

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL NO. 529

6 By: Jolley and Ford of the
7 Senate

8 and

9 Nelson of the House

10 COMMITTEE SUBSTITUTE

11 An Act relating to driving under the influence;
12 creating the Erin Elizabeth Swezey Act; providing
13 short title; amending 47 O.S. 2001, Section 6-111, as
14 last amended by Section 2, Chapter 388, O.S.L. 2009
15 (47 O.S. Supp. 2010, Section 6-111), which relates to
16 issuance of driver licenses; requiring procedure to
17 label a driver license with certain designation under
18 certain circumstances; amending 47 O.S. 2001, Section
19 6-205.1, as last amended by Section 2, Chapter 345,
20 O.S.L. 2010 (47 O.S. Supp. 2010, Section 6-205.1),
21 which relates to periods of revocation; requiring
22 installation of ignition interlock device during
23 period of mandatory revocation; making certain
24 modification apply to Class D motor vehicles;
deleting certain modification restriction; amending
47 O.S. 2001, Section 6-211, as last amended by
Section 21, Chapter 311, O.S.L. 2006 (47 O.S. Supp.
2010, Section 6-211), which relates to appeals to
district court; clarifying hearing procedures;
providing statutory reference; making certain
modification apply to Class D vehicles; amending
Section 1, Chapter 167, O.S.L. 2005, as amended by
Section 18, Chapter 394, O.S.L. 2005 (47 O.S. Supp.
2010, Section 6-212.3), which relates to
cancellation, suspension or revocation of licenses;
requiring installation of ignition interlock devices
for specified time periods; amending 47 O.S. 2001,

1 Section 11-902, as last amended by Section 3, Chapter
2 310, O.S.L. 2009 (47 O.S. Supp. 2010, Section 11-
3 902), which relates to persons under the influence of
4 alcohol or other intoxicating substances; modifying
5 certain penalties for driving under the influence;
6 amending 47 O.S. 2001, Section 11-906.4, which
7 relates to the Drunk Driving Prevention Act;
8 providing statutory references; clarifying certain
9 penalties for driving under the influence; providing
10 for the continued use of ignition interlock devices;
11 providing penalties for third and subsequent
12 convictions; providing for noncodification; and
13 providing an effective date.

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

SECTION 1. NEW LAW A new section of law not to be
codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Erin Elizabeth
Swezey Act".

SECTION 2. AMENDATORY 47 O.S. 2001, Section 6-111, as
last amended by Section 2, Chapter 388, O.S.L. 2009 (47 O.S. Supp.
2010, Section 6-111), is amended to read as follows:

Section 6-111. A. 1. The Department of Public Safety shall,
upon payment of the required fee, issue to every applicant
qualifying therefor a Class A, B, C or D driver license or
identification card as applied for, which license or card shall bear
thereon a distinguishing alphanumeric identification assigned to the
licensee or cardholder, date of issuance and date of expiration of
the license or card, the full name, signature or computerized

1 signature, date of birth, residence address, sex, a color photograph
2 or computerized image of the licensee or cardholder and security
3 features as determined by the Department. The photograph or image
4 shall depict a full front unobstructed view of the entire face of
5 the licensee or cardholder. When any person is issued both a driver
6 license and an identification card, the Department shall ensure the
7 information on both the license and the card are the same, unless
8 otherwise provided by law.

9 2. A driver license or identification card issued by the
10 Department on or after March 1, 2004, shall bear thereon the county
11 of residence of the licensee or cardholder.

12 3. The Department may cancel the distinguishing number, when
13 that distinguishing number is another person's Social Security
14 number, assign a new distinguishing alphanumeric identification, and
15 issue a new license or identification card without charge to the
16 licensee or cardholder.

17 4. The Department may promulgate rules for inclusion of the
18 height and a brief description of the licensee or cardholder on the
19 face of the card or license identifying the licensee or cardholder
20 as deaf or hard-of-hearing.

21 5. It is unlawful for any person to apply, adhere, or otherwise
22 attach to a driver license or identification card any decal,
23 sticker, label, or other attachment. Any law enforcement officer is
24 authorized to remove and dispose of any unlawful decal, sticker,

1 label, or other attachment from the driver license of a person. The
2 law enforcement officer, the employing agency of the officer, the
3 Department of Public Safety, and the State of Oklahoma shall be
4 immune from any liability for any loss suffered by the licensee,
5 cardholder, or the owner of the decal, sticker, label, or other
6 attachment caused by the removal and destruction of the decal,
7 sticker, label, or other attachment.

8 6. The Department of Public Safety shall develop by rule an
9 alternative procedure whereby a person applying for a renewal or
10 replacement Class D license or identification card, when the person
11 satisfactorily demonstrates to the Department the inability to
12 appear personally to be photographed because the person is not in
13 the state at the time of renewal or at a time a replacement is
14 required by the person, may be issued a license or card; provided,
15 immediately upon returning to Oklahoma, the person shall obtain a
16 replacement license or card as provided in Section 6-114 of this
17 title.

18 B. The Department may issue a temporary permit to an applicant
19 for a driver license permitting such applicant to operate a motor
20 vehicle while the Department is completing its investigation and
21 determination of all facts relative to such applicant's privilege to
22 receive a license. Such permit must be in the immediate possession
23 of the driver while operating a motor vehicle, and it shall be
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1 invalid when the applicant's driver license has been issued or for
2 good cause has been refused.

3 C. 1. The Department may issue a restricted commercial driver
4 license to seasonal drivers eighteen (18) years of age or older for
5 any of the following specific farm-related service industries:

- 6 a. farm retail outlets and suppliers,
- 7 b. agri-chemical businesses,
- 8 c. custom harvesters, and
- 9 d. livestock feeders.

10 The applicant shall hold a valid Oklahoma driver license and
11 shall meet all the requirements for a commercial driver license.

12 The restricted commercial driver license shall not exceed a total of
13 one hundred eighty (180) days within any twelve-month period.

