

ENROLLED HOUSE
BILL NO. 2374

By: Leist of the House

and

Shurden of the Senate

An Act relating to crimes and punishment; prohibiting abandonment of property or goods; providing penalty; amending 47 O.S. 2001, Section 6-205, as amended by Section 14, Chapter 392, O.S.L. 2003 (47 O.S. Supp. 2003, Section 6-205), which relates to the cancellation, suspension, or revocation of driver licenses; requiring revocation of driver license under certain circumstance; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1465 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. No carrier or other person having property or goods under its control for the purpose of interstate transportation for hire shall abandon the property or goods contained therein without notice to the owner of the property or goods.

B. Any person convicted of violating the provisions of subsection A of this section may be guilty of a misdemeanor and punished by imprisonment in the county jail for not more than one (1) year, or by a fine of not more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

SECTION 2. AMENDATORY 47 O.S. 2001, Section 6-205, as amended by Section 14, Chapter 392, O.S.L. 2003 (47 O.S. Supp. 2003, Section 6-205), is amended to read as follows:

Section 6-205. A. The Department of Public Safety shall immediately revoke the driving privilege of any person, whether adult or juvenile, upon receiving a record of conviction in any municipal, state or federal court within the United States of any of the following offenses, when such conviction has become final:

1. Manslaughter or negligent homicide resulting from the operation of a motor vehicle;

2. Driving or being in actual physical control of a motor vehicle while under the influence of alcohol, any other intoxicating substance, or the combined influence of alcohol and any other intoxicating substance, any violation of paragraph 1, 2, 3 or 4 of subsection A of Section 11-902 of this title or any violation of

Section 11-906.4 of this title. However, the Department shall not additionally revoke the driving privileges of the person pursuant to this subsection if the person's driving privilege has been revoked because of a test result or test refusal pursuant to Section 753 or 754 of this title arising from the same circumstances which resulted in the conviction unless the revocation because of a test result or test refusal is set aside;

3. Any felony during the commission of which a motor vehicle is used;

4. Failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;

5. Perjury or the making of a false affidavit or statement under oath to the Department under the Uniform Vehicle Code or under any other law relating to the ownership or operation of motor vehicles;

6. A misdemeanor or felony conviction for unlawfully possessing, distributing, dispensing, manufacturing or trafficking in a controlled dangerous substance as defined in the Uniform Controlled Dangerous Substances Act;

7. Failure to pay for gasoline pumped into a vehicle pursuant to Section 1740 of Title 21 of the Oklahoma Statutes; ~~or~~

8. A conviction for a violation of paragraph 3 of subsection A of Section 1151 of this title; or

9. A misdemeanor conviction for a violation of Section 1 of this act.

B. The first license revocation under any provision of this section, except for paragraph 2, 6, 7 or 8 of subsection A of this section, shall be for a period of one (1) year. Such period shall not be modified.

C. A license revocation under any provision of this section, except for paragraph 2, 6, 7 or 8 of subsection A of this section, shall be for a period of three (3) years if a prior revocation under this section, except under paragraph 2 of subsection A of this section, commenced within the preceding five-year period as shown by the Department's record. Such period shall not be modified.

D. The period of license revocation under paragraph 2 or 6 of subsection A of this section shall be governed by the provisions of Section 6-205.1 of this title.

E. The first license revocation under paragraph 7 or 8 of subsection A of this section shall be for a period of six (6) months. A second or subsequent license revocation under paragraph 7 or 8 of subsection A of this section shall be for a period of one (1) year. Such periods shall not be modified.

SECTION 3. This act shall become effective November 1, 2004.

Passed the House of Representatives the 18th day of February,
2004.

Presiding Officer of the House of
Representatives

Passed the Senate the 29th day of March, 2004.

Presiding Officer of the Senate