

1 ENGROSSED SENATE  
2 BILL NO. 1724

By: Ballenger of the Senate  
and  
Rousselot of the House

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4  
5  
6  
7 [ public safety - personal recognizance - Driver  
8 Improvement Program - driver license - codification -  
9 emergency ]

10

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

12 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1550.42, as  
13 amended by Section 4, Chapter 112, O.S.L. 2007 (21 O.S. Supp. 2007,  
14 Section 1550.42), is amended to read as follows:

15 Section 1550.42 A. The following entities may create, publish  
16 or otherwise manufacture an identification document, identification  
17 card, or identification certificate and may possess an engraved  
18 plate or other such device for the printing of such identification;  
19 provided, the name of the issuing entity shall be clearly printed  
20 upon the face of the identification:

21 1. Businesses, companies, corporations, service organizations  
22 and federal, state and local governmental agencies for employee  
23 identification which is designed to identify the bearer as an  
24 employee;

1           2. Businesses, companies, corporations and service  
2 organizations for customer identification which is designed to  
3 identify the bearer as a customer or member;

4           3. Federal, state and local government agencies for purposes  
5 authorized or required by law or any legitimate purpose consistent  
6 with the duties of such an agency, including, but not limited to,  
7 voter identification cards, driver licenses, nondriver  
8 identification cards, passports, birth certificates and social  
9 security cards;

10          4. Any public school or state or private educational  
11 institution, as defined by Sections 1-106, 21-101 or 3102 of Title  
12 70 of the Oklahoma Statutes, to identify the bearer as an  
13 administrator, faculty member, student or employee;

14          5. Any professional organization or labor union to identify the  
15 bearer as a member of the professional organization or labor union;  
16 and

17          6. Businesses, companies or corporations which manufacture  
18 medical-alert identification for the wearer thereof.

19          B. All identification documents as provided for in paragraph 3  
20 or 4 of subsection A of this section shall be issued only to United  
21 States citizens, nationals and legal permanent resident aliens.

22          C. The provisions of subsection B of this section shall not  
23 apply when an applicant presents, in person, valid documentary  
24 evidence of:

- 1        1. A valid, unexpired immigrant or nonimmigrant visa status for
- 2 admission into the United States;
- 3        2. A pending or approved application for asylum in the United
- 4 States;
- 5        3. Admission into the United States in refugee status;
- 6        4. A pending or approved application for temporary protected
- 7 status in the United States;
- 8        5. Approved deferred action status; or
- 9        6. A pending application for adjustment of status to legal
- 10 permanent residence status or conditional resident status.

11 Upon approval, the applicant may be issued an identification  
12 document provided for in paragraph 3 or 4 of subsection A of this  
13 section. Such identification document shall be valid only during  
14 the period of time of the authorized stay of the applicant in the  
15 United States or, if there is no definite end to the period of  
16 authorized stay, a period of one (1) year. Any identification  
17 document issued pursuant to the provisions of this subsection shall  
18 clearly indicate that it is temporary and shall state the date that  
19 the identification document expires. Such identification document  
20 may be renewed only upon presentation of valid documentary evidence  
21 that the status by which the applicant qualified for the  
22 identification document has been extended by the United States  
23 Citizenship and Immigration Services or other authorized agency of  
24 the United States Department of Homeland Security.

1 D. The provisions of subsection B of this section shall not  
2 apply to an identification document described in paragraph 4 of  
3 subsection A of this section that is only valid for use on the  
4 campus or facility of that educational institution and includes a  
5 statement of such restricted validity clearly and conspicuously  
6 printed upon the face of the identification document.

7 E. Any temporary driver license ~~issued to a person who is not a~~  
8 ~~United States citizen, national or legal permanent resident alien as~~  
9 described in subsection C of this section for which an application  
10 has been made for renewal, duplication or reissuance shall be  
11 presumed to have been originally issued in accordance with the  
12 provisions of subsection C of this section; provided that, at the  
13 time the application is made, the driver license has not expired, or  
14 been cancelled, suspended or revoked. The requirements of  
15 subsection C of this section shall apply, however, to a renewal,  
16 duplication or reissuance if the Department of Public Safety is  
17 notified by a local, state or federal government agency of  
18 information in the possession of the agency indicating a reasonable  
19 suspicion that the individual seeking such renewal, duplication or  
20 reissuance is present in the United States in violation of law. The  
21 provisions of this subsection shall not apply to United States  
22 citizens, nationals or legal permanent resident aliens.

23 F. Unless otherwise prescribed by law, any driver license  
24 originally issued to a United States citizen, national or legal

1 permanent resident alien for which an application has been made for  
2 renewal, duplication or reissuance shall be presumed to have been  
3 originally issued in accordance with the provisions of subsection B  
4 of this section, and shall be renewed, duplicated or reissued  
5 without documentary proof of United States citizenship, nationality  
6 or permanent resident alien status, whether or not such driver  
7 license has expired at the time the application is made. However,  
8 proof of United States citizenship, nationality or permanent  
9 resident alien status shall be required at the time the application  
10 is made if the Department of Public Safety has been notified by a  
11 local, state or federal government agency of information in the  
12 possession of the agency indicating a reasonable suspicion that the  
13 individual seeking such renewal, duplication or reissuance is  
14 present in the United States in violation of law.