14 2. The restricted commercial driver license shall not be valid
15 for operators of commercial motor vehicles beyond one hundred fifty
16 (150) miles from the place of business or the farm currently being
17 served. Such license shall be limited to Class B vehicles. Holders
18 of such licenses who transport hazardous materials which are
19 required to be placarded shall be limited to the following:

- 20 a. diesel fuel in quantities of one thousand (1,000)
21 gallons or less,
- 22 b. liquid fertilizers in vehicles with total capacities
23 of three thousand (3,000) gallons or less, and

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1 c. solid fertilizers that are not mixed with any organic
2 substance.

3 No other placarded hazardous materials shall be transported by
4 holders of such licenses.

5 D. 1. The Department shall develop a procedure whereby a
6 person applying for an original, renewal or replacement Class A, B,
7 C or D driver license or identification card who is required to
8 register as a convicted sex offender with the Department of
9 Corrections pursuant to the provisions of the Sex Offenders
10 Registration Act and who the Department of Corrections designates as
11 an aggravated or habitual offender pursuant to subsection J of
12 Section 584 of Title 57 of the Oklahoma Statutes shall be issued a
13 license or card bearing the words "Sex Offender".

14 2. The Department shall notify every person subject to
15 registration under the provisions of ~~this act~~ Section 1-101 et seq.
16 of this title who holds a current Class A, B, C or D driver license
17 or identification card that such person is required to surrender the
18 license or card to the Department within one hundred eighty (180)
19 days from the date of the notice.

20 3. Upon surrendering the license or card for the reason set
21 forth in this subsection, application may be made with the
22 Department for a replacement license or card bearing the words "Sex
23 Offender".
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1 4. Failure to comply with the requirements set forth in such
2 notice shall result in cancellation of the person's license or card.
3 Such cancellation shall be in effect for one (1) year, after which
4 time the person may make application with the Department for a new
5 license or card bearing the words "Sex Offender". Continued use of
6 a canceled license or card shall constitute a misdemeanor and shall,
7 upon conviction thereof, be punishable by a fine of not less than
8 Twenty-five Dollars (\$25.00), nor more than Two Hundred Dollars
9 (\$200.00). When an individual is no longer required to register as
10 a convicted sex offender with the Department of Corrections pursuant
11 to the provisions of the Sex Offenders Registration Act, the
12 individual shall be eligible to receive a driver license or
13 identification card which does not bear the words "Sex Offender".

14 E. Nothing in subsection D of this section shall be deemed to
15 impose any liability upon or give rise to a cause of action against
16 any employee, agent or official of the Department of Corrections for
17 failing to designate a sex offender as an aggravated or habitual
18 offender pursuant to subsection J of Section 584 of Title 57 of the
19 Oklahoma Statutes.

20 F. The Department shall develop a procedure whereby a person
21 subject to an order for the installation of an ignition interlock
22 device shall be required by the Department to submit their driver
23 license for a replacement. The replacement driver license shall
24 bear the words "Interlock Required" and such designation shall

1 remain on the driver license for the duration of the order requiring
2 the ignition interlock device. The replacement license shall be
3 subject to the same expiration and renewal procedures provided by
4 law. Upon completion of the requirements for the interlock device,
5 a person may apply for a replacement driver license.

6 G. The Department shall develop a procedure whereby a person
7 applying for an original, renewal or replacement Class D driver
8 license who has been granted modified driving privileges under this
9 title shall be issued a Class D driver license which identifies the
10 license as a modified license.

11 SECTION 3. AMENDATORY 47 O.S. 2001, Section 6-205.1, as
12 last amended by Section 2, Chapter 345, O.S.L. 2010 (47 O.S. Supp.
13 2010, Section 6-205.1), is amended to read as follows:

14 Section 6-205.1 A. The driving privilege of a person who is
15 convicted of any offense as provided in paragraph 2 ~~or 6~~ of
16 subsection A of Section 6-205 of this title, or a person who has
17 refused to submit to a test or tests as provided in Section 753 of
18 this title, or a person whose alcohol concentration is subject to
19 the provisions of Section 754 of this title, shall be revoked or
20 denied by the Department of Public Safety for the following period,
21 as applicable:

22 1. The first license revocation pursuant to paragraph 2 of
23 subsection A of Section 6-205 of this title or to Section 753 or 754
24 of this title shall be for one hundred eighty (180) days, which may

1 be modified; provided, any modification under this paragraph shall
2 apply to Class D motor vehicles only. Provided, further, whether or
3 not the person is eligible for, applies for, or is granted a
4 modification, the person shall be required to install an ignition
5 interlock device or devices, pursuant to Section 754.1 of this
6 title, during the mandatory period of revocation;

7 2. A revocation pursuant to paragraph 2 of subsection A of
8 Section 6-205 of this title, or to Section 753 or 754 of this title
9 shall be for a period of one (1) year if within ten (10) years
10 preceding the date of arrest relating thereto, as shown by the
11 records of the Department; ~~provided, any modification under this~~
12 ~~paragraph shall apply to Class D motor vehicles only:~~

13 a. a prior revocation commenced pursuant to paragraph 2
14 or 6 of subsection A of Section 6-205 of this title,
15 or to Section 753 or 754 of this title. ~~Such period~~
16 ~~may be modified, or~~

17 b. the record of the person reflects a prior conviction
18 in another jurisdiction which did not result in a
19 revocation of Oklahoma driving privileges, for a
20 violation substantially similar to paragraph 2 of
21 subsection A of Section 6-205 of this title, and the
22 person was not a resident or a licensee of Oklahoma at
23 the time of the offense resulting in the conviction.

