

1 STATE OF OKLAHOMA

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

3 CONFERENCE COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL 1185

6 By: Barrington and Easley of
7 the Senate

8 and

9 Christian, Tibbs and
10 Shelton of the House

11 CONFERENCE COMMITTEE SUBSTITUTE

12 An Act relating to public safety; amending 47 O.S.
13 2001, Section 1-107.4, as amended by Section 3,
14 Chapter 397, O.S.L. 2002 (47 O.S. Supp. 2008, Section
15 1-107.4), which relates to definition of words and
16 phrases; modifying certain definition; expanding
17 scope of certain definition; amending 47 O.S. 2001,
18 Sections 6-111, as last amended by Section 24,
19 Chapter 3, O.S.L. 2008, 6-205.1, as last amended by
20 Section 11, Chapter 326, O.S.L. 2007, and 6-211, as
21 last amended by Section 21, Chapter 311, O.S.L. 2006
22 (47 O.S. Supp. 2008, Sections 6-111, 6-205.1 and 6-
23 211), which relate to cancellation, suspension and
24 revocation of licenses; requiring development of
certain type of license; allowing for modification of
revocation of certain license; specifying
jurisdiction of the district court; providing certain
procedures for motions filed by the Department;
requiring issuance of temporary driver license under
certain circumstances; providing method of
cancellation or modification of certain court order
or restricted driver license; amending 47 O.S. 2001,
Section 754.1, as last amended by Section 17, Chapter
394, O.S.L. 2005 (47 O.S. Supp. 2008, Section 754.1),
which relates to modification of revocation or
denial; modifying certain fees; and providing an
effective date.

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

2 SECTION 1. AMENDATORY 47 O.S. 2001, Section 1-107.4, as
3 amended by Section 3, Chapter 397, O.S.L. 2002 (47 O.S. Supp. 2008,
4 Section 1-107.4), is amended to read as follows:

5 Section 1-107.4

6 CLASS D MOTOR VEHICLE

7 A. A Class D motor vehicle is any motor vehicle or combination
8 of vehicles which:

9 1. Regardless of weight:

10 a. is marked and used as an authorized emergency vehicle,
11 as defined in Section 1-103 of this title, or

12 b. is designed and used solely as a recreational vehicle;

13 2. Is a single or combination vehicle with a gross combined
14 weight rating of less than twenty-six thousand one (26,001) pounds;

15 ~~or~~

16 3. Is a single or combination farm vehicle with a gross
17 combined weight rating of more than twenty-six thousand one (26,001)

18 pounds if:

19 a. it is entitled to be registered with a farm tag and
20 has a farm tag attached thereto,

21 b. it is controlled and operated by a farmer, his family
22 or his employees,
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- c. it is used to transport either agricultural products, farm machinery, farm supplies or any combination of those materials to or from a farm,
- d. it is not used in the operations of a common or contract motor carrier, and
- e. it is used within one hundred fifty (150) air miles of the person's farm or as otherwise provided by federal law; or

4. Is operated by a driver employed by a unit of local government that operates a commercial motor vehicle within the boundaries of that unit of local government for the purpose of removing snow or ice from a roadway by plowing, sanding or salting, if:

- a. the properly licensed employee who ordinarily operates a commercial vehicle for these purposes is unable to operate the vehicle, or
- b. the employing governmental entity determines that a snow or ice emergency requires additional assistance.

B. A Class D Motor Vehicle shall not include any vehicle which is:

- 1. Designed to carry sixteen or more passengers, including the driver; or
- 2. Required to be placarded for hazardous materials under 49 C.F.R., Part 172, subpart F; provided, a farm vehicle, as defined in

1 paragraph 3 of subsection A of this section, which is required to be
2 placarded for hazardous materials under 49 C.F.R., Part 172, subpart
3 F, shall be considered to be a Class D motor vehicle.

4 SECTION 2. AMENDATORY 47 O.S. 2001, Section 6-111, as
5 last amended by Section 24, Chapter 3, O.S.L. 2008 (47 O.S. Supp.
6 2008, Section 6-111), is amended to read as follows:

7 Section 6-111. A. 1. The Department of Public Safety shall,
8 upon payment of the required fee, issue to every applicant
9 qualifying therefor a Class A, B, C or D driver license or
10 identification card as applied for, which license or card shall bear
11 thereon a distinguishing alphanumeric identification assigned to the
12 licensee or cardholder, date of issuance and date of expiration of
13 the license or card, the full name, signature or computerized
14 signature, date of birth, residence address, sex, a color photograph
15 or computerized image of the licensee or cardholder and security
16 features as determined by the Department. The photograph or image
17 shall depict a full front unobstructed view of the entire face of
18 the licensee or cardholder. When any person is issued both a driver
19 license and an identification card, the Department shall ensure the
20 information on both the license and the card are the same, unless
21 otherwise provided by law.

