

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL NO. 1185

6 By: Barrington and Easley of
7 the Senate

8 and

9 Christian of the House

10 COMMITTEE SUBSTITUTE

11 An Act relating to motor vehicles; amending 47 O.S.
12 2001, Section 6-205.1, as last amended by Section 11,
13 Chapter 326, O.S.L. 2007 (47 O.S. Supp. 2008, Section
14 6-205.1), which relates to driver licenses;
15 authorizing driver license modification after certain
16 period of time; amending 47 O.S. 2001, Section 754.1,
17 as last amended by Section 17, Chapter 394, O.S.L.
18 2005 (47 O.S. Supp. 2008, Section 754.1), which
19 relates to modification of license revocation or
20 denial; requiring reinstatement conditions be met
21 prior to certain license modification; and declaring
22 an emergency.

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

24 SECTION 1. AMENDATORY 47 O.S. 2001, Section 6-205.1, as
last amended by Section 11, Chapter 326, O.S.L. 2007 (47 O.S. Supp.
2008, 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

1 subsection A of Section 6-205 of this title, or a person who has
2 refused to submit to a test or tests as provided in Section 753 of
3 this title, or a person whose alcohol concentration is subject to
4 the provisions of Section 754 of this title, shall be revoked or
5 denied by the Department of Public Safety for the following period,
6 as applicable:

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

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

- 17 a. a prior revocation commenced pursuant to paragraph 2
18 or 6 of subsection A of Section 6-205 of this title,
19 or to Section 753 ~~or 754~~ of this title. Such period
20 ~~shall not~~ may be modified after at least forty-five
21 (45) days of the revocation period have been served,
22 or
23 b. the record of the person reflects a prior conviction
24 in another jurisdiction which did not result in a

1 revocation of Oklahoma driving privileges, for a
2 violation substantially similar to paragraph 2 of
3 subsection A of Section 6-205 of this title, and the
4 person was not a resident or a licensee of Oklahoma at
5 the time of the offense resulting in the conviction.
6 Such period ~~shall not~~ may be modified after at least
7 forty-five (45) days of the revocation period have
8 been served; or

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

14 a. two or more prior revocations commenced pursuant to
15 paragraph 2 or 6 of subsection A of Section 6-205 of
16 this title, or to Section 753 or 754 of this title.
17 Such period ~~shall not~~ may be modified after at least
18 forty-five (45) days of the revocation period have
19 been served, or

20 b. 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, and

1 the person was not a resident or a licensee of
2 Oklahoma at the time of the offense resulting in the
3 conviction. Such period ~~shall not~~ may be modified
4 after at least forty-five (45) days of the revocation
5 period have been served.

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

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

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

20 a. a prior revocation commenced pursuant to paragraph 2
21 or 6 of subsection A of Section 6-205 of this title,
22 or under Section 753 or 754 of this title. Such
23 period shall not be modified, or
24

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

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

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

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

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

11 C. For the purposes of this subsection:

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

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

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

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

3 SECTION 2. AMENDATORY 47 O.S. 2001, Section 754.1, as
4 last amended by Section 17, Chapter 394, O.S.L. 2005 (47 O.S. Supp.
5 2008, Section 754.1), is amended to read as follows:

6 Section 754.1 A. The Department of Public Safety, prior to an
7 administrative hearing for a revocation or denial arising under the
8 provisions of Sections 751 through 754 of this title or under the
9 provisions of Section 6-205.1 of this title, may modify the
10 revocation or denial when it is determined by the Department that no
11 other adequate means of transportation exists for the person whose
12 driving privilege has been revoked or denied; provided, any
13 modification under this paragraph shall apply to Class D motor
14 vehicles only. Any modification of a denial or revocation under
15 this section shall be in effect until all reinstatement conditions
16 are met.

17 B. As a prerequisite and condition of any modification, the
18 person shall be required to have installed an ignition interlock
19 device approved by the Board of Tests for Alcohol and Drug
20 Influence, at the person's own expense, upon every motor vehicle
21 operated by the person. The Department shall require, as a
22 condition of modification, the device to be installed upon any
23 vehicle owned or leased, as reflected on the vehicle registration,
24 by an employer of the person for use by the person, except when the

1 employer requests the ignition interlock device not be installed.
2 The request shall be in writing and notarized on the official
3 letterhead of the employer and provided by the person to the
4 Department; provided, a request shall not be accepted by the
5 Department under the following circumstances:

6 1. When the person is self-employed or owns part or all of the
7 company or corporation, or exercises control over some part of the
8 business which owns or leases the vehicle; or

9 2. When the person is employed by a relative who either is
10 within the first degree of consanguinity or who resides in the same
11 household.

12 The person shall comply with all provisions of law and rule
13 regarding ignition interlock devices.

14 C. Upon the issuance of a modification order pursuant to this
15 section or Section 755 of this title, the person shall pay a
16 modification fee of One Hundred Fifty Dollars (\$150.00) to the
17 Department. For each modification fee collected pursuant to the
18 provisions of this section, One Hundred Dollars (\$100.00) shall be
19 remitted to the State Treasurer to be credited to the General
20 Revenue Fund in the State Treasury and Fifty Dollars (\$50.00) shall
21 be remitted to the State Treasurer to be credited to the Department
22 of Public Safety Revolving Fund. All monies accruing to the credit
23 of the Department of Public Safety Revolving Fund from modification
24 fees shall be budgeted and expended solely for the purpose of

1 administering the provisions of this section and Section 755 of this
2 title.

3 D. The Board of Tests for Alcohol and Drug Influence shall
4 promulgate such rules as are necessary to implement and administer
5 the provisions of this subsection relating to ignition interlock
6 devices and the providers of such devices.

7 SECTION 3. It being immediately necessary for the preservation
8 of the public peace, health and safety, an emergency is hereby
9 declared to exist, by reason whereof this act shall take effect and
10 be in full force from and after its passage and approval.

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