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1 Such period may be modified provided, any modification under this
2 paragraph shall apply to Class D motor vehicles only. Provided,
3 further, whether or not the person is eligible for, applies for, or
4 is granted a modification, the person shall be required to install
5 an ignition interlock device or devices, pursuant to Section 754.1
6 of this title, during the mandatory period of revocation; or

7 3. A revocation pursuant to paragraph 2 of subsection A of
8 Section 6-205 of this title, or to Section 753 or 754 of this title
9 shall be for a period of three (3) years if within ten (10) years
10 preceding the date of arrest relating thereto, as shown by the
11 records of the Department; ~~provided, any modification under this~~
12 ~~paragraph shall apply to Class D motor vehicles only:~~

13 a. two or more prior revocations commenced pursuant to
14 paragraph 2 or 6 of subsection A of Section 6-205 of
15 this title, or to Section 753 or 754 of this title.
16 ~~Such period may be modified,~~

17 b. the record of the person reflects two or more prior
18 convictions in another jurisdiction which did not
19 result in a revocation of Oklahoma driving privileges,
20 for a violation substantially similar to paragraph 2
21 of subsection A of Section 6-205 of this title, and
22 the person was not a resident or a licensee of
23 Oklahoma at the time of the offense resulting in the
24 conviction. ~~Such period may be modified, or~~

1 c. any combination of two or more prior revocations or
2 convictions as described in subparagraphs a and b of
3 this paragraph.

4 Such period may be modified; provided, any modification under this
5 paragraph shall apply to Class D motor vehicles only. Provided,
6 further, whether or not the person is eligible for, applies for, or
7 is granted a modification, the person shall be required to install
8 an ignition interlock device or devices, pursuant to Section 754.1
9 of this title, during the mandatory period of revocation.

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

14 1. The first license revocation shall be for one hundred eighty
15 (180) days, which may be modified; provided, for license revocations
16 for a misdemeanor charge of possessing a controlled dangerous
17 substance, the provisions of this paragraph shall apply to any such
18 revocations by the Department on or after January 1, 1993; provided
19 further, any modification under this paragraph shall apply to Class
20 D motor vehicles only;

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

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

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

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

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

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

1 and the person was not a resident or licensee of
2 Oklahoma at the time of the offense resulting in the
3 conviction. ~~Such period shall not be modified, or~~

4 c. any combination of two or more prior revocations as
5 described in subparagraphs a and b or this paragraph.

6 Such period shall not be modified.

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

17 C. For the purposes of this subsection:

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

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

23 D. Each period of revocation not subject to modification shall
24 be mandatory and neither the Department nor any court shall grant

1 driving privileges based upon hardship or otherwise for the duration
2 of that period. Each period of revocation, subject to modification
3 as provided for in this section, may be modified as provided for in
4 Section 754.1 or 755 of this title; provided, any modification under
5 this paragraph shall apply to Class D motor vehicles only.

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

8 SECTION 4. AMENDATORY 47 O.S. 2001, Section 6-211, as
9 last amended by Section 21, Chapter 311, O.S.L. 2006 (47 O.S. Supp.
10 2010, Section 6-211), is amended to read as follows:

11 Section 6-211. A. Any person denied driving privileges, or
12 whose driving privilege has been canceled, denied, suspended or
13 revoked by the Department, except where such cancellation, denial,
14 suspension or revocation is mandatory, under the provisions of
15 Section 6-205 of this title, or disqualified by the Department,
16 under the provisions of Section 6-205.2 or 761 of this title, shall
17 have the right of appeal to the district court as hereinafter
18 provided. Proceedings before the district court shall be exempt
19 from the provisions of the Oklahoma Pleading and Discovery codes,
20 except that the appeal shall be by petition, without responsive
21 pleadings. The district court is hereby vested with original
22 jurisdiction to hear said petition.

23 B. A person whose driving privilege is denied, canceled,
24 revoked or suspended due to inability to meet standards prescribed

1 by law, or due to an out-of-state conviction or violation, or due to
2 an excessive point accumulation on the traffic record, or for an
3 unlawful license issued, may appeal in the county in which the
4 person resides.

5 C. Any person whose driving privilege is canceled, denied,
6 suspended or revoked may appeal to the district court in the county
7 in which the offense was committed upon which the Department based
8 its order.

9 D. A person whose driving privilege is revoked or denied or who
10 is denied a hearing pursuant to Section 753 or 754 of this title may
11 appeal to the district court in the county in which the arrest
12 occurred relating to the test refusal or test result, as shown by
13 the records of the Department.

14 E. The petition shall be filed within thirty (30) days after
15 the order has been served upon the person, except a petition
16 relating to an implied consent revocation shall be filed within
17 thirty (30) days after the Department gives notice to the person
18 that the revocation is sustained as provided in Section 754 of this
19 title. It shall be the duty of the district court to enter an order
20 setting the matter for hearing not less than fifteen (15) days and
21 not more than thirty (30) days from the date the petition is filed.
22 A certified copy of petition and order for hearing shall be served
23 forthwith by the clerk of the court upon the Commissioner of Public
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1 Safety by certified mail at the Department of Public Safety,
2 Oklahoma City, Oklahoma.

3 F. At a hearing on a revocation by the Department pursuant to
4 the implied consent laws as provided in Sections 6-205.1, 753 and
5 754 of this title, the court shall not consider the merits of the
6 revocation action unless a written request for an administrative
7 hearing was timely submitted to the Department and the person
8 actually exercised the opportunity to appear as provided in Section
9 754 of this title and the Department entered an order sustaining the
10 revocation.

11 G. Upon a hearing relating to a revocation or disqualification
12 pursuant to a conviction for an offense enumerated in Section 6-205,
13 761, or 6-205.2 of this title, the court shall not consider the
14 propriety or merits of the revocation or disqualification action,
15 except to correct the identity of the person convicted as shown by
16 records of the Department.

17 H. In the event the Department declines to modify, as provided
18 in Section 754.1 of this title, a revocation order issued pursuant
19 to Section 753, Section 754, paragraph 2 of subsection A of Section
20 6-205 or Section 6-205.1 of this title, which is subject to
21 modification pursuant to Section 11-906.4 of this title or Section
22 6-205.1 of this title, a petition for modification may be included
23 with the appeal or separately filed at any time, and the district
24 court may, in its discretion, modify the revocation as provided for

1 in Section 755 of this title; provided, any modification under this
2 subsection shall apply to Class D motor vehicles only.

