

3 Senate Bill No. 99

4 SENATE BILL NO. 99 - By: HELTON of the Senate and WELLS of the  
5 House.

6 An Act relating to motor vehicles; amending 47 O.S. 1991,  
7 Section 6-110, as last amended by Section 6, Chapter 425,  
8 O.S.L. 1998, Section 11, Chapter 354, O.S.L. 1995, and  
9 Section 6-205.2, as last amended by Section 2, Chapter 193,  
10 O.S.L. 1997 (47 O.S. Supp. 1998, Sections 6-110, 6-201.1 and  
11 6-205.2), which relate to driver licenses, suspensions and  
12 periods of revocation; clarifying language; deleting  
13 obsolete language; repealing Section 1, Chapter 67, O.S.L.  
14 1994 (47 O.S. Supp. 1998, Section 6-208.3) which relates to  
15 reinstatement fees; and providing an effective date.

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

17 SECTION 1. AMENDATORY 47 O.S. 1991, Section 6-110, as  
18 last amended by Section 6, Chapter 425, O.S.L. 1998 (47 O.S. Supp.  
19 1998, Section 6-110), is amended to read as follows:

20 Section 6-110. A. 1. The Department of Public Safety shall  
21 examine every applicant for an original Class A, B, C or D license  
22 and for any endorsements thereon, except as otherwise provided in  
23 Sections 6-101 through 6-309 of this title or as provided in  
24 paragraph 2 of this subsection or in subsection D of this section.

25 Such examination shall include a test of the applicant's:

- 26 a. eyesight,  
27 b. ability to read and understand highway signs  
28 regulating, warning and directing traffic,

1 c. knowledge of the traffic laws of this state, and  
2 d. ability, by actual demonstration, to exercise ordinary  
3 and reasonable control in the operation of a motor  
4 vehicle. The actual demonstration shall be conducted  
5 in the type of motor vehicle for the class of driver  
6 license being applied for.

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

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

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

21 4. The Department of Public Safety shall give the complete  
22 examination as provided for in this section within thirty (30) days  
23 from the date the application is received, and the examination shall

1 be given at a location within one hundred (100) miles of the  
2 residence of the applicant. The Department shall make every effort  
3 to make the examination locations and times convenient for  
4 applicants. The Department shall consider giving the examination at  
5 various school sites if the district board of education for the  
6 district in which the site is located agrees and if economically  
7 feasible and practicable.

8 B. Any person holding a valid Oklahoma Class D license and  
9 applying for a Class A, B or C commercial license shall be required  
10 to successfully complete all examinations as required for the  
11 specified class.

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

18 D. Under the direction of the Department of Public Safety, any  
19 certified driver education instructor may administer the written  
20 portion of the Oklahoma driving examination as required for a driver  
21 education course or Class D license. The required driving skills  
22 portion of the Oklahoma driving examination may be given by such

1 certified driver education instructor to a student who has  
2 successfully completed one of the following:

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

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

9 3. A commercial driver training course, as defined by Sections  
10 801 through 808 of this title.

11 SECTION 2. AMENDATORY Section 11, Chapter 354, O.S.L.  
12 1995 (47 O.S. Supp. 1998, Section 6-201.1), is amended to read as  
13 follows:

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

18 B. Upon receipt of an order from a court or from the Office of  
19 Administrative Hearings: Child Support of the Department of Human  
20 Services, hereinafter referred to as "OAH", that a person obligated  
21 to pay child support who owns or operates a motor vehicle is not in  
22 compliance with an order for support, the Commissioner of Public

1 Safety shall ~~suspend such~~ revoke the person's driver license and  
2 ~~right to operate a vehicle~~ driving privilege.

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

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

- 19 a. include the name, address, date of birth, physical  
20 description and, if known, the driver license number  
21 of the person,  
22 b. require the Department to revoke the driving privilege  
23 of the person required to pay child support,

1 c. require the Department to not reinstate the person's  
2 driving privilege until:  
3 (1) the court or the OAH issues a release that states  
4 such person is in compliance with the order of  
5 support or until a court or the OAH otherwise  
6 authorizes reinstatement of the person's driving  
7 privilege, and  
8 (2) the person has paid to the Department the fees  
9 required by Section 6-212 of ~~Title 47 of the~~  
10 ~~Oklahoma Statutes and any fee authorized by~~  
11 ~~subsection I of this section~~ this title and has  
12 met all other statutory requirements for  
13 reinstatement of the person's driving privilege;  
14 ~~3. d. Specify~~ specify the reason and statutory ground for  
15 the revocation and the effective date of the  
16 revocation;  
17 ~~4. e. Inform~~ inform the person that in order to apply for  
18 reinstatement of the person's driving privilege, the  
19 person must obtain a release from the OAH or the  
20 court, as applicable; and  
21 ~~5. f. Inform~~ inform the person that the person may file a  
22 petition for judicial review of the Notification of

1                   Revocation in district court within thirty (30) days  
2                   after receipt of the Notification.