15 SECTION 2. AMENDATORY 22 O.S. 2001, Section 1115.1, as  
16 amended by Section 3, Chapter 204, O.S.L. 2006 (22 O.S. Supp. 2007,  
17 Section 1115.1), is amended to read as follows:

18 Section 1115.1 A. In addition to other provisions of law for  
19 posting bail, any person, whether a resident of this state or a  
20 nonresident, who is arrested by a law enforcement officer solely for  
21 a misdemeanor violation of a state traffic law or municipal traffic  
22 ordinance, shall be released by the arresting officer upon personal  
23 recognizance if:  
24

1           1. The arrested person has been issued a valid license to  
2 operate a motor vehicle by this state, another state jurisdiction  
3 within the United States, which is a participant in the Nonresident  
4 Violator Compact or any party jurisdiction of the Nonresident  
5 Violator Compact;

6           2. The arresting officer is satisfied as to the identity of the  
7 arrested person;

8           3. The arrested person signs a written promise to appear as  
9 provided for on the citation, unless the person is unconscious or  
10 injured and requires immediate medical treatment as determined by a  
11 treating physician; and

12           4. The violation does not constitute:

13           a. a felony, or

14           b. negligent homicide, or

15           c. driving or being in actual physical control of a motor  
16 vehicle while impaired or under the influence of  
17 alcohol or other intoxicating substances, unless the  
18 person is unconscious or injured and requires  
19 immediate medical treatment as determined by a  
20 treating physician, or

21           d. eluding or attempting to elude a law enforcement  
22 officer, or

23           e. operating a motor vehicle without having been issued a  
24 valid driver license, or while the driving privilege

1 and driver license is under suspension, revocation,  
2 denial or cancellation, or

3 f. an arrest based upon an outstanding warrant, or

4 g. a traffic violation coupled with any offense stated in  
5 subparagraphs a through f of this paragraph.

6 Provided, however, for any violation enumerated under this  
7 paragraph, if the arresting officer does not place the person under  
8 custodial arrest and deliver the person for appearance before an  
9 appropriate magistrate as prescribed in subsection B of Section  
10 1115.2 of this title, either at such officer's discretion and for  
11 good cause, or because, in such officer's judgment, extraordinary  
12 circumstances exist which are beyond the control of the officer,  
13 such person shall be considered released upon personal recognizance  
14 pursuant to the provisions of this section, and all provisions  
15 regarding personal recognizance shall apply to such person.

16 B. If the arrested person is eligible for release on personal  
17 recognizance as provided for in subsection A of this section, then  
18 the arresting officer shall:

19 1. Designate the traffic charge;

20 2. Record information from the arrested person's driver license  
21 on the citation form, including the name, address, date of birth,  
22 personal description, type of driver license, driver license number,  
23 issuing state, and expiration date;

24 3. Record the motor vehicle make, model and tag information;

1 4. Record the date and time on the citation on which, or before  
2 which, the arrested person promises to contact, pay, or appear at  
3 the court, as applicable to the court; and

4 5. Permit the arrested person to sign a written promise to  
5 contact, pay, or appear at the court, as provided for in the  
6 citation.

7 The arresting officer shall then release the person upon personal  
8 recognizance based upon the signed promise to appear. The citation  
9 shall contain a written notice to the arrested person that release  
10 upon personal recognizance based upon a signed written promise to  
11 appear for arraignment is conditional and that failure to timely  
12 appear for arraignment shall result in the suspension of the  
13 arrested person's driving privilege and driver license in this  
14 state, or may result in the suspension of driving privilege in the  
15 nonresident's home state pursuant to the Nonresident Violator  
16 Compact.

17 C. The court, or the court clerk as directed by the court, may  
18 continue or reschedule the date and time of arraignment at its own  
19 discretion or upon request of the arrested person or the attorney  
20 for that person. If the arraignment is continued or rescheduled,  
21 the arrested person shall remain on personal recognizance and  
22 written promise to appear until such arraignment, in the same manner  
23 and with the same consequences as if the continued or rescheduled  
24 arraignment was entered on the citation by the arresting officer and

1 signed by the defendant. An arraignment may be continued or  
2 rescheduled more than one time. Provided, however, the court shall  
3 require an arraignment to be had within a reasonable time. It shall  
4 remain the duty of the defendant to appear for arraignment unless  
5 the citation is satisfied as provided for in subsection D of this  
6 section.

7 D. A defendant released upon personal recognizance may elect to  
8 enter a plea of guilty or nolo contendere to the violation charged  
9 at any time before the defendant is required to appear for  
10 arraignment by indicating such plea on the copy of the citation  
11 furnished to the defendant or on a legible copy thereof, together  
12 with the date of the plea and signature. The defendant shall be  
13 responsible for assuring full payment of the fine and costs to the  
14 appropriate court clerk. Payment of the fine and costs may be made  
15 by personal, cashier's, traveler's, certified or guaranteed bank  
16 check, postal or commercial money order, or other form of payment  
17 approved by the court in an amount prescribed as bail for the  
18 offense. Provided, however, the defendant shall not use currency  
19 for payment by mail. If the defendant has entered a plea of guilty  
20 or nolo contendere as provided for in this subsection, such plea  
21 shall be accepted by the court and the amount of the fine and costs  
22 shall be:

23 1. As prescribed in Section 1115.3 of this title as bail for  
24 the violation; or

1           2. In case of a municipal violation, as prescribed by municipal  
2 ordinance for the violation charged; or

3           3. In the absence of such law or ordinance, then as prescribed  
4 by the court.

5           E. 1. If, pursuant to the provisions of subsection D of this  
6 section, the defendant does not timely elect to enter a plea of  
7 guilty or nolo contendere and fails to timely appear for  
8 arraignment, the court may issue a warrant for the arrest of the  
9 defendant and the municipal or district court clerk, within one  
10 hundred twenty (120) calendar days from the date the citation was  
11 issued by the arresting officer, shall notify the Department of  
12 Public Safety that:

13           a. the defendant was issued a traffic citation and  
14 released upon personal recognizance after signing a  
15 written promise to appear for arraignment as provided  
16 for in the citation,

17           b. the defendant has failed to appear for arraignment  
18 without good cause shown,

19           c. the defendant has not posted bail, paid a fine, or  
20 made any other arrangement with the court to satisfy  
21 the citation, and

22           d. the citation has not been satisfied as provided by  
23 law.

24

1 Additionally, the court clerk shall request the Department of Public  
2 Safety to either suspend the defendant's driving privilege and  
3 driver license to operate a motor vehicle in this state, or notify  
4 the defendant's home state and request suspension of the defendant's  
5 driving privilege and driver license in accordance with the  
6 provisions of the Nonresident Violator Compact. Such notice and  
7 request shall be on a form approved or furnished by the Department  
8 of Public Safety.