3 I. The court shall take testimony and examine the facts and
4 circumstances, including all of the records on file in the office of
5 the Department of Public Safety relative to the offense committed
6 and the driving record of the person, and determine from the facts,
7 circumstances, and records whether or not the petitioner is entitled
8 to driving privileges or shall be subject to the order of denial,
9 cancellation, suspension or revocation issued by the Department.
10 The court may also determine whether or not, from the person's
11 previous driving record, the order was for a longer period of time
12 than such facts and circumstances warranted. In case the court
13 finds that the order was not justified, the court may sustain the
14 appeal, vacate the order of the Department and direct that driving
15 privileges be restored to the petitioner, if otherwise eligible.
16 The court may, in case it determines the order was justified, but
17 that the period of the suspension or revocation was excessive, enter
18 an order modifying the same as provided by law.

19 J. The testimony of any hearing pursuant to this section shall
20 be taken by the court stenographer and preserved for the purpose of
21 appeal and, in case the Department files notice of appeal from the
22 order of the court as provided herein, the court shall order and
23 direct the court clerk to prepare and furnish a complete transcript
24 of all pleadings and proceedings, together with a complete

1 transcript taken at said hearing at no cost to the Department,
2 except the cost of transcribing.

3 K. In order to stay or supersede any order of the Department,
4 the petitioner may execute and file a cash appeal bond in the sum of
5 Two Hundred Fifty Dollars (\$250.00) with the clerk of the court, to
6 be approved by the court clerk. A certified copy of the bond shall
7 be served along with the notice of hearing and petition.

8 The bond shall be to the State of Oklahoma and conditioned that
9 the petitioner will prosecute the appeal with due diligence and
10 during pendency of the appeal abide by and not violate any of the
11 laws of this state or any other state in the operation of a motor
12 vehicle, and that the petitioner will abide by and perform the final
13 judgment of the court therein, and in case the appeal is finally
14 denied the appellant will pay all court costs incurred in the appeal
15 in the district court. If the petitioner is convicted of a traffic
16 offense during the pendency of the appeal or fails to prosecute the
17 appeal with due diligence, the bond may be forfeited to the court
18 fund upon application by the Department and after hearing before the
19 court in which the appeal is pending.

20 L. After filing and approval of the appeal bond and the
21 furnishing thereof to the Department as hereby provided, the
22 Department shall restore driving privileges to the person if
23 otherwise eligible, and the person shall be permitted to operate a
24 motor vehicle pending the appeal, under terms and conditions as

1 prescribed in the bond which shall include the installation of an
2 ignition interlock device on every motor vehicle operated by the
3 person, pursuant to Section 754.1 or 755 of this title, if the
4 person was denied modification pursuant to any provision of
5 paragraph 2 of subsection A of Section 6-205 or Section 6-205.1, 753
6 or 754 of this title; provided, however, if the order of the
7 Department is sustained in final judgment, the court shall, in such
8 final judgment, enter an order extending the period of suspension or
9 revocation for such time as the petitioner was permitted to operate
10 motor vehicles under the provisions of an appeal bond, and the court
11 shall also in such final judgment direct and require the immediate
12 surrender of any driver license or licenses to the Department.

13 M. An appeal may be taken by the person or by the Department
14 from the order or judgment of the district court to the Supreme
15 Court of the State of Oklahoma as otherwise provided by law.

16 SECTION 5. AMENDATORY Section 1, Chapter 167, O.S.L.
17 2005, as amended by Section 18, Chapter 394, O.S.L. 2005 (47 O.S.
18 Supp. 2010, Section 6-212.3), is amended to read as follows:

19 Section 6-212.3 A. Whenever the records of the Department of
20 Public Safety reflect the revocation of the driving privilege of a
21 person as provided in subsection A of Section 6-205.1 of this title,
22 the Department shall require the installation of an ignition
23 interlock device, at the expense of the person, as provided in
24 subsection C of this section, after the mandatory period of

1 revocation, as prescribed by Section 6-205.1 of this title, for the
2 following period, as applicable:

3 1. A For a first revocation and if the person had a blood or
4 breath alcohol concentration of fifteen hundredths (0.15) or more,
5 for a period of one and one-half (1 1/2) years following the
6 mandatory period of revocation or until the driving privileges of
7 the person are reinstated, whichever is longer;

8 2. For a second or subsequent conviction of a person for
9 driving under the influence of alcohol or the combination of alcohol
10 and any other intoxicating substance within five (5) years of a
11 previous conviction for the same offense; or

12 2.—A revocation, for a period of four (4) years following the
13 mandatory period of revocation or until the driving privileges of
14 the person are reinstated; or

15 3. For a third or subsequent revocation, for a period of five
16 (5) years following the mandatory period of revocation or until the
17 driving privileges of the person are reinstated, whichever is
18 longer.

19 B. Whenever the records of the Department of Public Safety
20 reflect a person is classified as an excessive user of alcohol or of
21 a combination of alcohol and any other intoxicating substance, and
22 inimical to public safety, in accordance with rules promulgated by
23 the Department, the person shall, upon request for reinstatement of
24 driving privileges from revocation or suspension based upon the

1 conviction or the status as an excessive user, provide proof of
2 installation of an ignition interlock device approved by the Board
3 of Tests for Alcohol and Drug Influence, at the ~~person's own~~ expense
4 of the person, upon every motor vehicle operated by the person as
5 provided in subsection C of this section.

6 ~~B.~~ C. The Department shall require, as a condition of
7 reinstatement, the device to be installed upon any vehicle owned or
8 leased, as reflected on the vehicle registration, by an employer of
9 the person for use by the person, except when the employer requests
10 the ignition interlock device not be installed. The request shall
11 be in writing and notarized on the official letterhead of the
12 employer and provided by the person to the Department; provided, a
13 request shall not be accepted by the Department under the following
14 circumstances:

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

18 2. When the person is employed by a relative who is within the
19 first degree of consanguinity or who resides in the same household.
20 The person shall comply with all provisions of law and rule
21 regarding ignition interlock devices.

