

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1762

By: Leftwich

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5
6 AS INTRODUCED

7 An Act relating to intoxicating liquors; prohibiting
8 possession or consumption of alcohol by minors in
9 certain commercial vehicles; stating violations;
10 stating punishments; providing for revocation of
11 certain licenses and permits; requiring report of
12 violations to the Corporation Commission; authorizing
13 reinstatement following certain timeperiod;
14 authorizing agencies to promulgate rules to implement
15 act; amending 47 O.S. 2001, Section 6-205, as last
16 amended by Section 17, Chapter 311, O.S.L. 2006 (47
17 O.S. Supp. 2009, Section 6-205), which relates to
18 mandatory revocation of driving privileges; providing
19 penalty for certain offense; providing for
20 codification; and providing an effective date.

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1 one (21) years, who are in possession of or consuming alcoholic
2 beverages, including low-point beer as defined by Section 163.19 of
3 Title 37 of the Oklahoma Statutes.

4 B. The operator of any vehicle found in violation of this act
5 shall upon conviction be subject to mandatory revocation of his or
6 her operator's regular or commercial driver license pursuant to
7 Section 6-205 of Title 47 of the Oklahoma Statutes and revocation of
8 the operator's motor carrier license for a period equal to the
9 penalty imposed in Section 6-205 of Title 47.

10 C. The owner of any vehicle found in violation of this section
11 shall upon conviction be subject to a misdemeanor offense punishable
12 by a fine of not more than One Thousand Dollars (\$1,000.00) and
13 shall forfeit his or her Interstate Registration Certificate and/or
14 other license issued pursuant to Section 230.23 et seq. of Title 47
15 of the Oklahoma Statutes, in addition to any other government-issued
16 license authorizing the person to operate such vehicle for a period
17 of two (2) years.

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

23 E. Any person found in violation of this section and subject to
24 the license or permit revocations herein may apply for reinstatement

1 of such license or permit following the conclusion of the two-year
2 period with the appropriate state agency pursuant to law.

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

7 SECTION 2. AMENDATORY 47 O.S. 2001, Section 6-205, as
8 last amended by Section 17, Chapter 311, O.S.L. 2006 (47 O.S. Supp.
9 2009, Section 6-205), is amended to read as follows:

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

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

17 2. Driving or being in actual physical control of a motor
18 vehicle while under the influence of alcohol, any other intoxicating
19 substance, or the combined influence of alcohol and any other
20 intoxicating substance, any violation of paragraph 1, 2, 3 or 4 of
21 subsection A of Section 11-902 of this title or any violation of
22 Section 11-906.4 of this title. However, the Department shall not
23 additionally revoke the driving privileges of the person pursuant to
24 this subsection if the person's driving privilege has been revoked

1 because of a test result or test refusal pursuant to Section 753 or
2 754 of this title arising from the same circumstances which resulted
3 in the conviction unless the revocation because of a test result or
4 test refusal is set aside;

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

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

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

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

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

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

24

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

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

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

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

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

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

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