

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1986

By: Hoskin

4  
5  
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.  
8 2001, Sections 6-103, as last amended by Section 5,  
9 Chapter 326, O.S.L. 2007, 6-205, as last amended by  
10 Section 2, Chapter 333, O.S.L. 2010 and 6-205.1, as  
11 last amended by Section 2, Chapter 345, O.S.L. 2010  
12 (47 O.S. Supp. 2010, Sections 6-103, 6-205 and 6-  
13 205.1), which relate to the issuance of driver  
14 licenses and revocation of driving privileges;  
15 clarifying guidelines for denying issuance of driver  
16 license; prohibiting the Department of Public Safety  
17 from taking certain action; defining term; and  
18 providing an effective date.

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

20 SECTION 1. AMENDATORY 47 O.S. 2001, Section 6-103, as  
21 last amended by Section 5, Chapter 326, O.S.L. 2007 (47 O.S. Supp.  
22 2010, Section 6-103), is amended to read as follows:

23 Section 6-103. A. Except as otherwise provided by law, the  
24 Department of Public Safety shall not issue a driver license to:

1. Any person who is under eighteen (18) years of age, except  
that the Department may issue a Class D license to any person who

1 attains sixteen (16) years of age on or after August 15, 2000, and  
2 meets the requirements of Sections 6-105 and 6-107.3 of this title;

3 2. Any unemancipated person who is under eighteen (18) years of  
4 age and whose custodial legal parent or legal guardian does not  
5 approve the issuance of a license as required by Section 6-110.2 of  
6 this title or objects to the issuance of a license or permit by  
7 filing an objection pursuant to Section 6-103.1 of this title;

8 3. Any person whose driving privilege has been suspended,  
9 revoked, canceled or denied in this state or any other state or  
10 country until the driving privilege has been reinstated by the state  
11 or country withdrawing the privilege;

12 4. Any person who is classified as an excessive user of  
13 alcohol, any other intoxicating substance, or a combination of  
14 alcohol and any other intoxicating substance, and inimical to public  
15 safety, in accordance with rules promulgated by the Department,  
16 until all requirements granting or reinstating driving privileges  
17 are met, including, but not limited to, abstinence from the use of  
18 alcohol, any other intoxicating substance, or any combination of  
19 alcohol and any other intoxicating substance for a minimum of either  
20 twelve (12) months or eighteen (18) months, as determined by OAC  
21 595:10-5, immediately preceding application for or application for  
22 reinstatement of driving privileges;

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1           5. Any person who is required by Section 6-101 et seq. of this  
2 title to take an examination, unless the person shall have  
3 successfully passed the examination;

4           6. Any person who is required under the laws of this state to  
5 deposit proof of financial responsibility and who has not deposited  
6 such proof;

7           7. Any person who is physically deformed or who is afflicted  
8 with any mental disease or physical condition that would impair the  
9 driving ability of the person or when the Commissioner of Public  
10 Safety, from information concerning the person or from the records  
11 and reports on file in the Department of Public Safety, determines  
12 that the operation of a motor vehicle by such person on the highways  
13 would be inimical to public safety or welfare;

14           8. Any person who is a nonresident, as defined in Section 1-137  
15 of this title;

16           9. Any alien unless such person presents valid documentation of  
17 identity and authorization for presence in the United States issued  
18 pursuant to the laws of the United States; provided, no license  
19 shall be issued to any alien whose documentation indicates the alien  
20 is a visitor or is not eligible to establish residency; or

21           10. Any person who possesses a valid license to operate a motor  
22 vehicle issued by another state until the other state license has  
23 been surrendered.

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1 B. Any applicant who is denied a license under the provisions  
2 of subsection A of this section shall have the right to an appeal as  
3 provided in Section 6-211 of this title.

4 C. Nothing in this section shall be construed so as to prevent  
5 an Oklahoma licensee from receiving a modification as provided for  
6 in Section 6-205.1 of this title.