22 ~~C.~~ D. 1. The requirements of subsection A or B, as applicable,
23 of this section shall be a prerequisite and condition for
24 reinstatement of driving privileges, in addition to other conditions

1 for driving privilege reinstatement provided by law or by rule of
2 the Department. The Upon request and eligibility, the Department
3 shall issue a restricted driver license to the person, upon payment
4 of a restricted driver license fee of Fifty Dollars (\$50.00) and all
5 other appropriate fees by the person. The restricted driver license
6 and the driving record of the person shall indicate by an
7 appropriate restriction that the person is only authorized to
8 operate a vehicle upon which an ignition interlock is installed. If
9 the person is operating a motor vehicle owned or leased by an
10 employer who has not given permission for an ignition interlock
11 device to be installed, the employer shall provide the person with a
12 letter, on official letterhead of the employer, which the person
13 shall carry in his or her immediate possession at all times when
14 operating a motor vehicle and shall display for examination and
15 inspection upon demand of a peace officer.

16 2. The restricted driver license fee authorized by this section
17 shall be remitted to the State Treasurer to be credited to the
18 Department of Public Safety Revolving Fund. All monies accruing to
19 the credit of the Department of Public Safety Revolving Fund from
20 restricted driver license fees shall be budgeted and expended solely
21 for the purpose of administering the provisions of this section.

22 3. The installation of an ignition interlock device, as
23 required by this subsection, shall not be construed to authorize the
24 person to drive unless the person is otherwise eligible to drive.

1 ~~D. 1.~~ E. Installation of an ignition interlock device
2 pursuant to ~~paragraph 1~~ of subsection A or B of this section shall
3 ~~be for a period of six (6) months which~~ shall run concurrently with
4 a court order, if any, for installation of an ignition interlock
5 device, or devices pursuant to the same conviction.

6 ~~2. Installation of an ignition interlock device pursuant to~~
7 ~~paragraph 2 of subsection A of this section shall be for a period of~~
8 ~~twelve (12) months which shall run concurrently with a court order,~~
9 ~~if any, for installation of an ignition interlock device pursuant to~~
10 ~~a conviction which caused the person to be classified as an~~
11 ~~excessive user of alcohol or of a combination of alcohol and any~~
12 ~~other intoxicating substance.~~

13 ~~E.~~ F. The person shall pay the monthly maintenance fee, not to
14 exceed Twenty-five Dollars (\$25.00) per month, for each ignition
15 interlock device installed pursuant to this section. The person
16 shall comply with all provisions of law regarding ignition interlock
17 devices.

18 ~~F.~~ G. The ignition interlock device provider shall make
19 available to the Department regular reports of violations, if any,
20 for each ignition interlock device installed pursuant to this
21 section.

22 ~~G.~~ H. Pursuant to Section 6-113 of ~~Title 47 of the Oklahoma~~
23 ~~Statutes~~ this title, the Department may revoke or suspend the
24 driving privileges of the person for reports from the provider which

1 indicate attempts by the person to operate a motor vehicle when the
2 person is under the influence of alcohol.

3 ~~H.~~ I. The Department shall promulgate rules necessary to
4 implement and administer this section.

5 SECTION 6. AMENDATORY 47 O.S. 2001, Section 11-902, as
6 last amended by Section 3, Chapter 310, O.S.L. 2009 (47 O.S. Supp.
7 2010, Section 11-902), is amended to read as follows:

8 Section 11-902. A. It is unlawful and punishable as provided
9 in this section for any person to drive, operate, or be in actual
10 physical control of a motor vehicle within this state, whether upon
11 public roads, highways, streets, turnpikes, other public places or
12 upon any private road, street, alley or lane which provides access
13 to one or more single or multi-family dwellings, who:

14 1. Has a blood or breath alcohol concentration, as defined in
15 Section 756 of this title, of eight-hundredths (0.08) or more at the
16 time of a test of such person's blood or breath administered within
17 two (2) hours after the arrest of such person;

18 2. Is under the influence of alcohol;

19 3. Is under the influence of any intoxicating substance other
20 than alcohol which may render such person incapable of safely
21 driving or operating a motor vehicle; or

22 4. Is under the combined influence of alcohol and any other
23 intoxicating substance which may render such person incapable of
24 safely driving or operating a motor vehicle.

1 B. The fact that any person charged with a violation of this
2 section is or has been lawfully entitled to use alcohol or a
3 controlled dangerous substance or any other intoxicating substance
4 shall not constitute a defense against any charge of violating this
5 section.

6 C. 1. Any person who is convicted of a violation of the
7 provisions of this section shall be deemed guilty of a misdemeanor
8 for the first offense and shall:

9 a. participate in an assessment and evaluation by an
10 assessment agency or assessment personnel certified by
11 the Department of Mental Health and Substance Abuse
12 Services pursuant to Section 3-460 of Title 43A of the
13 Oklahoma Statutes and shall follow all recommendations
14 made in the assessment and evaluation ~~and,~~

15 b. be punished by imprisonment in jail for not less than
16 ten (10) days nor more than one (1) year. ~~Any person~~
17 ~~convicted of a violation for a first offense shall,~~
18 and

19 c. be fined not more than One Thousand Dollars
20 (\$1,000.00).

21 2. Any person who, within ten (10) years after a previous
22 conviction of a violation of this section or a violation pursuant to
23 the provisions of any law of another state prohibiting the offense
24 provided in subsection A of this section, is convicted of a second

1 offense pursuant to the provisions of this section or has a prior
2 conviction in a municipal criminal court of record for the violation
3 of a municipal ordinance prohibiting the offense provided for in
4 subsection A of this section and within ten (10) years of such
5 municipal conviction is convicted pursuant to the provision of this
6 section shall be deemed guilty of a felony and shall participate in
7 an assessment and evaluation by an assessment agency or assessment
8 personnel certified by the Department of Mental Health and Substance
9 Abuse Services pursuant to Section 3-460 of Title 43A of the
10 Oklahoma Statutes and shall be sentenced to:

- 11 a. follow all recommendations made in the assessment and
12 evaluation for treatment at the defendant's expense,
13 or
- 14 b. placement in the custody of the Department of
15 Corrections for not less than one (1) year and not to
16 exceed five (5) years and a fine of not more than Two
17 Thousand Five Hundred Dollars (\$2,500.00), or
- 18 c. treatment, imprisonment and a fine within the
19 limitations prescribed in subparagraphs a and b of
20 this paragraph.