9 2. The court clerk shall not process the notification and  
10 request provided for in paragraph 1 of this subsection if, with  
11 respect to such charges:

- 12 a. the defendant was arraigned, posted bail, paid a fine,  
13 was jailed, or otherwise settled the case, or
- 14 b. the defendant was not released upon personal  
15 recognizance upon a signed written promise to appear  
16 as provided for in this section or if released, was  
17 not permitted to remain on such personal recognizance  
18 for arraignment, or
- 19 c. the violation relates to parking or standing, or
- 20 d. a period of one hundred twenty (120) calendar days or  
21 more has elapsed from the date the citation was issued  
22 by the arresting officer.

23 F. Following receipt of the notice and request from the court  
24 clerk for driving privilege and driver license suspension as

1 provided for in subsection E of this section, the Department of  
2 Public Safety shall proceed as provided for in Section 1115.5 of  
3 this title.

4 G. The municipal or district court clerk shall maintain a  
5 record of each request for driving privilege and driver license  
6 suspension submitted to the Department of Public Safety pursuant to  
7 the provisions of this section. When the court or court clerk  
8 receives appropriate bail or payment of the fine and costs, settles  
9 the citation, makes other arrangements with the defendant, or  
10 otherwise closes the case, the court clerk shall furnish proof  
11 thereof to such defendant, if the defendant personally appears, or  
12 shall mail such proof by first class mail, postage prepaid, to the  
13 defendant at the address noted on the citation or at such other  
14 address as is furnished by the defendant. Additionally, the court  
15 or court clerk shall notify the home jurisdiction of the defendant  
16 as listed on the citation, if such jurisdiction is a member of the  
17 Nonresident Violator Compact, and shall, in all other cases, notify  
18 the Department, of the resolution of the case. The form of proof  
19 and the procedures for notification shall be approved by the  
20 Department of Public Safety. Provided, however, the court or court  
21 clerk's failure to furnish such proof or notice in the manner  
22 provided for in this subsection shall in no event create any civil  
23 liability upon the court, the court clerk, the State of Oklahoma or  
24 any political subdivision thereof, or any state department or agency

1 or any employee thereof but duplicate proof shall be furnished to  
2 the person entitled thereto upon request.

3 SECTION 3. AMENDATORY 22 O.S. 2001, Section 1115.2, as  
4 amended by Section 4, Chapter 204, O.S.L. 2006 (22 O.S. Supp. 2007,  
5 Section 1115.2), is amended to read as follows:

6 Section 1115.2 A. If a person arrested for a traffic violation  
7 is released upon personal recognizance as provided for in Section  
8 1115.1 of this title, but subsequently posts bail and thereafter  
9 fails to timely appear as provided for by law, the court may issue a  
10 warrant for the person's arrest and the case shall be processed as  
11 follows:

12 1. If for a state traffic violation, as provided for in Section  
13 1108 of this title; or

14 2. If for a violation filed in a municipal court not of record,  
15 as provided for in Section 27-118 of Title 11 of the Oklahoma  
16 Statutes; or

17 3. If for a violation filed in a municipal court of record, as  
18 provided for in Section 28-127 of Title 11 of the Oklahoma Statutes.

19 B. If the defendant is not eligible for release upon personal  
20 recognizance as provided for in Section 1115.1 of this title, or if  
21 eligible but refuses to sign a written promise to appear, the  
22 officer shall deliver the person to an appropriate magistrate for  
23 arraignment and the magistrate shall proceed as otherwise provided  
24

1 for by law. If no magistrate is available, the defendant shall be  
2 placed:

3 1. Placed in the custody of the appropriate municipal or county  
4 jailor or custodian, to be held until a magistrate is available or  
5 bail is posted as provided for in Section 1115.3 of this title;

6 2. Released upon personal recognizance by the arresting officer  
7 as provided for in subsection A of Section 1115.1 of this title; or

8 3. Processed as otherwise provided for by law or ordinance.

9 C. 1. Notwithstanding any other provision of law, a juvenile  
10 may be held in custody pursuant to the provisions of this section,  
11 but shall be incarcerated separately from any adult offender.

12 Provided however, the arresting officer shall not be required to:

13 a. place a juvenile into custody as provided for in this  
14 section, or

15 b. place any other traffic offender into custody:

16 (1) who is injured, disabled, or otherwise  
17 incapacitated, or

18 (2) if custodial arrest may require impoundment of a  
19 vehicle containing livestock, perishable cargo,  
20 or items requiring special maintenance or care,  
21 or

22 (3) if extraordinary circumstances exist, which, in  
23 the judgment of the arresting officer, custodial  
24 arrest should not be made.

1 In such cases, the arresting officer may designate the date and time  
2 on the citation by which, or on which, the person shall appear or  
3 contact the court, as applicable to the court, and release the  
4 person. If the person fails to appear without good cause shown, the  
5 court may issue a warrant for the person's arrest.

- 6 2. The provisions of this subsection shall not be construed to:
- 7 a. create any duty on the part of the officer to release  
8 a person from custody, or
  - 9 b. create any duty on the part of the officer to make any  
10 inquiry or investigation relating to any condition  
11 which may justify release under this subsection, or
  - 12 c. create any liability upon any officer, or the state or  
13 any political subdivision thereof, arising from the  
14 decision to release or not to release such person from  
15 custody pursuant to the provisions of this subsection.

16 SECTION 4. AMENDATORY 22 O.S. 2001, Section 1115.5, as  
17 amended by Section 1, Chapter 392, O.S.L. 2003 (22 O.S. Supp. 2007,  
18 Section 1115.5), is amended to read as follows:

19 Section 1115.5 A. 1. Following receipt of notification and a  
20 request for driving privilege suspension from a municipal or  
21 district court clerk as provided for in Section 1115.1 of this  
22 title, the Department of Public Safety shall:

- 23 a. suspend the person's privilege to operate a motor  
24 vehicle in this state; or

1           b. forward a request for suspension of the person's  
2           driving privilege ~~in~~ to the state which issued the  
3           license as provided by the Nonresident Violator  
4           Compact.

