

THE HOUSE OF REPRESENTATIVES  
Monday, April 13, 2009

Committee Substitute for  
ENGROSSED  
Senate Bill No. 1185

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 1185 - By:  
BARRINGTON AND EASLEY of the Senate and CHRISTIAN of the House.

An Act relating to motor vehicles; amending 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), which relates to driver licenses; authorizing driver license modification after certain period of time; 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 license revocation or denial; requiring reinstatement conditions be met prior to certain license modification; and declaring an emergency.

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

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

4           Section 6-205.1 A. The driving privilege of a person who is convicted of any offense  
5    as provided in paragraph 2 or 6 of subsection A of Section 6-205 of this title, or a person  
6    who has refused to submit to a test or tests as provided in Section 753 of this title, or a  
7    person whose alcohol concentration is subject to the provisions of Section 754 of this title;

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

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

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

- 11 a. a prior revocation commenced pursuant to paragraph 2 or 6 of  
12 subsection A of Section 6-205 of this title, or to Section 753 ~~or 754~~ of  
13 this title. Such period ~~shall not~~ may be modified after at least forty-  
14 five (45) days of the revocation period have been served, or
- 15 b. the record of the person reflects a prior conviction in another  
16 jurisdiction which did not result in a revocation of Oklahoma driving  
17 privileges, for a violation substantially similar to paragraph 2 of  
18 subsection A of Section 6-205 of this title, and the person was not a  
19 resident or a licensee of Oklahoma at the time of the offense resulting  
20 in the conviction. Such period ~~shall not~~ may be modified after at least  
21 forty-five (45) days of the revocation period have been served; or

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

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

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

9           b.       the record of the person reflects two or more prior convictions in  
10 another jurisdiction which did not result in a revocation of Oklahoma  
11 driving privileges, for a violation substantially similar to paragraph 2  
12 of subsection A of Section 6-205 of this title, and the person was not a  
13 resident or a licensee of Oklahoma at the time of the offense resulting  
14 in the conviction. Such period ~~shall not~~ may be modified after at least  
15 forty-five (45) days of the revocation period have been served.

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

19           1. The first license revocation shall be for one hundred eighty (180) days, which  
20 may be modified; provided, for license revocations for a misdemeanor charge of  
21 possessing a controlled dangerous substance, the provisions of this paragraph shall apply

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

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

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

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

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

16 a. two or more prior revocations commenced pursuant to paragraph 2 or 6  
17 of subsection A of Section 6-205 of this title, or under Section 753 or  
18 754 of this title. Such period shall not be modified, or

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

1 not a resident or licensee of Oklahoma at the time of the offense  
2 resulting in the conviction. Such period shall not be modified.

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

10 C. For the purposes of this subsection:

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

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

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

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

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

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

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

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

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

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

8           C. Upon the issuance of a modification order pursuant to this section or Section 755  
9 of this title, the person shall pay a modification fee of One Hundred Fifty Dollars  
10 (\$150.00) to the Department. For each modification fee collected pursuant to the  
11 provisions of this section, One Hundred Dollars (\$100.00) shall be remitted to the State  
12 Treasurer to be credited to the General Revenue Fund in the State Treasury and Fifty  
13 Dollars (\$50.00) shall be remitted to the State Treasurer to be credited to the  
14 Department of Public Safety Revolving Fund. All monies accruing to the credit of the  
15 Department of Public Safety Revolving Fund from modification fees shall be budgeted  
16 and expended solely for the purpose of administering the provisions of this section and  
17 Section 755 of this title.

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

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

1 SECTION 3. It being immediately necessary for the preservation of the public  
2 peace, health and safety, an emergency is hereby declared to exist, by reason whereof  
3 this act shall take effect and be in full force from and after its passage and approval.  
4 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 04-09-09 - DO  
5 PASS, As Amended.