21 However, if the treatment in subparagraph a of this paragraph
22 does not include residential or inpatient treatment for a period of
23 not less than five (5) days, the person shall serve a term of
24 imprisonment of at least five (5) days.

1 3. Any person who is convicted of a second felony offense
2 pursuant to the provisions of this section shall participate in an
3 assessment and evaluation by an assessment agency or assessment
4 personnel certified by the Department of Mental Health and Substance
5 Abuse Services pursuant to Section 3-460 of Title 43A of the
6 Oklahoma Statutes and shall be sentenced to:

- 7 a. follow all recommendations made in the assessment and
8 evaluation for treatment at the defendant's expense,
9 two hundred forty (240) hours of community service and
10 use of an ignition interlock device, as provided by
11 subparagraph n of paragraph 1 of subsection A of
12 Section 991a of Title 22 of the Oklahoma Statutes, or
13 b. placement in the custody of the Department of
14 Corrections for not less than one (1) year and not to
15 exceed ten (10) years and a fine of not more than Five
16 Thousand Dollars (\$5,000.00), or
17 c. treatment, imprisonment and a fine within the
18 limitations prescribed in subparagraphs a and b of
19 this paragraph.

20 However, if the treatment in subparagraph a of this paragraph
21 does not include residential or inpatient treatment for a period of
22 not less than ten (10) days, the person shall serve a term of
23 imprisonment of at least ten (10) days.

1 4. Any person who is convicted of a third or subsequent felony
2 offense pursuant to the provisions of this section shall participate
3 in an assessment and evaluation by an assessment agency or
4 assessment personnel certified by the Department of Mental Health
5 and Substance Abuse Services pursuant to Section 3-460 of Title 43A
6 of the Oklahoma Statutes and shall be sentenced to:

7 a. follow all recommendations made in the assessment and
8 evaluation for treatment at the defendant's expense,
9 followed by not less than one (1) year of supervision
10 and periodic testing at the defendant's expense, four
11 hundred eighty (480) hours of community service, and
12 use of an ignition interlock device, as provided by
13 subparagraph n of paragraph 1 of subsection A of
14 Section 991a of Title 22 of the Oklahoma Statutes, for
15 a minimum of thirty (30) days, or

16 b. placement in the custody of the Department of
17 Corrections for not less than one (1) year and not to
18 exceed twenty (20) years and a fine of not more than
19 Five Thousand Dollars (\$5,000.00), or

20 c. treatment, imprisonment and a fine within the
21 limitations prescribed in subparagraphs a and b of
22 this paragraph.

23
24

1 However, if the person does not undergo residential or inpatient
2 treatment pursuant to subparagraph a of this paragraph the person
3 shall serve a term of imprisonment of at least ten (10) days.

4 5. Any person who, within ten (10) years after a previous
5 conviction of a violation of murder in the second degree or
6 manslaughter in the first degree in which the death was caused as a
7 result of driving under the influence of alcohol or other
8 intoxicating substance, is convicted of a violation of this section
9 shall be deemed guilty of a felony.

10 6. Provided, however, a conviction from another state shall not
11 be used to enhance punishment pursuant to the provisions of this
12 subsection if that conviction is based on a blood or breath alcohol
13 concentration of less than eight-hundredths (0.08).

14 7. In any case in which a defendant is charged with a second or
15 subsequent driving under the influence of alcohol or other
16 intoxicating substance offense within any municipality with a
17 municipal court other than a court of record, the charge shall be
18 presented to the county's district attorney and filed with the
19 district court of the county within which the municipality is
20 located.

21 D. Any person who is convicted of a violation of driving under
22 the influence with a blood or breath alcohol concentration of
23 fifteen-hundredths (0.15) or more pursuant to this section shall be
24 deemed guilty of aggravated driving under the influence. A person

1 convicted of aggravated driving under the influence shall
2 participate in an assessment and evaluation by an assessment agency
3 or assessment personnel certified by the Department of Mental Health
4 and Substance Abuse Services pursuant to Section 3-460 of Title 43A
5 of the Oklahoma Statutes and shall comply with all recommendations
6 for treatment. Such person shall be sentenced to ~~not~~:

7 1. Not less than one (1) year of supervision and periodic
8 testing at the defendant's expense, four hundred eighty (480) hours
9 of community service~~;~~ and ~~an~~

10 2. An ignition interlock device or devices, as provided by
11 subparagraph n of paragraph 1 of subsection A of Section 991a of
12 Title 22 of the Oklahoma Statutes, for a minimum of thirty (30)
13 days. Nothing in this subsection shall preclude the defendant from
14 being charged or punished as provided in paragraph 1, 2, 3, 4 or 5
15 of subsection C of this section.

16 E. When a person is sentenced to imprisonment in the custody of
17 the Department of Corrections, the person shall be processed through
18 the Lexington Assessment and Reception Center or at a place
19 determined by the Director of the Department of Corrections. The
20 Department of Corrections shall classify and assign the person to
21 one or more of the following:

22 1. The Department of Mental Health and Substance Abuse Services
23 pursuant to paragraph 1 of subsection A of Section 612 of Title 57
24 of the Oklahoma Statutes; or

1 2. A correctional facility operated by the Department of
2 Corrections with assignment to substance abuse treatment.

3 F. The Department of Public Safety is hereby authorized to
4 reinstate any suspended or revoked driving privilege when the person
5 meets the statutory requirements which affect the existing driving
6 privilege.