5 A person whose license is subject to suspension in this state  
6 pursuant to this section may avoid the effective date of the  
7 suspension or, if suspended, shall be eligible for reinstatement, if  
8 otherwise eligible, upon meeting the requirements of subsection C of  
9 this section.

10         2. The Department of Public Safety may decline to initiate such  
11 suspension action in this state if the request is discovered to be  
12 improper or questionable.

13         3. The Department shall not be required to issue more than one  
14 suspension of a person's driving privilege in the event multiple  
15 requests for suspensions are received from a court clerk based upon  
16 the failure of the person to appear at a particular time and date on  
17 multiple charges which arose from the same incident.

18         B. Following receipt of a request from another jurisdiction for  
19 the suspension of the driving privilege of an Oklahoma resident as  
20 provided by the Nonresident Violator Compact, the Department of  
21 Public Safety, if the request appears to be valid, shall initiate  
22 suspension of the person's privilege to operate a motor vehicle in  
23 this state. If suspended, such suspension shall remain in effect  
24

1 until the person meets the requirements of subsection C of this  
2 section.

3 C. 1. A person whose license is subject to suspension in this  
4 state pursuant to the provisions of this section may avoid the  
5 effective date of suspension, or if suspended in this state, shall  
6 be eligible for reinstatement, if otherwise eligible, upon:

7 a. making application therefore to the Department of  
8 Public Safety, and

9 b. showing proof from the court or court clerk that the  
10 person has entered an appearance in the case which was  
11 the basis for the suspension action and was released  
12 by the court as provided for by the Nonresident  
13 Violator Compact or consistent provisions, and

14 c. submitting with the application the fees, as provided  
15 for in Section 6-212 of Title 47 of the Oklahoma  
16 Statutes. The fees shall be remitted to the State  
17 Treasurer to be credited to the General Revenue Fund  
18 of the State Treasury.

19 2. Upon reinstatement, the Department of Public Safety may  
20 remove any record of the suspension and reinstatement as provided  
21 for in this section from the individual licensee's file and maintain  
22 an internal record of the suspension and reinstatement for fiscal  
23 and other purposes.

24

1 D. Any person whose driving privilege is suspended or subject  
2 to suspension in this state pursuant to the provisions of this  
3 section, at any time, may informally present specific reasons or  
4 documentation to the Department of Public Safety to show that such  
5 suspension may be unwarranted. The Department of Public Safety may  
6 stay the suspension or suspension action pending receipt of further  
7 information or documentation from the person or from the  
8 jurisdiction requesting such suspension, or pending review of the  
9 record, or other inquiry. If the Department of Public Safety  
10 determines the suspension is unwarranted, the suspension action  
11 shall be withdrawn or vacated without the requirement of a  
12 processing fee and a reinstatement fee and the Department of Public  
13 Safety shall accordingly notify the jurisdiction which requested the  
14 suspension. If, however, the request for suspension appears valid,  
15 the Department of Public Safety shall proceed with suspension of the  
16 person's driving privilege and the person shall have the right to  
17 appeal as provided for by Section 6-211 of Title 47 of the Oklahoma  
18 Statutes. Provided, however, the court shall not consider  
19 modification, but shall either sustain or vacate the Department of  
20 Public Safety's order of suspension based upon the records on file  
21 with the Department of Public Safety, the law and other relevant  
22 evidence.

23

24

1 SECTION 5. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 537.3 of Title 37, unless there  
3 is created a duplication in numbering, reads as follows:

4 A. Except as provided for in subsection C of this section, it  
5 shall be unlawful for any person under twenty-one (21) years of age  
6 to consume or to possess with the intent to consume any alcohol or  
7 alcoholic beverage, as defined in Section 506 of Title 37 of the  
8 Oklahoma Statutes. It shall be unlawful for any person under  
9 twenty-one (21) years of age to purchase or attempt to purchase any  
10 alcohol or alcoholic beverage, as defined in Section 506 of Title 37  
11 of the Oklahoma Statutes, except under the supervision of law  
12 enforcement officers.

13 B. Any person convicted of violating the provisions of this  
14 section shall be guilty of a misdemeanor and punished:

15 1. For a first offense, by a fine not to exceed Three Hundred  
16 Dollars (\$300.00) or ordered to perform community service not to  
17 exceed thirty (30) hours, or by both such fine and community  
18 service;

19 2. For a second offense, by a fine not to exceed Six Hundred  
20 Dollars (\$600.00) or ordered to perform community service not to  
21 exceed sixty (60) hours, or by both such fine and community service;  
22 or

23 3. For a third or subsequent offense, by a fine not to exceed  
24 Nine Hundred Dollars (\$900.00) or ordered to perform community

1 service not to exceed ninety (90) hours, or by both such fine and  
2 community service.

3 Additionally, if the person has an Oklahoma driver license issued by  
4 the Department of Public Safety, that license shall be revoked for  
5 the period of time provided in Section 6-107.1 of Title 47 of the  
6 Oklahoma Statutes. If the person does not have an Oklahoma driver  
7 license, the person shall be ineligible to obtain an Oklahoma driver  
8 license for the period of time provided in Section 6-107.1 of Title  
9 47 of the Oklahoma Statutes.

10 C. The provisions of this section shall not apply when:

11 1. The person is under the direct supervision of his or her  
12 parent or guardian; or

13 2. When the person consumes, possesses, or has physical control  
14 of an alcoholic beverage as part of a bona fide religious rite,  
15 ritual, or ceremony.

16 Provided, in no instance shall this subsection be interpreted or  
17 construed to allow the person to consume any alcohol or alcoholic  
18 beverage in any place licensed to dispense alcohol or alcoholic  
19 beverages as provided in Title 37 of the Oklahoma Statutes.

