

SB 1762

Senate Bill No. 1762
As Amended

SENATE BILL NO. 1762 - By: Leftwich of the Senate and Terrill of the House.

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

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 609 of Title 37, unless there is created a duplication in numbering, reads as follows:

A. It shall be unlawful for any person owning or operating a hired bus or limousine service vehicle licensed as a "motor carrier of persons or property", as defined in the Motor Carrier Act of 1995, Section 230.23 et seq. of Title 47 of the Oklahoma Statutes, to knowingly transport a minor or minors, under the age of twenty-one (21) years, who are in possession of or consuming alcoholic beverages, including low-point beer as defined by Section 163.19 of Title 37 of the Oklahoma Statutes.

B. The operator of any vehicle found in violation of this act shall upon conviction be subject to a misdemeanor offense punishable by a fine of not more than Five Hundred Dollars (\$500.00) and upon a second or subsequent conviction such operator shall be subject to

1 the fine and mandatory revocation of his or her driving privileges
2 pursuant to Section 6-205 of Title 47 of the Oklahoma Statutes.

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

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

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

21 F. The Corporation Commission, the Department of Public Safety
22 and any other state agency affected by the provisions of this

1 section are authorized to promulgate rules as necessary to implement
2 the provisions of this act.

3 SECTION 2. AMENDATORY 47 O.S. 2001, Section 6-205, as
4 last amended by Section 17, Chapter 311, O.S.L. 2006 (47 O.S. Supp.
5 2009, Section 6-205), is amended to read as follows:

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

11 1. Manslaughter or negligent homicide resulting from the
12 operation of a motor vehicle;

13 2. Driving or being in actual physical control of a motor
14 vehicle while under the influence of alcohol, any other intoxicating
15 substance, or the combined influence of alcohol and any other
16 intoxicating substance, any violation of paragraph 1, 2, 3 or 4 of
17 subsection A of Section 11-902 of this title or any violation of
18 Section 11-906.4 of this title. However, the Department shall not
19 additionally revoke the driving privileges of the person pursuant to
20 this subsection if the person's driving privilege has been revoked
21 because of a test result or test refusal pursuant to Section 753 or
22 754 of this title arising from the same circumstances which resulted

1 in the conviction unless the revocation because of a test result or
2 test refusal is set aside;

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

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

8 5. Perjury or the making of a false affidavit or statement
9 under oath to the Department under the Uniform Vehicle Code or under
10 any other law relating to the ownership or operation of motor
11 vehicles;

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

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

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

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

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

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

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

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

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

20 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY & HOMELAND SECURITY,
21 dated 2-2-10 - DO PASS, As Amended and Coauthored.