

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 2746

By: Denney

4
5 AS INTRODUCED

6
7 An Act relating to public safety; amending 47 O.S.
8 2001, Section 6-205, as last amended by Section 17,
9 Chapter 311, O.S.L. 2006 (47 O.S. Supp. 2009, Section
10 6-205), which relates to the mandatory revocation of
11 driving privilege due to conviction of certain
12 offenses; deleting certain offense from mandatory
13 revocation of driving privilege; modifying certain
14 offense from mandatory revocation of driving
15 privileges; amending 47 O.S. 2001, Section 6-212.2,
16 as amended by Section 2, Chapter 178, O.S.L. 2003 (47
17 O.S. Supp. 2009, Section 6-212.2), which relates to
18 the required completion of alcohol and drug
19 assessment and evaluation due to certain convictions;
20 updating statutory citation; and providing an
21 effective date.

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

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

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

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

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10 this subsection if the person's driving privilege has been revoked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

15 3. ~~Any felony during the commission of which a motor vehicle is~~
16 ~~used,~~

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

20 ~~5.~~ 4. Perjury or the making of a false affidavit or statement
21 under oath to the Department under the Uniform Vehicle Code or under
22 any other law relating to the ownership or operation of motor
23 vehicles;

24

1 ~~6.~~ 5. A ~~misdemeanor or~~ felony conviction for ~~unlawfully~~
2 ~~possessing, distributing, dispensing, manufacturing, trafficking,~~
3 ~~cultivating, selling, transferring, attempting or conspiring to~~
4 ~~possess, distribute, dispense, manufacture, traffic, sell, or~~
5 ~~transfer~~ unlawful delivery of a controlled dangerous substance as
6 defined in the Uniform Controlled Dangerous Substances Act, using a
7 motor vehicle;

8 ~~7.~~ 6. Failure to pay for gasoline pumped into a vehicle
9 pursuant to Section 1740 of Title 21 of the Oklahoma Statutes; or

10 ~~8.~~ 7. A misdemeanor conviction for a violation of Section 1465
11 of Title 21 of the Oklahoma Statutes.

12 B. The first license revocation under any provision of this
13 section, except for paragraph 2, 5 or 6,~~or 7~~ of subsection A of
14 this section, shall be for a period of one (1) year. Such period
15 shall not be modified.

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

1 D. The period of license revocation under paragraph 2 or ~~6~~ 5 of
2 subsection A of this section shall be governed by the provisions of
3 Section 6-205.1 of this title.

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

9 SECTION 2. AMENDATORY 47 O.S. 2001, Section 6-212.2, as
10 amended by Section 2, Chapter 178, O.S.L. 2003 (47 O.S. Supp. 2009,
11 Section 6-212.2), is amended to read as follows:

12 Section 6-212.2 A. Whenever the records of the Department of
13 Public Safety reflect a conviction of a person pursuant to Section
14 11-902 of this title or an alcohol- or drug-related revocation or
15 suspension of the driving privileges of that person pursuant to the
16 provisions of paragraph 2 or ~~6~~ 5 of subsection A of Section 6-205 or
17 to Section 6-205.1, 6-206, 753, 754 or 761 of this title, the person
18 shall participate in an alcohol and drug assessment and evaluation
19 by an assessment agency or assessment personnel certified by the
20 Department of Mental Health and Substance Abuse Services for the
21 purpose of evaluating the person's receptivity to treatment and
22 prognosis. As determined by the assessment, the person shall enroll
23 in, attend and successfully complete the appropriate alcohol and
24 drug substance abuse course certified by the Department of Mental

1 Health and Substance Abuse Services or an alcohol or other drug
2 treatment program or both. The alcohol and drug substance abuse
3 course shall consist of either ten (10) hours or twenty-four (24)
4 hours of instruction and shall conform with the provisions of
5 Section 3-453 of Title 43A of the Oklahoma Statutes. No citizen
6 shall be compelled to travel more than seventy (70) miles from the
7 citizen's place of residence to attend a course or evaluation
8 program required herein. For purposes of this subsection, the
9 requirement for alcohol and drug substance abuse evaluation shall be
10 considered satisfied if the person is evaluated by an assessment
11 agency or assessment personnel certified for that purpose, all
12 recommendations identified by the evaluation are satisfied by the
13 person, and a report of such evaluation and completion is presented
14 to the court prior to sentencing and to the Department.

15 B. The requirements of subsection A of this section shall be a
16 condition for reinstatement of driving privileges, in addition to
17 other conditions for driving privilege reinstatement provided by
18 law.

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