20 D. In addition to any penalty or condition imposed pursuant to  
21 the provisions of this section, any person convicted of a violation  
22 of this section shall be subject to an assessment of the person's  
23 degree of alcohol abuse, in the same manner as prescribed in  
24

1 subsection G of Section 11-902 or Title 47 of the Oklahoma Statutes,  
2 which may result in treatment as deemed appropriate by the court.

3 SECTION 6. AMENDATORY 47 O.S. 2001, Section 6-107.1, as  
4 amended by Section 12, Chapter 61, O.S.L. 2006 (47 O.S. Supp. 2007,  
5 Section 6-107.1), is amended to read as follows:

6 Section 6-107.1 A. When any district court, municipal court of  
7 record or any municipal court in a city or town in which the judge  
8 is an attorney licensed to practice law in this state has determined  
9 that a person under the age of eighteen (18) years has committed any  
10 offense described in subsection C of this section, or that a person  
11 eighteen (18), nineteen (19), or twenty (20) years of age has  
12 committed an offense described in Section 11-906.4 of this title,  
13 the court shall notify the Department of Public Safety on a form  
14 prescribed by the Department as provided in Section 6-107.2 of this  
15 title.

16 B. The notice shall include the name, date of birth, physical  
17 description and, if known, the driver license number of the person.  
18 The notice shall contain an order to the Department to cancel or  
19 deny driving privileges for a specified period of time, except as  
20 otherwise provided by law, as follows:

21 1. For a period of six (6) months for a first offense, from the  
22 date of conviction for the offense ~~or from the date the person~~  
23 ~~reaches sixteen (16) years of age, whichever period of time is~~  
24 ~~longer;~~

1           2. For a period of one (1) year for a second offense, from the  
2 date of conviction for the offense ~~or from the date the person~~  
3 ~~reaches sixteen (16) years of age, whichever period of time is~~  
4 longer;

5           3. For a period of two (2) years for a third or subsequent  
6 offense, from the date of conviction for the offense ~~or from the~~  
7 ~~date the person reaches sixteen (16) years of age, whichever period~~  
8 ~~of time is longer; or~~

9           4. In the discretion of the court, until the person attains  
10 twenty-one (21) years of age, if that period of time would be longer  
11 than the period of time provided in paragraph 1, 2 or 3 of this  
12 subsection.

13 Provided, however, if the person is less than fifteen and one-half  
14 (15 1/2) years of age at the time of the conviction, the Department  
15 shall extend the period of cancellation or denial to include the  
16 period from the date of conviction to the date the person attains  
17 fifteen and one-half (15 1/2) years of age.

18           The court shall send a copy of the notice to the person first  
19 class, postage prepaid.

20           C. In addition to the administrative revocation of driving  
21 privileges pursuant to Section 754 of this title, and the mandatory  
22 revocation of driving privileges pursuant to Section 6-205.1 of this  
23 title, this section applies to any crime, violation, infraction,  
24 traffic offense or other offense involving or relating to the

1 possession, use, sale, purchase, transportation, distribution,  
2 manufacture, or consumption of beer, alcohol, or any beverage  
3 containing alcohol and to any crime, violation, infraction, traffic  
4 offense or other offense involving or relating to the possession,  
5 use, sale, purchase, transportation, distribution, manufacture,  
6 trafficking, cultivation, consumption, ingestion, inhalation,  
7 injection, or absorption of any controlled dangerous substance as  
8 defined by paragraph 8 of Section 2-101 of Title 63 of the Oklahoma  
9 Statutes or any substance which is capable of being ingested,  
10 inhaled, injected, or absorbed into the human body and is capable of  
11 adversely affecting the central nervous system, vision, hearing, or  
12 other sensory or motor functions.

13 SECTION 7. AMENDATORY 47 O.S. 2001, Section 6-205.1, as  
14 last amended by Section 11, Chapter 326, O.S.L. 2007 (47 O.S. Supp.  
15 2007, Section 6-205.1), is amended to read as follows:

16 Section 6-205.1 A. The driving privilege of a person who is  
17 convicted of any offense as provided in paragraph 2 or 6 of  
18 subsection A of Section 6-205 of this title, or a person who has  
19 refused to submit to a test or tests as provided in Section 753 of  
20 this title, or a person whose alcohol concentration is subject to  
21 the provisions of Section 754 of this title, shall be revoked or  
22 denied by the Department of Public Safety for the following period,  
23 as applicable:  
24

1        1. The first license revocation pursuant to paragraph 2 of  
2 subsection A of Section 6-205 of this title or to Section 753 or 754  
3 of this title shall be for one hundred eighty (180) days, which may  
4 be modified; provided, any modification under this paragraph shall  
5 apply to Class D motor vehicles only;

6        2. A revocation pursuant to paragraph 2 of subsection A of  
7 Section 6-205 of this title, or to Section 753 or 754 of this title  
8 shall be for a period of one (1) year if within ten (10) years  
9 preceding the date of arrest relating thereto, as shown by the  
10 records of the Department:

11            a. a prior revocation commenced pursuant to paragraph 2  
12                    or 6 of subsection A of Section 6-205 of this title,  
13                    or to Section 753 or 754 of this title. Such period  
14                    shall not be modified, or

15            b. the record of the person reflects a prior conviction  
16                    in another jurisdiction which did not result in a  
17                    revocation of Oklahoma driving privileges, for a  
18                    violation substantially similar to paragraph 2 of  
19                    subsection A of Section 6-205 of this title, and the  
20                    person was not a resident or a licensee of Oklahoma at  
21                    the time of the offense resulting in the conviction.  
22                    Such period shall not be modified; or

23        3. A revocation pursuant to paragraph 2 of subsection A of  
24 Section 6-205 of this title, or to Section 753 or 754 of this title

1 shall be for a period of three (3) years if within ten (10) years  
2 preceding the date of arrest relating thereto, as shown by the  
3 records of the Department:

4 a. two or more prior revocations commenced pursuant to  
5 paragraph 2 or 6 of subsection A of Section 6-205 of  
6 this title, or to Section 753 or 754 of this title.

