

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 SUBCOMMITTEE  
4 RECOMMENDATION

5 FOR

6 HOUSE BILL NO. 2746

7 By: Denney

8 SUBCOMMITTEE RECOMMENDATION

9 An Act relating to public safety; amending 47 O.S.  
10 2001, Section 6-205, as last amended by Section 17,  
11 Chapter 311, O.S.L. 2006 (47 O.S. Supp. 2009, Section  
12 6-205), which relates to the mandatory revocation of  
13 driving privilege due to conviction of certain  
14 offenses; modifying certain offense from mandatory  
15 revocation of driving privileges; and providing an  
16 effective date.

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

18 SECTION 1. AMENDATORY 47 O.S. 2001, Section 6-205, as  
19 last amended by Section 17, Chapter 311, O.S.L. 2006 (47 O.S. Supp.  
20 2009, Section 6-205), is amended to read as follows:

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

- 1        1. Manslaughter or negligent homicide resulting from the  
2 operation of a motor vehicle;
- 3        2. Driving or being in actual physical control of a motor  
4 vehicle while under the influence of alcohol, any other intoxicating  
5 substance, or the combined influence of alcohol and any other  
6 intoxicating substance, any violation of paragraph 1, 2, 3 or 4 of  
7 subsection A of Section 11-902 of this title or any violation of  
8 Section 11-906.4 of this title. However, the Department shall not  
9 additionally revoke the driving privileges of the person pursuant to  
10 this subsection if the person's driving privilege has been revoked  
11 because of a test result or test refusal pursuant to Section 753 or  
12 754 of this title arising from the same circumstances which resulted  
13 in the conviction unless the revocation because of a test result or  
14 test refusal is set aside;
- 15        3. Any felony during the commission of which a motor vehicle is  
16 used;
- 17        4. Failure to stop and render aid as required under the laws of  
18 this state in the event of a motor vehicle accident resulting in the  
19 death or personal injury of another;
- 20        5. Perjury or the making of a false affidavit or statement  
21 under oath to the Department under the Uniform Vehicle Code or under  
22 any other law relating to the ownership or operation of motor  
23 vehicles;

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1       6. A ~~misdemeanor or~~ felony conviction for ~~unlawfully~~  
2 ~~possessing, distributing, dispensing, manufacturing, trafficking,~~  
3 ~~cultivating, selling, transferring, attempting or conspiring to~~  
4 ~~possess, distribute, dispense, manufacture, traffic, sell, or~~  
5 ~~transfer~~ unlawful delivery of a controlled dangerous substance as  
6 defined in the Uniform Controlled Dangerous Substances Act, using a  
7 motor vehicle;

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

10       8. A misdemeanor conviction for a violation of Section 1465 of  
11 Title 21 of the Oklahoma Statutes.

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

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

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

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

6 SECTION 2. This act shall become effective November 1, 2010.

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