ENGROSSED HOUSE
BILL NO. 1084

By: Roan, Rice and Nance of the House

and

Wilkerson of the Senate

An Act relating to motor vehicles; amending 47 O.S. 2001, Section 6-115, which relates to renewal of licenses; requiring proof of current mailing address in application for renewal of license; amending 47 O.S. 2001, Section 6-205.1, as amended by Section 4, Chapter 86, O.S.L. 2002 (47 O.S. Supp. 2002, Section 6-205.1), which relates to driver licenses; prohibiting modification of certain driver license revocation; prohibiting inattentive driving; providing exception; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2001, Section 6-115, is amended to read as follows:

Section 6-115. Every driver license shall be issued for a period of no more than four (4) years. The expiration date of an initial license shall be four (4) years from the last day of the month of issuance or four (4) years from the last day of the birth month of the applicant immediately preceding the date of issuance, if requested by the applicant. The expiration date of renewal license shall be four (4) years from the last day of the month of expiration of the previous license or four (4) years from the last day of the birth month of the licensee immediately preceding the expiration date of the previous license, if requested by the licensee. Every such driver license shall be renewable upon application, furnishing both primary and secondary proofs of identity, <u>the current mailing address of the person</u> and payment of the required fee. All applicants for renewals of driver licenses

who have proven collision records or apparent physical defects may be required to take an examination as specified by the Commissioner of Public Safety. The Department of Public Safety shall promulgate rules prescribing forms of primary and secondary identification acceptable for the renewal of an Oklahoma driver license.

SECTION 2. AMENDATORY 47 O.S. 2001, Section 6-205.1, as amended by Section 4, Chapter 86, O.S.L. 2002 (47 O.S. Supp. 2002, Section 6-205.1), is amended to read as follows:

Section 6-205.1 A. The driving privilege of a person who is convicted of any offense as provided in paragraph 2 or 6 of subsection A of Section 6-205 of this title, or a person who has refused to submit to a test or tests as provided in Section 753 of this title, or a person whose alcohol concentration is subject to the provisions of Section 754 of this title, shall be revoked or denied by the Department of Public Safety for the following period, as applicable:

1. The first license revocation pursuant to paragraph 2 of subsection A of Section 6-205 of this title or to Section 753 or 754 of this title shall be for one hundred eighty (180) days, which may be modified;

2. A revocation pursuant to paragraph 2 of subsection A of Section 6-205, or to Section 753 or 754 of this title shall be for a period of one (1) year if within five (5) years preceding the date of arrest relating thereto, a prior revocation commenced pursuant to paragraph 2 or 6 of subsection A of Section 6-205, or to Section 753 or 754 of this title as shown by the Department's records. Such period shall not be modified; or

3. A revocation pursuant to paragraph 2 of subsection A of Section 6-205, or to Section 753 or 754 of this title shall be for a period of three (3) years if within five (5) years preceding the date of arrest relating thereto, two or more prior revocations commenced pursuant to paragraph 2 or 6 of subsection A of Section 6-

205, or to Section 753 or 754 of this title as shown by the Department's records. Such period ~~may~~ shall not be modified ~~after one (1) year~~.

B. The driving privilege of a person who is convicted of any offense as provided in paragraph 6 of subsection A of Section 6-205 of this title shall be revoked or denied by the Department of Public Safety for the following period, as applicable:

1. The first license revocation shall be for one hundred eighty (180) days, which may be modified; provided, for license revocations for a misdemeanor charge of possessing a controlled dangerous substance, the provisions of this paragraph shall apply to any such revocations by the Department on or after January 1, 1993;

2. A revocation shall be for a period of one (1) year if within five (5) years preceding the date of arrest relating thereto, a prior revocation commenced pursuant to paragraph 2 or 6 of subsection A of Section 6-205, or under Section 753 or 754 of this title as shown by the Department’s records. Such period shall not be modified; or

3. A revocation shall be for a period of three (3) years if within five (5) years preceding the date of arrest relating thereto, two or more prior revocations commenced pursuant to paragraph 2 or 6 of subsection A of Section 6-205, or under Section 753 or 754 of this title as shown by the Department’s records. Such period may be modified after one (1) year.

The revocation of the driving privilege of any person under this subsection shall not run concurrently with any other withdrawal of driving privilege resulting from a different incident and which requires the driving privilege to be withdrawn for a prescribed amount of time. A denial based on a conviction of any offense as provided in paragraph 6 of subsection A of Section 6-205 of this title shall become effective on the first day the convicted person is otherwise eligible to apply for and be granted driving privilege

if the person was not eligible to do so at the time of the conviction.

C. For the purposes of this subsection:

1. The term "conviction" includes a juvenile delinquency adjudication by a court or any notification from a court pursuant to Section 6-107.1 of this title; and

2. The term "revocation" includes a denial of driving privileges by the Department.

D. Each period of revocation not subject to modification shall be mandatory and neither the Department nor any court shall grant driving privileges based upon hardship or otherwise for the duration of that period. Each period of revocation, subject to modification as provided for in this section, may be modified as provided for in Section 754.1 or 755 of this title.

E. Any appeal of a revocation or denial of driving privileges shall be governed by Section 6-211 of this title.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 11-901b of Title 47, unless there is created a duplication in numbering, reads as follows:

The operator of every vehicle, while driving, shall devote their full time and attention to such driving.

No law enforcement officer shall issue a citation under this section unless the operator of the vehicle is involved in an accident.

SECTION 4. This act shall become effective November 1, 2003.

Passed the House of Representatives the 26th day of February, 2003.

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Presiding Officer of the House of Representatives

Passed the Senate the ____ day of _____, 2003.

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Presiding Officer of the Senate