22 2. A driver license or identification card issued by the
23 Department on or after March 1, 2004, shall bear thereon the county
24 of residence of the licensee or cardholder.

1 3. The Department may cancel the distinguishing number, when
2 that distinguishing number is another person's Social Security
3 number, assign a new distinguishing alphanumeric identification, and
4 issue a new license or identification card without charge to the
5 licensee or cardholder.

6 4. The Department may promulgate rules for inclusion of the
7 height and a brief description of the licensee or cardholder on the
8 face of the card or license identifying the licensee or cardholder
9 as deaf or hard-of-hearing.

10 5. It is unlawful for any person to apply, adhere, or otherwise
11 attach to a driver license or identification card any decal,
12 sticker, label, or other attachment. Any law enforcement officer is
13 authorized to remove and dispose of any unlawful decal, sticker,
14 label, or other attachment from the driver license of a person. The
15 law enforcement officer, the employing agency of the officer, the
16 Department of Public Safety, and the State of Oklahoma shall be
17 immune from any liability for any loss suffered by the licensee,
18 cardholder, or the owner of the decal, sticker, label, or other
19 attachment caused by the removal and destruction of the decal,
20 sticker, label, or other attachment.

21 6. The Department of Public Safety shall develop by rule an
22 alternative procedure whereby a person applying for a renewal or
23 replacement Class D license or identification card, when the person
24 satisfactorily demonstrates to the Department the inability to

1 appear personally to be photographed because the person is not in
2 the state at the time of renewal or at a time a replacement is
3 required by the person, may be issued a license or card; provided,
4 immediately upon returning to Oklahoma, the person shall obtain a
5 replacement license or card as provided in Section 6-114 of this
6 title.

7 B. The Department may issue a temporary permit to an applicant
8 for a driver license permitting such applicant to operate a motor
9 vehicle while the Department is completing its investigation and
10 determination of all facts relative to such applicant's privilege to
11 receive a license. Such permit must be in the immediate possession
12 of the driver while operating a motor vehicle, and it shall be
13 invalid when the applicant's driver license has been issued or for
14 good cause has been refused.

15 C. 1. The Department may issue a restricted commercial driver
16 license to seasonal drivers eighteen (18) years of age or older for
17 any of the following specific farm-related service industries:

- 18 a. farm retail outlets and suppliers,
- 19 b. agri-chemical businesses,
- 20 c. custom harvesters, and
- 21 d. livestock feeders.

22 The applicant shall hold a valid Oklahoma driver license and
23 shall meet all the requirements for a commercial driver license.

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1 The restricted commercial driver license shall not exceed a total of
2 one hundred eighty (180) days within any twelve-month period.

3 2. The restricted commercial driver license shall not be valid
4 for operators of commercial motor vehicles beyond one hundred fifty
5 (150) miles from the place of business or the farm currently being
6 served. Such license shall be limited to Class B vehicles. Holders
7 of such licenses who transport hazardous materials which are
8 required to be placarded shall be limited to the following:

9 a. diesel fuel in quantities of one thousand (1,000)
10 gallons or less,

11 b. liquid fertilizers in vehicles with total capacities
12 of three thousand (3,000) gallons or less, and

13 c. solid fertilizers that are not mixed with any organic
14 substance.

15 No other placarded hazardous materials shall be transported by
16 holders of such licenses.

17 D. 1. The Department shall develop a procedure whereby a
18 person applying for an original, renewal or replacement Class A, B,
19 C or D driver license or identification card who is required to
20 register as a convicted sex offender with the Department of
21 Corrections pursuant to the provisions of the Sex Offenders
22 Registration Act and who the Department of Corrections designates as
23 an aggravated or habitual offender pursuant to subsection J of
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1 Section 584 of Title 57 of the Oklahoma Statutes shall be issued a
2 license or card bearing the words "Sex Offender".

3 2. The Department shall notify every person subject to
4 registration under the provisions of this act who holds a current
5 Class A, B, C or D driver license or identification card that such
6 person is required to surrender the license or card to the
7 Department within one hundred eighty (180) days from the date of the
8 notice.