7 Such period shall not be modified, ~~or~~

8 b. the record of the person reflects two or more prior  
9 convictions in another jurisdiction which did not  
10 result in a revocation of Oklahoma driving privileges,  
11 for a violation substantially similar to paragraph 2  
12 of subsection A of Section 6-205 of this title, and  
13 the person was not a resident or a licensee of  
14 Oklahoma at the time of the offense resulting in the  
15 conviction. Such period shall not be modified, or

16 c. the record of the person reflects a combination of at  
17 least one prior revocation as described in  
18 subparagraph a of this paragraph, and at least one  
19 prior conviction as described in subparagraph b of  
20 this paragraph. Such period shall not be modified.

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

1           1. The first license revocation shall be for one hundred eighty  
2 (180) days, which may be modified; provided, for license revocations  
3 for a misdemeanor charge of possessing a controlled dangerous  
4 substance, the provisions of this paragraph shall apply to any such  
5 revocations by the Department on or after January 1, 1993; provided  
6 further, any modification under this paragraph shall apply to Class  
7 D motor vehicles only;

8           2. A revocation shall be for a period of one (1) year if within  
9 ten (10) years preceding the date of arrest relating thereto, as  
10 shown by the records of the Department:

11           a. a prior revocation commenced pursuant to paragraph 2  
12 or 6 of subsection A of Section 6-205 of this title,  
13 or under Section 753 or 754 of this title. Such  
14 period shall not be modified, or

15           b. the record of the person reflects a prior conviction  
16 in another jurisdiction which did not result in a  
17 revocation of Oklahoma driving privileges, for a  
18 violation substantially similar to paragraph 2 or 6 of  
19 subsection A of Section 6-205 of this title, and the  
20 person was not a resident or a licensee of Oklahoma at  
21 the time of the offense resulting in the conviction.  
22 Such period shall not be modified; or

23  
24

1 3. A revocation shall be for a period of three (3) years if  
2 within ten (10) years preceding the date of arrest relating thereto,  
3 as shown by the records of the Department:

4 a. two or more prior revocations commenced pursuant to  
5 paragraph 2 or 6 of subsection A of Section 6-205 of  
6 this title, or under Section 753 or 754 of this title.

7 Such period shall not be modified, ~~or~~

8 b. the record of the person reflects two or more prior  
9 convictions in another jurisdiction which did not  
10 result in a revocation of Oklahoma driving privileges,  
11 for a violation substantially similar to paragraph 2  
12 or 6 of subsection A of Section 6-205 of this title,  
13 and the person was not a resident or licensee of  
14 Oklahoma at the time of the offense resulting in the  
15 conviction. Such period shall not be modified, or

16 c. the record of the person reflects a combination of at  
17 least one prior revocation as described in  
18 subparagraph a of this paragraph, and at least one  
19 prior conviction as described in subparagraph b of  
20 this paragraph. Such period shall not be modified.

21 The revocation of the driving privilege of any person under this  
22 subsection shall not run concurrently with any other withdrawal of  
23 driving privilege resulting from a different incident and which  
24 requires the driving privilege to be withdrawn for a prescribed

1 amount of time. A denial based on a conviction of any offense as  
2 provided in paragraph 6 of subsection A of Section 6-205 of this  
3 title shall become effective on the first day the convicted person  
4 is otherwise eligible to apply for and be granted driving privilege  
5 if the person was not eligible to do so at the time of the  
6 conviction.

7 C. For the purposes of this subsection:

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

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

13 D. Each period of revocation not subject to modification shall  
14 be mandatory and neither the Department nor any court shall grant  
15 driving privileges based upon hardship or otherwise for the duration  
16 of that period. Each period of revocation, subject to modification  
17 as provided for in this section, may be modified as provided for in  
18 Section 754.1 or 755 of this title; provided, any modification under  
19 this paragraph shall apply to Class D motor vehicles only.

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

22 SECTION 8. AMENDATORY 47 O.S. 2001, Section 6-205.2, as  
23 last amended by Section 19, Chapter 311, O.S.L. 2006 (47 O.S. Supp.  
24 2007, Section 6-205.2), is amended to read as follows:

1 Section 6-205.2 A. As used in this section, "conviction"  
2 means:

- 3 1. A nonvacated adjudication of guilt;
- 4 2. A determination that a person has violated or failed to  
5 comply with this section in any court or by the Department of Public  
6 Safety following an administrative determination;
- 7 3. A nonvacated forfeiture of bail or collateral deposited to  
8 secure a person's appearance in court;
- 9 4. A plea of guilty or nolo contendere accepted by the court;
- 10 5. The payment of any fine or court costs; or
- 11 6. A violation of a condition of release without bail,  
12 regardless of whether or not the penalty is rebated, suspended or  
13 probated.

14 B. The Department of Public Safety shall disqualify any person  
15 from operating a Class A, B or C commercial motor vehicle for a  
16 period of not less than one (1) year upon receiving a record of  
17 conviction of any of the following disqualifying offenses, when the  
18 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;

24

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, or if the person is the  
5 holder of a commercial driver license, committing the offense while  
6 operating any vehicle;

7           3. Driving or being in actual physical control of a Class A, B  
8 or C commercial motor vehicle while under the influence of alcohol  
9 or any other intoxicating substance or the combined influence of  
10 alcohol and any other intoxicating substance, or if the person is  
11 the holder of a commercial driver license, committing the offense  
12 while operating any vehicle. Provided, the Department shall not  
13 additionally disqualify, pursuant to this subsection, if the  
14 person's driving privilege has been disqualified in this state  
15 because of a test result or test refusal pursuant to paragraph 1 or  
16 2 of this subsection as a result of the same violation arising from  
17 the same incident;

18           4. Knowingly leaving the scene of a collision which occurs  
19 while operating a Class A, B or C commercial motor vehicle, or if  
20 the person is the holder of a commercial driver license, committing  
21 the offense while operating any vehicle;

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

1 substance, or if the person is the holder of a commercial driver  
2 license, committing the offense while operating any vehicle;

3 6. Operating a commercial motor vehicle while the commercial  
4 driving privilege is revoked, suspended, canceled, denied, or  
5 disqualified; or

6 7. Manslaughter homicide, or negligent homicide occurring as a  
7 direct result of negligent operation of a commercial motor vehicle,  
8 or, if the person is the holder of a commercial driver license,  
9 committing the offense while operating any vehicle.

