

ENGROSSED SENATE
BILL NO. 637

By: Henry of the Senate
and
Askins of the House

[public safety - suspension or revocation of driving
privilege -
emergency]

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 6-206, is amended to read as follows:

Section 6-206. A. Whenever any person is convicted or pleads guilty in any court having jurisdiction over offenses committed under ~~this act~~, Section 1-101 et seq. of this title, or any other act or municipal ordinance or act or ordinance of another state regulating the operation of motor vehicles on highways, such court shall make immediate report to the Department of Public Safety setting forth the name of the offender, the number of the driver's license and the penalty imposed. Said report shall be submitted by the judge or the clerk of the court upon forms furnished or approved by the Department.

B. The Department, upon receipt of said report or upon receipt of a report of a conviction in another state relating to the operation of a motor vehicle, may in its discretion suspend the driver's license of such person for such period of time as in its judgment is justified from the records of such conviction together with the records and reports on file in the Department, subject to the limitations provided in Section 6-208 of this title. Any action taken by the Department shall be in addition to the penalty imposed by the court.

C. Following receipt of a notice of any nonpayment of fine and costs for a moving traffic violation with a recommendation of suspension of driving privileges of a defendant from any court within this state, as provided for in Section 983 of Title 22 of the Oklahoma Statutes, the Department shall suspend the driver's license or driving privilege of the named person after giving notice as provided in Section 2-116 of this title. Such suspension shall remain in effect until the Department receives proof of payment of the total amount of fine and costs or a release by the court and receives a reinstatement fee as provided for in Section 6-212 of this title. Upon reinstatement after suspension for nonpayment of fine and costs for a moving traffic violation the Department may remove such record of suspension from the person's driving record and retain an internal record for audit purposes.

D. Any person whose driver's license is so suspended under the provisions of this section shall have the right of appeal, as provided in Section 6-211 of this title.

E. 1. The Department or the court may modify the revocation or suspension order in cases of extreme and unusual hardship when it is determined by the court 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, or

e. to and from job training service facilities for the purpose of attending job training classes if the person is regularly attending training at such facility.

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

3. Upon receipt of a written modification order from the court which includes the requirements for method of payment for the fines and costs due, the Department shall modify the revocation or suspension 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. 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.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 7-605, as last amended by Section 9, Chapter 218, O.S.L. 1994 (47 O.S. Supp. 1998, Section 7-605), is amended to read as follows:

Section 7-605. A. Every owner or operator of a motor vehicle who operates the vehicle or permits it to be operated in this state when no security exists as required by this title, or any person who receives a deferred sentence, forfeits a bond or is convicted in any state or municipal court for failure to carry a security verification form, shall be subject to suspension of his driving privilege and registrations of any motor vehicle not covered by security. Such suspension shall remain in effect until payment of the fees provided for in Section 6-212 of this title, and proof of security is furnished to the Department which complies with the requirements of Section 7-601 of this title. Suspension under this section shall be effective upon the Department giving notice pursuant to Section 2-116 of this title that the owner or operator

is without security. Any suspended person failing to voluntarily relinquish his driver license or registration to the Department within sixty (60) days of receipt of said notice shall pay a fee of Fifty Dollars (\$50.00) in addition to the fees provided for in Section 6-212 of this title. If a person furnishes proof to the satisfaction of the Department that security was in effect at the time of the alleged offense, the Department shall vacate the suspension order and shall not require the filing of a certificate of insurance nor either of the above fees.

B. The Department may rely upon an abstract which indicates a charge and the imposition of a deferred sentence pending compliance with the Compulsory Insurance Law, Section 7-600 et seq. of this title, or an abstract of conviction or a notice of bond forfeiture from any court of competent jurisdiction, which indicates that the person was either convicted, or failed to appear upon a charge of failure to carry a security verification form or the lack of security, indicated by "No Security Form", "No Insurance" or other such term indicating lack of security. The Department may continue to rely on such abstract or notice unless proof is submitted from the issuing court clerk which indicates that the abstract or notice was issued in error, or was not related to a violation of the Compulsory Insurance Law or a security verification form as required by Chapter 7 of this title or by municipal ordinance.

C. If a nonresident's driving privilege or registration is suspended pursuant to subsection A of this section, the Department shall transmit a certified copy of the record of such action to the official or officials in charge of the issuance of licenses and registration certificates in the state in which such nonresident resides.

D. 1. The Department or the court may modify the revocation or suspension order in cases of extreme and unusual hardship when it is determined by the court 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, or
- e. to and from job training service facilities for the purpose of attending job training classes if the person is regularly attending training at such facility.

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

3. Upon receipt of a written modification order from the court which includes the requirements for method of payment for the fines and costs due, the Department shall modify the revocation or suspension order as provided in the modification order. In the modification or suspension 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. 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.

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.

Passed the Senate the 9th day of March, 1999.

President of the Senate

Passed the House of Representatives the ____ day of _____ ,
1999.

Speaker of the House of
Representatives