the same type or types of vehicles, provided that the applicant's driving record meets the standards set by the Department of Public Safety.

3. All applicants requiring a hazardous materials endorsement shall be required to successfully complete the examination for the renewal of such endorsement.

4. The Department of Public Safety shall give the complete examination as provided for in this section within thirty (30) days from the date the application is received, and the examination shall be given at a location within one hundred (100) miles of the residence of the applicant. The Department shall make every effort to make the examination locations and times convenient for applicants. The Department shall consider giving the examination at various school sites if the district board of education for the district in which the site is located agrees and if economically feasible and practicable.

B. Any person holding a valid Oklahoma Class D license and applying for a Class A, B or C commercial license shall be required

to successfully complete all examinations as required for the specified class.

C. Except as provided in subsection E of Section 6-101 of this title, any person holding a valid Oklahoma Class A, B or C commercial license shall, upon time for renewal thereof, be entitled to a Class D license without any type of testing or examination, except for any endorsements thereon as otherwise provided for by Section 6-110.1 of this title.

D. Under the direction of the Department of Public Safety, any certified driver education instructor may administer the written portion of the Oklahoma driving examination as required for a driver education course or Class D license. The required driving skills portion of the Oklahoma driving examination may be given by such certified driver education instructor to a student who has successfully completed one of the following:

1. A prescribed secondary school driver education course, as defined by Section 19-113 et seq. of Title 70 of the Oklahoma Statutes;

2. A driver education course, certified by the Department of Public Safety, from a parochial, private or other nonpublic secondary school; or

3. A commercial driver training course, as defined by Sections 801 through 808 of this title.

SECTION 2. AMENDATORY Section 11, Chapter 354, O.S.L. 1995 (47 O.S. Supp. 1998, Section 6-201.1), is amended to read as follows:

Section 6-201.1 A. In addition to other qualifications and conditions established by law, the <u>driving</u> privilege of an individual ~~to hold a driver license issued by this state~~ is subject to the requirements of this section.

B. Upon receipt of an order from a court or from the Office of Administrative Hearings: Child Support of the Department of Human

Services, hereinafter referred to as "OAH", that a person obligated to pay child support who owns or operates a motor vehicle is not in compliance with an order for support, the Commissioner of Public Safety shall ~~suspend such~~ revoke the person's ~~driver license and right to operate a vehicle~~ driving privilege.

C. 1. Whenever a court or the OAH finds that a person is not in compliance with an order of child support, the court or the OAH, as applicable, shall require the person to surrender to it the driver license held by the person and shall forward to the Department of Public Safety an order to revoke the driving privilege of the person, together with any driver license surrendered to the court or OAH. An order of the court or the OAH, as applicable, to revoke a person's driving privilege for noncompliance with an order of support shall be upon a Notification of Revocation form prescribed by the Department of Public Safety. The Department of Public Safety shall prepare and distribute the Notification form to be used by the courts and the OAH.

2. In addition to the Department of Public Safety, the court or the OAH, as applicable, shall send a copy of the Notification of Revocation to the person obligated to pay child support by first class, postage prepaid mail. The Notification shall:

a. include the name, address, date of birth, physical description and, if known, the driver license number of the person,

b. require the Department to revoke the driving privilege of the person required to pay child support,

c. require the Department to not reinstate the person's driving privilege until:

(1) the court or the OAH issues a release that states such person is in compliance with the order of support or until a court or the OAH otherwise

authorizes reinstatement of the person's driving privilege, and

(2) the person has paid to the Department the fees required by Section 6-212 of ~~Title 47 of the Oklahoma Statutes and any fee authorized by subsection I of this section~~ this title and has met all other statutory requirements for reinstatement of the person's driving privilege;

~~3.~~ d. ~~Specify~~ specify the reason and statutory ground for the revocation and the effective date of the revocation;

~~4.~~ e. ~~Inform~~ inform the person that in order to apply for reinstatement of the person's driving privilege, the person must obtain a release from the OAH or the court, as applicable; and

~~5.~~ f. ~~Inform~~ inform the person that the person may file a petition for judicial review of the Notification of Revocation in district court within thirty (30) days after receipt of the Notification.

D. Upon receipt of the Notification of Revocation from a court or the OAH, as applicable, that a person obligated to pay child support is not in compliance with an order of support, the Department shall, in addition to any other authority to withdraw driving privileges, revoke the driving privilege of the person named in the Notification without hearing.

E. 1. The court or the OAH may modify the revocation order in cases of extreme and unusual hardship when it is determined by the court or the OAH, as applicable, that no other adequate means of transportation exists for the person whose driving privilege has been revoked ~~or suspended~~ to allow driving in any or all of the following situations:

a. to and from a place of employment or in search of employment,

b. 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,

c. to and from a medical facility in the event of an emergency,

d. in the course of employment,

e. 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

f. to permit the person to comply with any existing court order.