7 G. Any person who is found guilty of a violation of the
8 provisions of this section shall be ordered to participate in, prior
9 to sentencing, an alcohol and drug substance abuse evaluation and
10 assessment program offered by a certified assessment agency or
11 certified assessor for the purpose of evaluating and assessing the
12 receptivity to treatment and prognosis of the person. The court
13 shall order the person to reimburse the agency or assessor for the
14 evaluation and assessment. The fee for an evaluation and assessment
15 shall be the amount provided in subsection C of Section 3-460 of
16 Title 43A of the Oklahoma Statutes. The evaluation and assessment
17 shall be conducted at a certified assessment agency, the office of a
18 certified assessor or at another location as ordered by the court.
19 The agency or assessor shall, within seventy-two (72) hours from the
20 time the person is evaluated and assessed, submit a written report
21 to the court for the purpose of assisting the court in its final
22 sentencing determination. If such report indicates that the
23 evaluation and assessment shows that the defendant would benefit
24 from a ten-hour or twenty-four-hour alcohol and drug substance abuse

1 course or a treatment program or both, the court shall, as a
2 condition of any sentence imposed, including deferred and suspended
3 sentences, require the person to follow all recommendations
4 identified by the evaluation and assessment and ordered by the
5 court. No person, agency or facility operating an evaluation and
6 assessment program certified by the Department of Mental Health and
7 Substance Abuse Services shall solicit or refer any person evaluated
8 and assessed pursuant to this section for any treatment program or
9 substance abuse service in which such person, agency or facility has
10 a vested interest; however, this provision shall not be construed to
11 prohibit the court from ordering participation in or any person from
12 voluntarily utilizing a treatment program or substance abuse service
13 offered by such person, agency or facility. If a person is
14 sentenced to imprisonment in the custody of the Department of
15 Corrections and the court has received a written evaluation report
16 pursuant to the provisions of this subsection, the report shall be
17 furnished to the Department of Corrections with the judgment and
18 sentence. Any evaluation and assessment report submitted to the
19 court pursuant to the provisions of this subsection shall be handled
20 in a manner which will keep such report confidential from the
21 general public's review. Nothing contained in this subsection shall
22 be construed to prohibit the court from ordering judgment and
23 sentence in the event the defendant fails or refuses to comply with
24 an order of the court to obtain the evaluation and assessment

1 required by this subsection. If the defendant fails or refuses to
2 comply with an order of the court to obtain the evaluation and
3 assessment, the Department of Public Safety shall not reinstate
4 driving privileges until the defendant has complied in full with
5 such order. Nothing contained in this subsection shall be construed
6 to prohibit the court from ordering judgment and sentence and any
7 other sanction authorized by law for failure or refusal to comply
8 with an order of the court.

9 H. Any person who is found guilty of a violation of the
10 provisions of this section may be required by the court to attend a
11 victims impact panel program, if such a program is offered in the
12 county where the judgment is rendered, and to pay a fee, not less
13 than Fifteen Dollars (\$15.00) nor more than Twenty-five Dollars
14 (\$25.00) as set by the governing authority of the program and
15 approved by the court, to the program to offset the cost of
16 participation by the defendant, if in the opinion of the court the
17 defendant has the ability to pay such fee.

18 I. Any person who is found guilty of a felony violation of the
19 provisions of this section may be required to submit to electronic
20 monitoring as authorized and defined by Section 991a of Title 22 of
21 the Oklahoma Statutes.

22 J. Any person who, within ten (10) years after a previous
23 conviction of a violation of this section or a violation pursuant to
24 the provisions of law of another state prohibiting the offense

1 provided in subsection A of this section or a violation of a
2 municipal ordinance prohibiting the offense provided in subsection A
3 of this section, pleads guilty or nolo contendere or is convicted of
4 a violation of this section shall not be required to undergo the
5 alcohol and drug substance evaluation program required by subsection
6 G of this section. The court shall, as a condition of any sentence
7 imposed, including deferred and suspended sentences, require the
8 person to participate in and successfully complete all
9 recommendations from the evaluation, such as an alcohol and drug
10 substance abuse treatment program pursuant to Section 3-452 of Title
11 43A of the Oklahoma Statutes.

12 K. Any person who is found guilty of a violation of the
13 provisions of this section who has been sentenced by the court to
14 perform any type of community service shall not be permitted to pay
15 a fine in lieu of performing the community service.

16 L. When a person is found guilty of a violation of the
17 provisions of this section, the court shall order, in addition to
18 any other penalty, the defendant to pay a one-hundred-dollar
19 assessment to be deposited in the Drug Abuse Education and Treatment
20 Revolving Fund created in Section 2-503.2 of Title 63 of the
21 Oklahoma Statutes, upon collection.

22 M. 1. When a person is eighteen (18) years of age or older,
23 and is the driver, operator, or person in physical control of a
24 vehicle, and is convicted of violating any provision of this section

1 while transporting or having in the motor vehicle any child less
2 than eighteen (18) years of age, the fine shall be enhanced to
3 double the amount of the fine imposed for the underlying driving
4 under the influence (DUI) violation which shall be in addition to
5 any other penalties allowed by this section.

6 2. Nothing in this subsection shall prohibit the prosecution of
7 a person pursuant to Section 852.1 of Title 21 of the Oklahoma
8 Statutes who is in violation of any provision of this section.

9 SECTION 7. AMENDATORY 47 O.S. 2001, Section 11-906.4, is
10 amended to read as follows:

11 Section 11-906.4 A. It is unlawful, and punishable as provided
12 in subsection B of this section, for any person under twenty-one
13 (21) years of age to drive, operate, or be in actual physical
14 control of a motor vehicle within this state who:

15 1. Has any measurable quantity of alcohol in the person's blood
16 or breath at the time of a test administered within two (2) hours
17 after an arrest of the person;

18 2. Exhibits evidence of being under the influence of any other
19 intoxicating substance as shown by analysis of a specimen of the
20 person's blood, breath, saliva, or urine in accordance with the
21 provisions of Sections 752 and 759 of this title; or

22 3. Exhibits evidence of the combined influence of alcohol and
23 any other intoxicating substance.

