

1 STATE OF OKLAHOMA

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

3 SENATE BILL 818

By: Johnson (Constance)

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5
6 AS INTRODUCED

7 An Act relating to driving privileges; amending 47
8 O.S. 2001, Section 6-205.1, as last amended by
9 Section 2, Chapter 345, O.S.L. 2010 (47 O.S. Supp.
10 2010, Section 6-205.1), which relates to periods of
11 revocation and denial of driving privileges;
12 providing certain exception to revocation for certain
13 convictions; requiring proof of insurance; and
14 providing an effective date.

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

16 SECTION 1. AMENDATORY 47 O.S. 2001, Section 6-205.1, as
17 last amended by Section 2, Chapter 345, O.S.L. 2010 (47 O.S. Supp.
18 2010, Section 6-205.1), is amended to read as follows:

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

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

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

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

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

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

7 a. two or more prior revocations commenced pursuant to
8 paragraph 2 or 6 of subsection A of Section 6-205 of
9 this title, or to Section 753 or 754 of this title.

10 Such period may be modified,

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

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

22 B. The Except as otherwise provided in subsection C of this
23 section, the driving privilege of a person who is convicted of any
24 offense as provided in paragraph 6 of subsection A of Section 6-205

1 of this title shall be revoked or denied by the Department of Public
2 Safety for the following period, as applicable:

3 1. The first license revocation shall be for one hundred eighty
4 (180) days, which may be modified; provided, for license revocations
5 for a misdemeanor charge of possessing a controlled dangerous
6 substance, the provisions of this paragraph shall apply to any such
7 revocations by the Department on or after January 1, 1993; provided
8 further, any modification under this paragraph shall apply to Class
9 D motor vehicles only;

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

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 under Section 753 or 754 of this title. Such
16 period shall not 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 or 6 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.
24 Such period shall not be modified; or

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

4 a. two or more prior revocations commenced pursuant to
5 paragraph 2 or 6 of subsection A of Section 6-205 of
6 this title, or under Section 753 or 754 of this title.

7 Such period shall not be modified,

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

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

18 Such period shall not be modified.

19 The revocation of the driving privilege of any person under this
20 subsection shall not run concurrently with any other withdrawal of
21 driving privilege resulting from a different incident and which
22 requires the driving privilege to be withdrawn for a prescribed
23 amount of time. A denial based on a conviction of any offense as
24 provided in paragraph 6 of subsection A of Section 6-205 of this

1 title shall become effective on the first day the convicted person
2 is otherwise eligible to apply for and be granted driving privilege
3 if the person was not eligible to do so at the time of the
4 conviction.

5 C. If the judge determines that no other means of
6 transportation for the offender is available, the judge may enter a
7 written order requiring the Department of Public Safety to stay any
8 and all such actions against the Class D driving privileges of the
9 offender; provided, the stay shall not be construed to grant driving
10 privileges to an offender who has not been issued a driver license
11 by the Department or whose Oklahoma driver license has expired, in
12 which case the offender shall be required to apply for and be found
13 eligible for a driver license, pass all examinations, if applicable,
14 and pay all statutory driver license issuance or renewal fees. The
15 offender shall provide proof of insurance to the judge prior to the
16 judge ordering a stay of any driver license suspension, revocation,
17 cancellation, or denial.

18 D. For the purposes of this subsection:

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

22 2. The term "revocation" includes a denial of driving
23 privileges by the Department.
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1 ~~D.~~ E. Each period of revocation not subject to modification
2 shall be mandatory and neither the Department nor any court shall
3 grant driving privileges based upon hardship or otherwise for the
4 duration of that period. Each period of revocation, subject to
5 modification as provided for in this section, may be modified as
6 provided for in Section 754.1 or 755 of this title; provided, any
7 modification under this paragraph shall apply to Class D motor
8 vehicles only.

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

11 SECTION 2. This act shall become effective November 1, 2011.

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