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

18 D. The Department of Public Safety shall disqualify any person  
19 from operating a Class A, B or C commercial motor vehicle for life  
20 upon receiving a record of conviction in any court of any of the  
21 disqualifying offenses described in subsection B of this section  
22 after a former conviction of any of the following disqualifying  
23 offenses, when the second conviction has become final.

24

1       The Department of Public Safety may promulgate rules  
2 establishing conditions under which a disqualification for life  
3 pursuant to the provisions of this subsection may be reduced to a  
4 period of not less than ten (10) years provided a previous lifetime  
5 disqualification has not been reduced.

6       E. The Department of Public Safety shall disqualify any person  
7 from operating a Class A, B or C commercial motor vehicle for life  
8 upon receiving a record of conviction for any felony related to the  
9 manufacture, distribution or dispensation of a controlled dangerous  
10 substance in the commission of which a Class A, B or C commercial  
11 motor vehicle is used, or if the person is the holder of a  
12 commercial driver license, committing the offense while operating  
13 any vehicle, when the conviction has become final.

14       F. The Department of Public Safety shall disqualify any person  
15 from operating a Class A, B or C commercial motor vehicle for sixty  
16 (60) days upon receiving a record of a second conviction of the  
17 person for a serious traffic offense arising out of separate  
18 transactions or occurrences within a three-year period, when the  
19 convictions have become final. The Department of Public Safety  
20 shall disqualify any person from operating a Class A, B or C  
21 commercial motor vehicle for one hundred twenty (120) days upon  
22 receiving a record of a third conviction of a person for a serious  
23 traffic offense arising out of separate transactions or occurrences  
24 within a three-year period, when the convictions have become final;

1 provided, the one-hundred-twenty-day period shall run in addition to  
2 and shall not run concurrently with any other period  
3 disqualification imposed pursuant to this subsection. As used in  
4 this subsection, "serious traffic offense" shall mean any of the  
5 following offenses committed while operating a commercial motor  
6 vehicle:

- 7 1. Speeding fifteen (15) miles per hour or more over the limit;
- 8 2. Reckless driving;
- 9 3. Any traffic offense committed that results in or in  
10 conjunction with a motor vehicle collision resulting in a fatality;
- 11 4. Erratic or unsafe lane changes;
- 12 5. Following too ~~close~~ closely;
- 13 6. Failure to obtain a commercial driver license;
- 14 7. Failure to have in possession of the person a commercial  
15 driver license; or
- 16 8. Failure to have:
  - 17 a. the proper class of commercial driver license for the  
18 class of vehicle being operated,
  - 19 b. the proper endorsement or endorsements for the type of  
20 vehicle being operated, including but not limited to,  
21 passengers or type of cargo being transported, or
  - 22 c. both proper class and proper endorsement, as provided  
23 in subparagraphs a and b of this paragraph.

24

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

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

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

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

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

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

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

24

1 I. Upon determination by the Department that fraudulent  
2 information was used to apply for or obtain a Class A, B or C driver  
3 license, the Department shall disqualify the driving privilege of  
4 the applicant or licensee for a period of sixty (60) days.

5 J. Any person who drives a Class A, B or C commercial motor  
6 vehicle on any public roads, streets, highways, turnpikes or any  
7 other public place of this state at a time when the person has been  
8 disqualified or when the privilege to do so is canceled, denied,  
9 suspended or revoked shall be guilty of a misdemeanor and upon  
10 conviction shall be punished by a fine of not less than One Hundred  
11 Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00),  
12 or by imprisonment for not more than one (1) year, or by both such  
13 fine and imprisonment. Each act of driving as prohibited shall  
14 constitute a separate offense.

15 K. Upon the receipt of the record of a conviction of a person  
16 of a railroad highway grade crossing offense in a commercial motor  
17 vehicle, pursuant to Sections 11-701 or 11-702 of this title or  
18 Section 11-1115 of this title, or upon receipt of an equivalent  
19 conviction from any state, when the conviction becomes final, the  
20 Department shall disqualify the driving privileges of the person  
21 convicted as follows:

22 1. The first conviction shall result in disqualification for  
23 sixty (60) days;

1           2. The second conviction within three (3) years shall result in  
2 disqualification for one hundred twenty (120) days; and

3           3. The third or subsequent conviction within three (3) years  
4 shall result in disqualification for one (1) year.

5           L. The Department, upon receipt of a written notice of  
6 immediate disqualification issued by the Federal Motor Carrier  
7 Safety Administration under 49 CFR 383.52, shall immediately  
8 disqualify the person's commercial driving privilege for the period  
9 of time specified on the written notice.

10          M. 1. Upon receipt of notification from another state that any  
11 person who is the holder of an Oklahoma Class A, B, or C commercial  
12 driver license has failed to comply with a traffic citation,  
13 including, but not limited to, failure to appear or failure to pay,  
14 the Department shall disqualify the person's commercial driving  
15 privileges. The Department shall review such notification as it  
16 would review comparable notifications in this state, and if such  
17 notice is discovered to be improper or questionable, the Department  
18 may decline to initiate such disqualification. In addition, the  
19 Department shall not be required to disqualify the person if his or  
20 her driving privileges are or have already been subject to  
21 suspension, pursuant to Section 1115.5 of Title 22 of the Oklahoma  
22 Statutes, arising from the same incident.