9 3. Upon surrendering the license or card for the reason set
10 forth in this subsection, application may be made with the
11 Department for a replacement license or card bearing the words "Sex
12 Offender".

13 4. Failure to comply with the requirements set forth in such
14 notice shall result in cancellation of the person's license or card.
15 Such cancellation shall be in effect for one (1) year, after which
16 time the person may make application with the Department for a new
17 license or card bearing the words "Sex Offender". Continued use of
18 a canceled license or card shall constitute a misdemeanor and shall,
19 upon conviction thereof, be punishable by a fine of not less than
20 Twenty-five Dollars (\$25.00), nor more than Two Hundred Dollars
21 (\$200.00). When an individual is no longer required to register as
22 a convicted sex offender with the Department of Corrections pursuant
23 to the provisions of the Sex Offenders Registration Act, the
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1 individual shall be eligible to receive a driver license or
2 identification card which does not bear the words "Sex Offender".

3 E. Nothing in subsection D of this section shall be deemed to
4 impose any liability upon or give rise to a cause of action against
5 any employee, agent or official of the Department of Corrections for
6 failing to designate a sex offender as an aggravated or habitual
7 offender pursuant to subsection J of Section 584 of Title 57 of the
8 Oklahoma Statutes.

9 F. The Department shall develop a procedure whereby a person
10 applying for an original, renewal or replacement Class D driver
11 license who has been granted modified driving privileges under this
12 title shall be issued a Class D driver license which identifies the
13 license as a modified license.

14 SECTION 3. 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 denied by the Department of Public Safety for the following period,
24 as applicable:

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~~ may 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~~ may 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~~ may 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~~ may be modified.

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

20 1. The first license revocation shall be for one hundred eighty
21 (180) days, which may be modified; provided, for license revocations
22 for a misdemeanor charge of possessing a controlled dangerous
23 substance, the provisions of this paragraph shall apply to any such
24 revocations by the Department on or after January 1, 1993; provided

1 further, any modification under this paragraph shall apply to Class
2 D motor vehicles only;

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

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

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

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

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

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

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

19 C. For the purposes of this subsection:

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

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

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

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

10 SECTION 4. AMENDATORY 47 O.S. 2001, Section 6-211, as
11 last amended by Section 21, Chapter 311, O.S.L. 2006 (47 O.S. Supp.
12 2008, Section 6-211), is amended to read as follows:

13 Section 6-211. A. Any person denied driving privileges, or
14 whose driving privilege has been canceled, denied, suspended or
15 revoked by the Department, except where such cancellation, denial,
16 suspension or revocation is mandatory, under the provisions of
17 Section 6-205 of this title, or disqualified by the Department,
18 under the provisions of Section 6-205.2 or 761 of this title, shall
19 have the right of appeal to the district court as hereinafter
20 provided. Proceedings before the district court shall be exempt
21 from the provisions of the Oklahoma Pleading and Discovery codes,
22 except that the appeal shall be by petition, without responsive
23 pleadings. The district court is hereby vested with original
24 jurisdiction to hear said petition.

1 B. The district court's original jurisdiction shall include the
2 power to amend or cancel any modification under Section 755 of this
3 title when a showing is made by the Department that the person whose
4 revocation has been modified has violated either the terms of the
5 district court's order in regard to the modification or the
6 restricted driver license issued by the Department as the result of
7 the court's order. The Department may file a motion for the purpose
8 of enforcing the district court's order. The revocation ordered by
9 the Court shall be tolled from the date of the filing of the motion
10 by the Department until the resolution of the motion on the merits.
11 The Department shall issue a temporary driver license to the person
12 effective upon the date of filing the motion.

13 C. A person whose driving privilege is denied, canceled,
14 revoked or suspended due to inability to meet standards prescribed
15 by law, or due to an out-of-state conviction or violation, or due to
16 an excessive point accumulation on the traffic record, or for an
17 unlawful license issued, may appeal in the county in which the
18 person resides.

19 ~~C.~~ D. Any person whose driving privilege is canceled, denied,
20 suspended or revoked may appeal to the district court in the county
21 in which the offense was committed upon which the Department based
22 its order.

23 ~~D.~~ E. A person whose driving privilege is revoked or denied or
24 who is denied a hearing pursuant to Section 753 or 754 of this title

1 may appeal to the district court in the county in which the arrest
2 occurred relating to the test refusal or test result, as shown by
3 the records of the Department.