2. The modification order shall state the circumstances under which driving is permitted.

3. Upon receipt of a written modification order from the court or the OAH, as applicable, and the payment to the Department of a modification fee of One Hundred Dollars ($100.00), the Department shall modify the revocation order as provided in the modification order. In the modification order, the Department of Public Safety shall specify the specific times of the day or night based on the circumstances set out in the order, that the person owing child support may drive. Upon the application of such person and upon a showing of good cause, such times may be modified due to employment, course of employment or other reason authorized by the Department of Public Safety.

F. If the court or the OAH, as applicable, is unable to secure the surrender to it of the driver license held by the person found to be in noncompliance with an order of support, the Department, upon revoking the driving privilege of the person, shall require that the driver license held by the person be surrendered to the

Department. Upon reinstatement of the person's driving privileges, as provided for by law, the person's valid and lawful driver license shall be returned to the person by the Department if the person is otherwise eligible.

~~G. The Commissioner shall promulgate rules to implement and enforce the requirements of this section.~~

~~H. The Commissioner and the Department of Human Services shall enter into an agreement to carry out the requirements of this section.~~

~~I. The Commissioner may charge a fee to the person whose driving privilege has been revoked for noncompliance with an order of support in order to cover administrative costs incurred by the Department pursuant to the provisions of this section.~~

SECTION 3. AMENDATORY 47 O.S. 1991, Section 6-205.2, as last amended by Section 2, Chapter 193, O.S.L. 1997 (47 O.S. Supp. 1998, Section 6-205.2), is amended to read as follows:

Section 6-205.2 A. As used in this section:

1. "Person" shall mean a resident of this state or an Oklahoma licensee; and

2. "Conviction" shall mean:

a. an unvacated adjudication of guilt,

b. a determination that a person has violated or failed to comply with ~~the law~~ this section in ~~a~~ any court ~~of original jurisdiction~~ or by ~~an authorized administrative tribunal~~ the Department of Public Safety following an administrative determination under the provisions of Section 754 of this title,

c. an unvacated forfeiture of bail or collateral deposited to secure a person's appearance in court,

d. the payment of a fine and court costs, or

e. a 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 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 conviction of any of the following disqualifying 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. Provided, the Department shall not additionally disqualify, pursuant to this subsection, if the person's driving privilege has been disqualified in this state because of a test result or test refusal pursuant to paragraph 1 or 2 of this subsection as a result of the same violation arising from the same incident;

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.

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 conviction of any of the following disqualifying 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. Provided, the Department shall not additionally disqualify, pursuant to this subsection, if the person's driving privilege has been disqualified in this state because of a test result or test refusal pursuant to paragraph 1 or 2 of this subsection as a result of the same violation arising from the same incident;

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.

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 conviction in any court of any of the following disqualifying offenses after a former conviction of any of the following disqualifying 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. Provided, the Department shall not additionally disqualify, pursuant to this subsection, if the person's driving privilege has been disqualified in this state because of a test result or test refusal pursuant to paragraph 1 or 2 of this subsection as a result of the same violation arising from the same incident;

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.

The Department of Public Safety may promulgate rules establishing conditions under which a disqualification for life pursuant to the provisions of this subsection 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 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; or

5. Following too close.

G. Upon the receipt of a person's record of conviction of violating a lawful out-of-service order, except as provided in subsection H of this section, when such conviction becomes final, the Department shall disqualify the driving privilege of such person as follows:

1. The first conviction shall result in a ninety-day disqualification;

2. The second conviction within ten (10) years shall result in a one-year disqualification; and

3. The third or subsequent conviction within ten (10) years shall result in a three-year disqualification.

H. Upon the receipt of a person's record of conviction of violating a lawful out-of-service order while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act (49 P. app. 1801-1813), or while operating motor vehicles designed for transport of more than fifteen passengers, including the driver, when such conviction becomes final, the Department shall disqualify the driving privilege of such person as follows:

1. The first conviction shall result in a one-year disqualification; and

2. The second or subsequent conviction within ten (10) years shall result in a three-year disqualification.

I. 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~~ has been disqualified or when ~~his~~ the 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.

J. 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.

K. When any such record of conviction, as specified in this section, is received by the Department and pertains to a nonresident operator of a Class A, B or C commercial motor vehicle, the Department shall report such conviction to the licensing jurisdiction in which the nonresident's license to operate such commercial vehicle was issued or the nonresident's jurisdiction of residence.

SECTION 4. REPEALER Section 1, Chapter 67, O.S.L. 1994 (47 O.S. Supp. 1998, Section 6-208.3), is hereby repealed.

SECTION 5. This act shall become effective November 1, 1999.

47-1-6756 LAC 6/11/15