

ESB 1762

THE HOUSE OF REPRESENTATIVES
Monday, April 5, 2010

ENGROSSED

Senate Bill No. 1762

As Amended

ENGROSSED SENATE BILL NO. 1762 - By: LEFTWICH of the Senate and TERRILL of the House.

[intoxicating liquors - commercial vehicles – penalties – codification -
effective date]

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

- 1 SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma
2 Statutes as Section 609 of Title 37, unless there is created a duplication in numbering,
3 reads as follows:
- 4 A. It shall be unlawful for any person owning or operating a hired bus or limousine
5 service vehicle licensed as a “motor carrier of persons or property”, as defined in the
6 Motor Carrier Act of 1995, Section 230.23 et seq. of Title 47 of the Oklahoma Statutes, to
7 knowingly transport a minor or minors, under the age of twenty-one (21) years, who are
8 in possession of or consuming alcoholic beverages, including low-point beer as defined by
9 Section 163.19 of Title 37 of the Oklahoma Statutes.
- 10 B. The operator of any vehicle found in violation of this act shall upon conviction be
11 subject to a misdemeanor offense punishable by a fine of not more than Five Hundred

1 Dollars (\$500.00) and upon a second or subsequent conviction such operator shall be
2 subject to the fine and mandatory revocation of his or her driving privileges pursuant to
3 Section 6-205 of Title 47 of the Oklahoma Statutes.

4 C. The owner of any vehicle found in violation of this section shall upon conviction
5 be subject to a misdemeanor offense punishable by a fine of not more than Five Hundred
6 Dollars (\$500.00) and upon a second or subsequent conviction such owner shall be subject
7 to the fine and forfeiture of his or her Interstate Registration Certificate and/or other
8 license issued pursuant to Section 230.21 et seq. of Title 47 of the Oklahoma Statutes, in
9 addition to any other government-issued license authorizing the owner to operate such
10 vehicle for a period of one (1) year.

11 D. Any law enforcement agency issuing a citation for a violation of this section
12 shall, upon the violator's conviction, report the violation to the Corporation Commission.
13 The Corporation Commission shall, upon an administrative hearing, proceed with
14 revocation proceedings pursuant to the provisions of this act.

15 E. Any person found in violation of this section and subject to the license or permit
16 revocations herein may apply for reinstatement of such license or permit following the
17 conclusion of the two-year period with the appropriate state agency pursuant to law.

18 F. The Corporation Commission, the Department of Public Safety and any other
19 state agency affected by the provisions of this section are authorized to promulgate rules
20 as necessary to implement the provisions of this act.

1 SECTION 2. AMENDATORY 47 O.S. 2001, Section 6-205, as last amended by
2 Section 17, Chapter 311, O.S.L. 2006 (47 O.S. Supp. 2009, Section 6-205), is amended to
3 read as follows:

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

8 1. Manslaughter or negligent homicide resulting from the operation of a motor
9 vehicle;

10 2. Driving or being in actual physical control of a motor vehicle while under the
11 influence of alcohol, any other intoxicating substance, or the combined influence of
12 alcohol and any other intoxicating substance, any violation of paragraph 1, 2, 3 or 4 of
13 subsection A of Section 11-902 of this title or any violation of Section 11-906.4 of this
14 title. However, the Department shall not additionally revoke the driving privileges of the
15 person pursuant to this subsection if the person's driving privilege has been revoked
16 because of a test result or test refusal pursuant to Section 753 or 754 of this title arising
17 from the same circumstances which resulted in the conviction unless the revocation
18 because of a test result or test refusal is set aside;

19 3. Any felony during the commission of which a motor vehicle is used;

20 4. Failure to stop and render aid as required under the laws of this state in the
21 event of a motor vehicle accident resulting in the death or personal injury of another;

1 5. Perjury or the making of a false affidavit or statement under oath to the
2 Department under the Uniform Vehicle Code or under any other law relating to the
3 ownership or operation of motor vehicles;

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

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

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

13 9. A misdemeanor conviction for a violation of Section 1 of this act.

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

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

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

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

7 SECTION 3. This act shall become effective November 1, 2010.

8 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 04-01-10 - DO
9 PASS, As Amended.