4 ~~E.~~ F. The petition shall be filed within thirty (30) days after
5 the order has been served upon the person, except a petition
6 relating to an implied consent revocation shall be filed within
7 thirty (30) days after the Department gives notice to the person
8 that the revocation is sustained as provided in Section 754 of this
9 title. It shall be the duty of the district court to enter an order
10 setting the matter for hearing not less than fifteen (15) days and
11 not more than thirty (30) days from the date the petition is filed.
12 A certified copy of petition and order for hearing shall be served
13 forthwith by the clerk of the court upon the Commissioner of Public
14 Safety by certified mail at the Department of Public Safety,
15 Oklahoma City, Oklahoma.

16 ~~F.~~ G. At a hearing on a revocation by the Department pursuant
17 to the implied consent laws as provided in Sections 6-205.1, 753 and
18 754 of this title, the court shall not consider the merits of the
19 revocation action unless a written request for an administrative
20 hearing was timely submitted to the Department and the person
21 actually exercised the opportunity to appear as provided in Section
22 754 of this title and the Department entered an order sustaining the
23 revocation.

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1 ~~G.~~ H. Upon a hearing relating to a revocation pursuant to a
2 conviction for an offense enumerated in Section 6-205, 761, or 6-
3 205.2 of this title, the court shall not consider the propriety or
4 merits of the revocation action, except to correct the identity of
5 the person convicted as shown by records of the Department.

6 ~~H.~~ I. In the event the Department declines to modify a
7 revocation order issued pursuant to Section 753, Section 754,
8 paragraph 2 of subsection A of Section 6-205 or Section 6-205.1 of
9 this title, which is subject to modification pursuant to Section 11-
10 906.4 of this title or Section 6-205.1 of this title, a petition for
11 modification may be included with the appeal or separately filed at
12 any time, and the district court may, in its discretion, modify the
13 revocation as provided for in Section 755 of this title.

14 ~~I.~~ J. The court shall take testimony and examine the facts and
15 circumstances, including all of the records on file in the office of
16 the Department of Public Safety relative to the offense committed
17 and the driving record of the person, and determine from the facts,
18 circumstances, and records whether or not the petitioner is entitled
19 to driving privileges or shall be subject to the order of denial,
20 cancellation, suspension or revocation issued by the Department.
21 The court may also determine whether or not, from the person's
22 previous driving record, the order was for a longer period of time
23 than such facts and circumstances warranted. In case the court
24 finds that the order was not justified, the court may sustain the

1 appeal, vacate the order of the Department and direct that driving
2 privileges be restored to the petitioner, if otherwise eligible.
3 The court may, in case it determines the order was justified, but
4 that the period of the suspension or revocation was excessive, enter
5 an order modifying the same as provided by law. In the event the
6 Department has filed a motion with the court for an order cancelling
7 or amending the modification ordered by the court in accordance with
8 Section 755 of this title, the court shall determine whether it is
9 more probable than not, in light of the evidence presented, whether
10 the person violated the terms of either the court's order or the
11 restricted driver license issued by the Department. If the court
12 determines the person violated the court's order or the restricted
13 driver license issued by the Department, the court may cancel the
14 modification immediately, amend the terms of the modification, or
15 lengthen the revocation for a period not to exceed ninety (90) days.
16 If the revocation is lengthened, the period shall begin immediately
17 upon the expiration of the initial revocation.

18 J. K. The testimony of any hearing pursuant to this section
19 shall be taken by the court stenographer and preserved for the
20 purpose of appeal and, in case the Department files notice of appeal
21 from the order of the court as provided herein, the court shall
22 order and direct the court clerk to prepare and furnish a complete
23 transcript of all pleadings and proceedings, together with a
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1 complete transcript taken at said hearing at no cost to the
2 Department, except the cost of transcribing.

3 ~~K.~~ L. In order to stay or supersede any order of the
4 Department, the petitioner may execute and file a cash appeal bond
5 in the sum of Two Hundred Fifty Dollars (\$250.00) with the clerk of
6 the court, to be approved by the court clerk. A certified copy of
7 the bond shall be served along with the notice of hearing and
8 petition.