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

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

- 15           a. to and from a place of employment or in search of  
16           employment,  
17           b. to and from a child care facility, providing the  
18           person is a parent or legal guardian with no other  
19           means of transporting the child so the parent or legal  
20           guardian can maintain employment,  
21           c. to and from a medical facility in the event of an  
22           emergency,  
23           d. in the course of employment,

1 e. to and from an educational institution for the purpose  
2 of attending classes if the person is enrolled and  
3 regularly attending classes at such institution, or  
4 f. to permit the person to comply with any existing court  
5 order.

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

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

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

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

5 SECTION 3. AMENDATORY 47 O.S. 1991, Section 6-205.2, as  
6 last amended by Section 2, Chapter 193, O.S.L. 1997 (47 O.S. Supp.  
7 1998, Section 6-205.2), is amended to read as follows:

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

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

11 2. "Conviction" shall mean:

12 a. an unvacated adjudication of guilt,

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

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

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

1 e. a violation of a condition of release without bail,  
2 regardless of whether or not the penalty is rebated,  
3 suspended or probated.

4 B. The Department of Public Safety shall disqualify any person  
5 from operating a Class A, B or C commercial motor vehicle for a  
6 period of not less than one (1) year upon receiving a record of  
7 conviction of any of the following disqualifying offenses, when such  
8 conviction has become final:

9 1. Driving, operating or being in actual physical control of a  
10 Class A, B or C commercial motor vehicle while having a blood or  
11 breath alcohol concentration, as defined in Section 756 of this  
12 title, or as defined by the state in which the arrest occurred, of  
13 four-hundredths (0.04) or more;

14 2. Refusing to submit to a test for determination of alcohol  
15 concentration, as required by Section 751 of this title, or as  
16 required by the state in which the arrest occurred, while operating  
17 a Class A, B or C commercial motor vehicle;

18 3. Driving or being in actual physical control of a Class A, B  
19 or C commercial motor vehicle while under the influence of alcohol  
20 or any other intoxicating substance or the combined influence of  
21 alcohol and any other intoxicating substance. Provided, the  
22 Department shall not additionally disqualify, pursuant to this  
23 subsection, if the person's driving privilege has been disqualified

1 in this state because of a test result or test refusal pursuant to  
2 paragraph 1 or 2 of this subsection as a result of the same  
3 violation arising from the same incident;

4 4. Knowingly failing to stop and render aid as required under  
5 the laws of this state in the event of a motor vehicle ~~accident~~  
6 collision which occurs while operating a Class A, B or C commercial  
7 motor vehicle; or

8 5. Any felony during the commission of which a Class A, B or C  
9 commercial motor vehicle is used, except a felony involving the  
10 manufacture, distribution or dispensation of a controlled dangerous  
11 substance.

12 C. The Department of Public Safety shall disqualify any person  
13 from operating a Class A, B or C commercial motor vehicle for a  
14 period of not less than three (3) years upon receiving a record of  
15 conviction of any of the following disqualifying offenses, committed  
16 in connection with the operation of a motor vehicle which is  
17 required to be placarded for hazardous materials under 49 C.F.R.,  
18 Part 172, subpart F, when such conviction has become final:

19 1. Driving, operating or being in actual physical control of a  
20 Class A, B or C commercial motor vehicle while having a blood or  
21 breath alcohol concentration, as defined in Section 756 of this  
22 title, or as defined by the state in which the arrest occurred, of  
23 four-hundredths (0.04) or more;

1           2. Refusing to submit to a test for determination of alcohol  
2 concentration, as required by Section 751 of this title, or as  
3 required by the state in which the arrest occurred, while operating  
4 a Class A, B or C commercial motor vehicle;

5           3. Driving or being in actual physical control of a Class A, B  
6 or C commercial motor vehicle while under the influence of alcohol  
7 or any other intoxicating substance or the combined influence of  
8 alcohol and any other intoxicating substance. Provided, the  
9 Department shall not additionally disqualify, pursuant to this  
10 subsection, if the person's driving privilege has been disqualified  
11 in this state because of a test result or test refusal pursuant to  
12 paragraph 1 or 2 of this subsection as a result of the same  
13 violation arising from the same incident;

14           4. Knowingly failing to stop and render aid as required under  
15 the laws of this state in the event of a motor vehicle ~~accident~~  
16 collision which occurs while operating a Class A, B or C commercial  
17 motor vehicle; or

18           5. Any felony during the commission of which a Class A, B or C  
19 commercial motor vehicle is used, except a felony involving the  
20 manufacture, distribution or dispensation of a controlled dangerous  
21 substance.

