

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 1185

6 By: Barrington

7 COMMITTEE SUBSTITUTE

8 An Act relating to motor vehicles; amending 47 O.S.  
9 2001, Sections 6-205.1, as last amended by Section  
10 11, Chapter 326, O.S.L. 2007, and 1112 (47 O.S. Supp.  
11 2008, Section 6-205.1), which relates to ignition  
interlock devices; modifying revocation period;  
clarifying description; and providing an effective  
date.

12  
13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 47 O.S. 2001, Section 6-205.1, as  
15 last amended by Section 11, Chapter 326, O.S.L. 2007 (47 O.S. Supp.  
16 2008, Section 6-205.1), is amended to read as follows:

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

1 denied by the Department of Public Safety for the following period,  
2 as applicable:

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

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

13 a. a prior revocation commenced pursuant to paragraph 2  
14 or 6 of subsection A of Section 6-205 of this title  
15 for an offense other than driving or being in actual  
16 physical control of a motor vehicle while under the  
17 influence of alcohol, or to Section 753 ~~or~~ 754 of this  
18 title. Such period shall not be modified, ~~or~~

19 b. a prior revocation commenced pursuant to paragraph 2  
20 subsection A of Section 6-205 of this title for  
21 driving or being in actual physical control of a motor  
22 vehicle while under the influence of alcohol, or to  
23 Section 754 of this title. Such period may be

24

1 modified after a revocation period of forty-five (45)  
2 days of the period has expired,

3 c. the record of the person reflects a prior conviction  
4 in another jurisdiction which did not result in a  
5 revocation of Oklahoma driving privileges, for a  
6 violation substantially similar to paragraph 2 of  
7 subsection A of Section 6-205 of this title for an  
8 offense other than driving or being in actual physical  
9 control of a motor vehicle while under the influence  
10 of alcohol, and the person was not a resident or a  
11 licensee of Oklahoma at the time of the offense  
12 resulting in the conviction. Such period shall not be  
13 modified, or

14 d. the record of the person reflects a prior conviction  
15 in another jurisdiction which did not result in a  
16 revocation of Oklahoma driving privileges, for a  
17 violation substantially similar to paragraph 2 of  
18 subsection A of Section 6-205 of this title for  
19 driving or being in actual physical control of a motor  
20 vehicle while under the influence of alcohol, and the  
21 person was not a resident or a licensee of Oklahoma at  
22 the time of the offense resulting in the conviction.  
23 Such period may be modified after a revocation period  
24 of forty-five (45) days of the period has expired; or

1           3. A revocation pursuant to paragraph 2 of subsection A of  
2 Section 6-205 of this title~~7~~, or to Section 753 or 754 of this title  
3 shall be for a period of three (3) years if within ten (10) years  
4 preceding the date of arrest relating thereto, as shown by the  
5 records of the Department:

6           a. two or more prior revocations commenced pursuant to  
7 paragraph 2 or 6 of subsection A of Section 6-205 of  
8 this title for an offense other than driving or being  
9 in actual physical control of a motor vehicle while  
10 under the influence of alcohol, or to Section 753 ~~or~~  
11 ~~754~~ of this title. Such period shall not be modified,  
12 or

13           b. two or more prior revocations commenced pursuant to  
14 paragraph 2 of subsection A of Section 6-205 of this  
15 title for driving or being in actual physical control  
16 of a motor vehicle while under the influence of  
17 alcohol, or to Section 754 of this title. Such period  
18 may be modified after a revocation period of forty-  
19 five (45) days of the period has expired, or

20           c. the record of the person reflects two or more prior  
21 convictions in another jurisdiction which did not  
22 result in a revocation of Oklahoma driving privileges,  
23 for a violation substantially similar to paragraph 2  
24 of subsection A of Section 6-205 of this title for an

1 offense other than driving or being in actual physical  
2 control of a motor vehicle while under the influence  
3 of alcohol, and the person was not a resident or a  
4 licensee of Oklahoma at the time of the offense  
5 resulting in the conviction. Such period shall not be  
6 modified, or

7 d. the record of the person reflects two or more prior  
8 convictions in another jurisdiction which did not  
9 result in a revocation of Oklahoma driving privileges,  
10 for a violation substantially similar to paragraph 2  
11 of subsection A of Section 6-205 of this title for  
12 driving or being in actual physical control of a motor  
13 vehicle while under the influence of alcohol, and the  
14 person was not a resident or a licensee of Oklahoma at  
15 the time of the offense resulting in the conviction.  
16 Such period may be modified after a revocation period  
17 of forty-five (45) days of the period has expired.