9 The bond shall be to the State of Oklahoma and conditioned that
10 the petitioner will prosecute the appeal with due diligence and
11 during pendency of the appeal abide by and not violate any of the
12 laws of this state or any other state in the operation of a motor
13 vehicle, and that the petitioner will abide by and perform the final
14 judgment of the court therein, and in case the appeal is finally
15 denied the appellant will pay all court costs incurred in the appeal
16 in the district court. If the petitioner is convicted of a traffic
17 offense during the pendency of the appeal or fails to prosecute the
18 appeal with due diligence, the bond may be forfeited to the court
19 fund upon application by the Department and after hearing before the
20 court in which the appeal is pending.

21 ~~L.~~ M. After filing and approval of the appeal bond and the
22 furnishing thereof to the Department as hereby provided, the
23 Department shall restore driving privileges to the person if
24 otherwise eligible, and the person shall be permitted to operate a

1 motor vehicle pending the appeal, under terms and conditions as
2 prescribed in the bond which shall include the installation of an
3 ignition interlock device on every motor vehicle operated by the
4 person, pursuant to Section 754.1 or 755 of this title, if the
5 person was denied modification pursuant to any provision of
6 paragraph 2 of subsection A of Section 6-205 or Section 6-205.1, 753
7 or 754 of this title; provided, however, if the order of the
8 Department is sustained in final judgment, the court shall, in such
9 final judgment, enter an order extending the period of suspension or
10 revocation for such time as the petitioner was permitted to operate
11 motor vehicles under the provisions of an appeal bond, and the court
12 shall also in such final judgment direct and require the immediate
13 surrender of any driver license or licenses to the Department.

14 ~~M.~~ N. An appeal may be taken by the person or by the Department
15 from the order or judgment of the district court to the Supreme
16 Court of the State of Oklahoma as otherwise provided by law.

17 SECTION 5. AMENDATORY 47 O.S. 2001, Section 754.1, as
18 last amended by Section 17, Chapter 394, O.S.L. 2005 (47 O.S. Supp.
19 2008, Section 754.1), is amended to read as follows:

20 Section 754.1 A. The Department of Public Safety, prior to an
21 administrative hearing for a revocation or denial arising under the
22 provisions of Sections 751 through 754 of this title or under the
23 provisions of Section 6-205.1 of this title, may modify the
24 revocation or denial when it is determined by the Department that no

1 other adequate means of transportation exists for the person whose
2 driving privilege has been revoked or denied; provided, any
3 modification under this paragraph shall apply to Class D motor
4 vehicles only.

5 B. As a prerequisite and condition of any modification, the
6 person shall be required to have installed an ignition interlock
7 device approved by the Board of Tests for Alcohol and Drug
8 Influence, at the person's own expense, upon every motor vehicle
9 operated by the person. The Department shall require, as a
10 condition of modification, the device to be installed upon any
11 vehicle owned or leased, as reflected on the vehicle registration,
12 by an employer of the person for use by the person, except when the
13 employer requests the ignition interlock device not be installed.
14 The request shall be in writing and notarized on the official
15 letterhead of the employer and provided by the person to the
16 Department; provided, a request shall not be accepted by the
17 Department under the following circumstances:

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

21 2. When the person is employed by a relative who either is
22 within the first degree of consanguinity or who resides in the same
23 household.

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

3 C. Upon the issuance of a modification order pursuant to this
4 section or Section 755 of this title, or under the provisions of
5 paragraph 1, 2, or 3 of subsection A or paragraph 1, 2, or 3 of
6 subsection B of Section 6-205.1 of this title, for a violation of
7 this title, the person shall pay a modification fee of ~~One Hundred~~
8 ~~Fifty Dollars (\$150.00)~~ One Hundred Seventy-five Dollars (\$175.00)
9 to the Department. For each modification fee collected pursuant to
10 the provisions of this ~~section~~ subsection, One Hundred Dollars
11 (\$100.00) shall be remitted to the State Treasurer to be credited to
12 the General Revenue Fund in the State Treasury and ~~Fifty Dollars~~
13 ~~(\$50.00)~~ Seventy-five Dollars (\$75.00) shall be remitted to the
14 State Treasurer to be credited to the Department of Public Safety
15 Revolving Fund. All monies accruing to the credit of the Department
16 of Public Safety Revolving Fund from modification fees shall be
17 budgeted and expended solely for the purpose of administering the
18 provisions of this section and Section 755 of this title.

19 D. The Board of Tests for Alcohol and Drug Influence shall
20 promulgate such rules as are necessary to implement and administer
21 the provisions of this subsection relating to ignition interlock
22 devices and the providers of such devices.

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SECTION 6. This act shall become effective November 1, 2009.

52-1-1966 MRB 5/11/2009 5:04:21 PM