22           D. The Department of Public Safety shall disqualify any person  
23 from operating a Class A, B or C commercial motor vehicle for life

1 upon receiving a record of conviction in any court of any of the  
2 following disqualifying offenses after a former conviction of any of  
3 the following disqualifying offenses, when such second conviction  
4 has become final:

5 1. Driving, operating or being in actual physical control of a  
6 Class A, B or C commercial motor vehicle while having a blood or  
7 breath alcohol concentration, as defined in Section 756 of this  
8 title, or as defined by the state in which the arrest occurred, of  
9 four-hundredths (0.04) or more;

10 2. Refusing to submit to a test for determination of alcohol  
11 concentration, as required by Section 751 of this title, or as  
12 required by the state in which the arrest occurred, while operating  
13 a Class A, B or C commercial motor vehicle;

14 3. Driving or being in actual physical control of a Class A, B  
15 or C commercial motor vehicle while under the influence of alcohol  
16 or any other intoxicating substance or the combined influence of  
17 alcohol and any other intoxicating substance. Provided, the  
18 Department shall not additionally disqualify, pursuant to this  
19 subsection, if the person's driving privilege has been disqualified  
20 in this state because of a test result or test refusal pursuant to  
21 paragraph 1 or 2 of this subsection as a result of the same  
22 violation arising from the same incident;

1           4. Knowingly failing to stop and render aid as required under  
2 the laws of this state in the event of a motor vehicle ~~accident~~  
3 collision which occurs while operating a Class A, B or C commercial  
4 motor vehicle; or

5           5. Any felony during the commission of which a Class A, B or C  
6 commercial motor vehicle is used, except a felony involving the  
7 manufacture, distribution or dispensation of a controlled dangerous  
8 substance.

9           The Department of Public Safety may promulgate rules  
10 establishing conditions under which a disqualification for life  
11 pursuant to the provisions of this subsection may be reduced to a  
12 period of not less than ten (10) years.

13           E. The Department of Public Safety shall disqualify any person  
14 from operating a Class A, B or C commercial motor vehicle for life  
15 upon receiving a record of conviction for any felony related to the  
16 manufacture, distribution or dispensation of a controlled dangerous  
17 substance in the commission of which a Class A, B or C commercial  
18 motor vehicle is used, when such conviction has become final.

19           F. The Department of Public Safety shall disqualify any person  
20 from operating a Class A, B or C commercial motor vehicle for sixty  
21 (60) days upon receiving a record of such person's second conviction  
22 for a serious traffic offense arising out of separate transactions  
23 or occurrences within a three-year period, when such convictions

1 have become final. The Department of Public Safety shall disqualify  
2 any person from operating a Class A, B or C commercial motor vehicle  
3 for one hundred twenty (120) days upon receiving a record of such  
4 person's third conviction for a serious traffic offense arising out  
5 of separate transactions or occurrences within a three-year period,  
6 when such convictions have become final. As used in this  
7 subsection, "serious traffic offense" shall mean any of the  
8 following offenses committed while operating a commercial motor  
9 vehicle:

10 1. Speeding in excess of fifteen (15) miles per hour over the  
11 limit;

12 2. Reckless driving;

13 3. Any traffic offense committed that results in or in  
14 conjunction with a motor vehicle ~~accident~~ collision resulting in a  
15 fatality;

16 4. Erratic or unsafe lane change; or

17 5. Following too close.

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

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

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

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

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

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

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

19        I. Any person who drives a Class A, B or C commercial motor  
20        vehicle on any public roads, streets, highways, turnpikes or any  
21        other public place of this state at a time when ~~he is~~ has been  
22        disqualified or when ~~his~~ the privilege to do so is canceled, denied,  
23        suspended or revoked shall be guilty of a misdemeanor and upon

1 conviction shall be punished by a fine of not less than One Hundred  
2 Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00),  
3 or by imprisonment for not more than one (1) year, or by both such  
4 fine and imprisonment. Each act of driving as prohibited shall  
5 constitute a separate offense.

6 J. Such periods of disqualification as defined by this section  
7 shall not be modified. A person may not be granted driving  
8 privileges to operate a Class A, B or C commercial vehicle until the  
9 disqualification is reinstated.

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

17 SECTION 4. REPEALER Section 1, Chapter 67, O.S.L. 1994  
18 (47 O.S. Supp. 1998, Section 6-208.3), is hereby repealed.

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

20 COMMITTEE REPORT BY: COMMITTEE ON VETERANS, MILITARY AFFAIRS &  
21 PUBLIC SAFETY, dated 2-15-99 - DO PASS, As Coauthored.