23          2. A person whose driving privileges are subject to  
24 disqualification for failure to comply with a traffic citation may

1 stay the effective date of the disqualification or, if disqualified,  
2 shall be eligible for reinstatement, if otherwise eligible, upon:

3 a. making application therefor to the Department, and

4 b. showing proof from the court that such failure has  
5 been satisfied.

6 N. When a person makes application for an Oklahoma Class A, B,  
7 or C commercial driver license, the Department shall review such  
8 person's driving record in other states for the immediately  
9 preceding ten (10) years, unless the record review has already been  
10 performed. If the Department finds that:

11 1. Such person has been convicted while holding a commercial  
12 driver license of any offense which would be cause for  
13 disqualification of commercial motor vehicle driving privileges  
14 pursuant to this section; and

15 2. Such person's commercial motor vehicle driving privileges  
16 have not been previously disqualified in the jurisdiction where the  
17 conviction occurred or in any other subsequent state prior to such  
18 person's application for an Oklahoma Class A, B, or C commercial  
19 driver license;

20 the Department shall disqualify such person's commercial motor  
21 vehicle driving privileges as if the conviction had occurred in this  
22 state.

23 O. The periods of disqualification as defined by this section  
24 shall not be modified. A person may not be granted driving

1 privileges to operate a Class A, B or C commercial vehicle until the  
2 disqualification is reinstated.

3 ~~N.~~ P. When any record of conviction, as specified in this  
4 section, is received by the Department and pertains to a nonresident  
5 operator of a Class A, B or C commercial motor vehicle, or if the  
6 nonresident operator is the holder of a commercial driver license, a  
7 record of the conviction pertaining to the nonresident operator of  
8 any vehicle, the Department shall not disqualify the person and  
9 shall report the conviction to the licensing jurisdiction in which  
10 the license of the nonresident to operate the commercial vehicle was  
11 issued.

12 ~~Q.~~ Q. Any person who is disqualified from driving under the  
13 provisions of this section shall have the right of appeal, as  
14 provided in Section 6-211 of this title.

15 SECTION 9. AMENDATORY 47 O.S. 2001, Section 18-101, as  
16 last amended by Section 31, Chapter 16, O.S.L. 2006 (47 O.S. Supp.  
17 2007, Section 18-101), is amended to read as follows:

18 Section 18-101. A. Every magistrate or judge of a court shall  
19 keep or cause to be kept a record of every traffic complaint,  
20 traffic citation, or other legal form of traffic charge deposited  
21 with or presented to the court or its traffic-violations bureau, and  
22 shall keep a record of every official action by the court or its  
23 traffic-violations bureau, including, but not limited to, a record  
24 of every conviction, forfeiture of bail, judgment of acquittal, and

1 the amount of fine or forfeiture resulting from every traffic  
2 complaint, citation or other legal form of traffic charge deposited  
3 with or presented to the court or traffic-violations bureau.

4 B. Within ten (10) days after:

5 1. The conviction of any person holding a Class D driver  
6 license; or

7 2. The conviction, as defined in subsection A of Section 6-  
8 205.2 of this title, of any person holding a Class A, B or C driver  
9 license; or

10 3. The forfeiture of bail of a person;  
11 upon a charge of violating any law regulating the operation of  
12 vehicles on highways every magistrate of the court or clerk of the  
13 court of record, in which the conviction was had or bail was  
14 forfeited, shall prepare and immediately forward to the Department  
15 of Public Safety an abstract of the record covering the case in  
16 which the person was convicted or forfeited bail, which shall be  
17 certified by the person required to prepare the abstract to be true  
18 and correct.

19 C. A report shall not be made of any conviction:

20 1. Involving the illegal parking or standing of a vehicle;

21 2. Rendered by a nonlawyer judge, unless, within a period not  
22 to exceed the preceding reporting period for Mandatory Continuing  
23 Legal Education, the judge has completed courses held for municipal  
24 judges which have been approved by the Oklahoma Bar Association

1 Mandatory Legal Education Commission for at least six (6) hours of  
2 continuing judicial education credit, and the Department of Public  
3 Safety receives verification of such attendance, from the judge. In  
4 the case of attendance of a continuing judicial education course,  
5 verification may be made by a statement of attendance signed by the  
6 course registration personnel; or

7 3. Involving a felony drug offense for which the offender is  
8 eligible for participation in an approved drug court program;  
9 provided, if the offender is the holder of an Oklahoma Class A, B,  
10 or C commercial driver license, or the offense occurred while the  
11 offender was operating a commercial motor vehicle, then the  
12 conviction shall be reported to the Department of Public Safety,  
13 notwithstanding the offender's participation, or eligibility to  
14 participate, in an approved drug court program. However, if the  
15 offender does not successfully complete the drug court program, the  
16 abstract of the record shall be forwarded as provided in subsection  
17 B of this section.

18 D. The abstract shall be made upon a form furnished by the  
19 Department and shall include:

- 20 1. The name, address, sex, and date of birth of the person  
21 charged;
- 22 2. The traffic citation number;
- 23 3. The driver license number, if any, of the person charged,  
24 and the state or jurisdiction from which the license is issued;

1       4. The license plate number, make, and model of the vehicle  
2 involved;

3       5. The nature and date of the offense, the date of hearing, the  
4 plea, the judgment, or, if bail was forfeited, the amount of the  
5 fine or forfeiture; and

6       6. The name of the court and whether it is a municipal or  
7 district court.

8       E. Every court of record shall also forward a like report to  
9 the Department upon the conviction of any person of manslaughter or  
10 other felony in the commission of which a vehicle was used.

11       F. The failure, refusal or neglect of any judicial officer to  
12 comply with any of the requirements of this section shall constitute  
13 misconduct in office and shall be ground for removal.

14       SECTION 10. It being immediately necessary for the preservation  
15 of the public peace, health and safety, an emergency is hereby  
16 declared to exist, by reason whereof this act shall take effect and  
17 be in full force from and after its passage and approval.

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