24

1 B. Any person under twenty-one (21) years of age who violates
2 any provision of this section shall be subject to the seizure of the
3 driver license of that person at the time of arrest or detention and
4 the person, upon conviction, shall be guilty of operating or being
5 in actual physical control of a motor vehicle while under the
6 influence while under age and shall be punished:

7 1. For a first ~~offense~~ conviction, by:

8 a. a fine of not less than One Hundred Dollars (\$100.00)
9 nor more than Five Hundred Dollars (\$500.00), ~~or by~~

10 b. assignment to and completion of twenty (20) hours of
11 community service, ~~or by~~

12 c. requiring the person to attend and complete a
13 treatment program, or ~~by~~

14 d. any combination of fine, community service, or
15 treatment;

16 2. Upon a second conviction, by:

17 a. assignment to and completion of not less than two
18 hundred forty (240) hours of community service, and

19 b. the requirement, after the conclusion of the mandatory
20 revocation period, to install an ignition interlock
21 device or devices, as provided by subparagraph n of
22 paragraph 1 of subsection A of Section 991a of Title
23 22 of the Oklahoma Statutes, for a period of not less
24 than thirty (30) days, ~~as ordered by the court, on~~

1 ~~every vehicle owned by the person and on the vehicle~~
2 ~~regularly operated by the person, if such vehicle is~~
3 ~~not owned by the person, pursuant to Section 754.1 or~~
4 ~~755 of this title. The installation of an ignition~~
5 ~~interlock device, as required by this subparagraph,~~
6 ~~shall not be construed to authorize the person to~~
7 ~~drive unless the person is otherwise eligible to~~
8 ~~drive.~~

9 In addition, a second conviction may be punished by a fine of not
10 less than One Hundred Dollars (\$100.00) nor more than One Thousand
11 Dollars (\$1,000.00), or by requiring the person to attend and
12 complete a treatment program, as recommended by the assessment
13 required pursuant to subparagraph c of paragraph 2 of subsection D
14 of this section, or by both; or

15 3. Upon a third or subsequent conviction, by:

- 16 a. assignment to and completion of not less than four
17 hundred eighty (480) hours of community service, and
18 b. the requirement, after the conclusion of the mandatory
19 revocation period, to install an ignition interlock
20 device or devices, as provided by subparagraph n of
21 paragraph 1 of subsection A of Section 991a of Title
22 22 of the Oklahoma Statutes, for a period of not less
23 than thirty (30) days, ~~as ordered by the court, on~~
24 ~~every vehicle owned by the person and on the vehicle~~

1 ~~regularly operated by the person, if such vehicle is~~
2 ~~not owned by the person, pursuant to Section 754.1 or~~
3 ~~755 of this title. The installation of an ignition~~
4 ~~interlock device, as required by this subparagraph,~~
5 ~~shall not be construed to authorize the person to~~
6 ~~drive unless the person is otherwise eligible to~~
7 ~~drive.~~

8 In addition, a third or subsequent conviction may be punished by a
9 fine of not less than One Hundred Dollars (\$100.00) nor more than
10 Two Thousand Dollars (\$2,000.00), or by requiring the person to
11 attend and complete a treatment program, as recommended by the
12 assessment required pursuant to subparagraph c of paragraph 2 of
13 subsection D of this section, or by both.

14 C. The court may assess additional community service hours in
15 lieu of any fine specified in this section.

16 D. In addition to any penalty or condition imposed pursuant to
17 the provisions of this section, the person shall be subject to:

18 1. Upon a first conviction:

19 a. the cancellation or denial of driving privileges as
20 ordered by the court pursuant to subsection B of
21 Section 6-107.1 of this title, and

22 b. the mandatory revocation of driving privileges
23 pursuant to Section 6-205.1, 753 or 754 of this title,
24

1 which revocation period may be modified as provided by
2 law, and

3 c. the continued installation of an ignition interlock
4 device or devices, at the expense of the person, as
5 provided in subsection C of Section 6-212.3 of this
6 title, after the mandatory period of cancellation,
7 denial or revocation for a period as provided in
8 paragraph 1 of subsection A of Section 6-212.3 of this
9 title;

10 2. Upon a second ~~or subsequent~~ conviction:

11 a. the cancellation or denial of driving privileges ~~for a~~
12 ~~period of two (2) years or until the person attains~~
13 ~~eighteen (18) years of age, whichever is longer, as~~
14 ordered by the court pursuant to subsection B of
15 Section 6-107.2 of this title,

16 b. the mandatory revocation of driving privileges
17 pursuant to Section 6-205.1, 753 or 754 of this title,
18 which period may be modified as provided by law, ~~and~~

19 c. an assessment of the person's degree of alcohol abuse,
20 in the same manner as prescribed in subsection H of
21 Section 11-902 of this title, which may result in
22 treatment as deemed appropriate by the court, and

23 d. the continued installation of an ignition interlock
24 device or devices, at the expense of the person, as

1 provided in subsection C of Section 6-212.3 of this
2 title, after the mandatory period of cancellation,
3 denial or revocation for a period as provided in
4 paragraph 2 of subsection A of Section 6-212.3 of this
5 title; and

6 3. Upon a third or subsequent conviction:

7 a. the cancellation or denial of driving privileges as
8 ordered by the court pursuant to subsection B of
9 Section 6-107.2 of this title,

10 b. the mandatory revocation of driving privileges
11 pursuant to Section 6-205.1, 753 or 754 of this title,
12 which period may be modified as provided by law,

13 c. an assessment of the person's degree of alcohol abuse,
14 in the same manner as prescribed in subsection H of
15 Section 11-902 of this title, which may result in
16 treatment as deemed appropriate by the court, and

17 d. the continued installation of an ignition interlock
18 device or devices, at the expense of the person, as
19 provided in subsection C of Section 6-212.3 of this
20 title, after the mandatory period of cancellation,
21 denial, or revocation for a period as provided in
22 paragraph 3 of subsection A of Section 6-212.3 of this
23 title.

1 E. Nothing in this section shall be construed to prohibit the
2 filing of charges pursuant to Section 761 or 11-902 of this title
3 when the facts warrant.

4 F. As used in this section:

5 1. The term "conviction" includes a juvenile delinquency
6 adjudication by a court; and

7 2. The term "revocation" includes the cancellation or denial of
8 driving privileges by the Department.

9 SECTION 8. This act shall become effective November 1, 2011.

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