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

22 1. The first license revocation shall be for one hundred eighty  
23 (180) days, which may be modified; provided, for license revocations  
24 for a misdemeanor charge of possessing a controlled dangerous

1 substance, the provisions of this paragraph shall apply to any such  
2 revocations by the Department on or after January 1, 1993; provided  
3 further, any modification under this paragraph shall apply to Class  
4 D motor vehicles only;

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

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

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

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

23 a. two or more prior revocations commenced pursuant to  
24 paragraph 2 or 6 of subsection A of Section 6-205 of

1 this title, or under Section 753 or 754 of this title.

2 Such period shall not be modified, or

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

11 The revocation of the driving privilege of any person under this  
12 subsection shall not run concurrently with any other withdrawal of  
13 driving privilege resulting from a different incident and which  
14 requires the driving privilege to be withdrawn for a prescribed  
15 amount of time. A denial based on a conviction of any offense as  
16 provided in paragraph 6 of subsection A of Section 6-205 of this  
17 title shall become effective on the first day the convicted person  
18 is otherwise eligible to apply for and be granted driving privilege  
19 if the person was not eligible to do so at the time of the  
20 conviction.

21 C. For the purposes of this subsection:

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

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

3        D. Each period of revocation not subject to modification shall  
4 be mandatory and neither the Department nor any court shall grant  
5 driving privileges based upon hardship or otherwise for the duration  
6 of that period. Each period of revocation, subject to modification  
7 as provided for in this section, may be modified as provided for in  
8 Section 754.1 or 755 of this title; provided, any modification under  
9 this paragraph shall apply to Class D motor vehicles only.

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

12       SECTION 2.        AMENDATORY        47 O.S. 2001, Section 1112, is  
13 amended to read as follows:

14       Section 1112. Every owner of a vehicle possessing a certificate  
15 of title shall, before using the same in this state, make an  
16 application for the registration of such vehicle with a motor  
17 license agent. The application shall contain such information as  
18 shall be required by the Oklahoma Tax Commission. Every owner, when  
19 making application for registration, shall furnish the following  
20 information:

21       1. A full description of the vehicle including the  
22 manufacturer's serial or other identification number, any security  
23 interest upon the vehicle, an odometer reading of the vehicle when  
24 applicable, and the insurance security verification to the vehicle;

1           2. The correct name and address, the name of the city, county  
2 and state in which the person in whose name the vehicle is to be  
3 registered resides, the driver license number of the owner ~~if the~~  
4 ~~owner has a driver license~~ or the Federal Employers Identification  
5 Number of the owner if such owner is not an individual, and such  
6 other information as may be prescribed by the Tax Commission; and

7           3. a. The name of the carrier of the owner's insurance  
8 policy for such vehicle,

9           b. The policy number of the owner's policy for such  
10 vehicle, if available, or the name of the agent or  
11 office where the existence of security may be  
12 verified, if other than the carrier,

13           c. The effective dates of the owner's policy for such  
14 vehicle, and

15           d. A statement of the existence of a nonuse affidavit if  
16 filed by the vehicle owner pursuant to the provisions  
17 of Section 7-607 of this title.

18           In every case where a vehicle has been registered upon an  
19 application containing any false statement of a fact required in  
20 this section to be shown in an application for the registration  
21 thereof, the Tax Commission shall give written notice of at least  
22 five (5) days to the owner of the vehicle, and shall require the  
23 owner to appear before it for the purpose of showing cause why the  
24 registration should not be canceled. Unless satisfactory

1 explanation is given by the owner concerning such false statement,  
2 the Tax Commission shall cancel the registration. The owner of the  
3 vehicle shall then be required to immediately reregister the vehicle  
4 and pay the required fees. The owner shall not be entitled to  
5 refund or credit for the fees paid for registration of the motor  
6 vehicle made under the application which contained any false  
7 statement of fact.

8 The Tax Commission shall insert in the application forms  
9 appropriate notice to the applicant that any false statement of a  
10 fact required to be shown in such application for registration  
11 subjects the applicant to prosecution.

12 SECTION 3. This act shall become effective November 1, 2009.

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