7 SECTION 2. AMENDATORY 47 O.S. 2001, Section 6-205, as  
8 last amended by Section 2, Chapter 333, O.S.L. 2010 (47 O.S. Supp.  
9 2010, 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 of a controlled dangerous substance as defined in the  
19 Uniform Controlled Dangerous Substances Act while using a motor  
20 vehicle;

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

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

1 9. A misdemeanor conviction for a violation of Section ~~4~~ 609 of  
2 ~~this act~~ Title 37 of the Oklahoma Statutes.

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 F. Upon receiving a record of administrative action taken  
22 against an Oklahoma licensee by any municipal court of another state  
23 or any other state court or federal court within the United States,  
24 the Department of Public Safety shall take no action to suspend or

1 revoke the driving privilege of the person or deny any request for  
2 modification as provided for in Section 6-205.1 of this title based  
3 on said record of administrative action. The Department may take  
4 action to revoke the driving privilege of the person only when such  
5 action is based upon a final conviction, as required in subsection A  
6 of this section.

7 SECTION 3. AMENDATORY 47 O.S. 2001, Section 6-205.1, as  
8 last amended by Section 2, Chapter 345, O.S.L. 2010 (47 O.S. Supp.  
9 2010, Section 6-205.1), is amended to read as follows:

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

18 1. The first license revocation pursuant to paragraph 2 of  
19 subsection A of Section 6-205 of this title or to Section 753 or 754  
20 of this title shall be for one hundred eighty (180) days, which may  
21 be modified; provided, any modification under this paragraph shall  
22 apply to Class D motor vehicles only;

23 2. A revocation pursuant to paragraph 2 of subsection A of  
24 Section 6-205 of this title, or to Section 753 or 754 of this title

1 shall be for a period of one (1) year if within ten (10) years  
2 preceding the date of arrest relating thereto, as shown by the  
3 records of the Department; provided, any modification under this  
4 paragraph shall apply to Class D motor vehicles only:

5 a. a prior revocation commenced pursuant to paragraph 2  
6 or 6 of subsection A of Section 6-205 of this title,  
7 or to Section 753 or 754 of this title. Such period  
8 may be modified, or

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

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

23 a. two or more prior revocations commenced pursuant to  
24 paragraph 2 or 6 of subsection A of Section 6-205 of

1 this title, or to Section 753 or 754 of this title.

2 Such period may be modified,

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

11 c. any combination of two or more prior revocations or  
12 convictions as described in subparagraphs a and b of  
13 this paragraph. Such period may be modified.

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

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

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

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

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

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

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

23           b. the record of the person reflects two or more prior  
24 convictions in another jurisdiction which did not

1 result in a revocation of Oklahoma driving privileges,  
2 for a violation substantially similar to paragraph 2  
3 or 6 of subsection A of Section 6-205 of this title,  
4 and the person was not a resident or licensee of  
5 Oklahoma at the time of the offense resulting in the  
6 conviction. Such period shall not be modified, or

7 c. any combination of two or more prior revocations as  
8 described in subparagraphs a and b or this paragraph.  
9 Such period shall not be modified.

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

20 C. For the purposes of this ~~subsection~~ section:

21 1. The term "conviction" includes a juvenile delinquency  
22 adjudication by a court or any notification from a court pursuant to  
23 Section 6-107.1 of this title; and  
24

1        2. The term "revocation" includes a denial of driving  
2 privileges by the Department; and

3        3. The term "modified" means a modification of a suspension  
4 period or revocation period thereby allowing driving privileges with  
5 certain restrictions.

6        D. Each period of revocation not subject to modification shall  
7 be mandatory and neither the Department nor any court shall grant  
8 driving privileges based upon hardship or otherwise for the duration  
9 of that period. Each period of revocation, subject to modification  
10 as provided for in this section, may be modified as provided for in  
11 Section 754.1 or 755 of this title; provided, any modification under  
12 this paragraph shall apply to Class D motor vehicles only.

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

15        SECTION 4. This act shall become effective November 1, 2011.

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17        53-1-6524            GRS            01/20/11

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