

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 406 By: Anderson of the Senate
3 and
4 Hickman of the House
5
6

7 An Act relating to revocation of driving privileges;
8 amending 47 O.S. 2011, Section 6-205, which relates
9 to certain mandatory revocation of driving privilege;
10 adding certain exception to a mandatory revocation;
11 providing for certain appeal; limiting certain
12 modification for revocation to a certain class of
13 motor vehicle; and providing an effective date.

14 AMENDMENT NO. 1. Strike the title, enacting clause and entire bill
15 and insert

16 "An Act relating to revocation of driving privileges;
17 amending 47 O.S. 2011, Section 6-205, which relates
18 to mandatory revocation of driving privilege; adding
19 certain exception to a mandatory revocation;
20 providing for appeal; limiting modification for
21 revocation to a certain class of motor vehicle; and
22 providing an effective date.

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

24 SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-205, is
amended to read as follows:

Section 6-205. A. The Department of Public Safety shall
immediately revoke the driving privilege of any person, whether

1 adult or juvenile, upon receiving a record of conviction in any
2 municipal, state or federal court within the United States of any of
3 the following offenses, when such conviction has become final:

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

6 2. Driving or being in actual physical control of a motor
7 vehicle while under the influence of alcohol, any other intoxicating
8 substance, or the combined influence of alcohol and any other
9 intoxicating substance, any violation of paragraph 1, 2, 3 or 4 of
10 subsection A of Section 11-902 of this title or any violation of
11 Section 11-906.4 of this title. However, the Department shall not
12 additionally revoke the driving privileges of the person pursuant to
13 this subsection if the driving privilege of the person has been
14 revoked because of a test result or test refusal pursuant to Section
15 753 or 754 of this title arising from the same circumstances which
16 resulted in the conviction unless the revocation because of a test
17 result or test refusal is set aside;

18 3. Any felony during the commission of which a motor vehicle is
19 used;

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

23 5. Perjury or the making of a false affidavit or statement
24 under oath to the Department under the Uniform Vehicle Code or under

1 any other law relating to the ownership or operation of motor
2 vehicles;

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

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

12 8. A misdemeanor conviction for a violation of Section 1465 of
13 Title 21 of the Oklahoma Statutes;

14 9. A misdemeanor conviction for a violation of Section 609 of
15 Title 37 of the Oklahoma Statutes;

16 10. ~~Reckless driving without regard for the safety of others~~
17 ~~pursuant to Section 11-901 of this title;~~

18 ~~11.~~ Failure to obey a traffic control device as provided in
19 Section 11-202 of this title or a stop sign when such failure
20 results in great bodily injury to any other person; or

21 ~~12.~~ 11. Failure to stop or to remain stopped for school bus
22 loading or unloading of children pursuant to Section 11-705 or 11-
23 705.1 of this title.

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1 B. The first license revocation under any provision of this
2 section, except for paragraph 2, 6, ~~or 7~~ or 11 of subsection A of
3 this section, shall be for a period of one (1) year. Such period
4 shall not be modified.

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

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

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

19 F. The first license revocation under paragraph 11 of
20 subsection A of this section shall be for a period of one (1) year.
21 Such period may be modified. Any appeal of the revocation of
22 driving privilege under paragraph 11 of subsection A of this section
23 shall be governed by Section 6-211 of this title, provided any
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1 modification under this paragraph shall apply to Class D motor
2 vehicles only.

3 G. As used in this section, "great bodily injury" means bodily
4 injury which creates a substantial risk of death or which causes
5 serious, permanent disfigurement or protracted loss or impairment of
6 the function of any bodily member or organ.

7 SECTION 2. This act shall become effective November 1, 2013."

8 Passed the House of Representatives the 23rd day of April, 2013.

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Presiding Officer of the House of
Representatives

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13 Passed the Senate the ____ day of _____, 2013.

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Presiding Officer of the Senate

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