

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1441 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Mike Turner _____

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1441

By: Turner

7 PROPOSED COMMITTEE SUBSTITUTE
8

9 An Act relating to motor vehicles; amending 47 O.S.
10 2011, Section 6-205.1, which relates to the
11 revocation of driving privileges; prohibiting the
12 modification of certain license revocation periods;
13 deleting certain requirement; amending 47 O.S. 2011,
14 Section 6-212.3, as amended by Section 6, Chapter
15 283, O.S.L. 2012 (47 O.S. Supp. 2012, Section 6-
16 212.3), which relates to ignition interlock devices;
17 deleting exception to certain ignition interlock
18 device requirement; amending 47 O.S. 2011, Section
19 754.1, as amended by Section 14, Chapter 283, O.S.L.
20 2012 (47 O.S. Supp. 2012, Section 754.1), which
21 relates to driver license modification; deleting
22 exception to certain ignition interlock device
23 requirement; and providing an effective date.
24

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

SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-205.1, is
amended to read as follows:

Section 6-205.1 A. The driving privilege of a person who is
convicted of any offense as provided in paragraph 2 of subsection A
of Section 6-205 of this title, or a person who has refused to

1 submit to a test or tests as provided in Section 753 of this title,
2 or a person whose alcohol concentration is subject to the provisions
3 of Section 754 of this title, shall be revoked or denied by the
4 Department of Public Safety for the following period, as applicable:

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

10 2. A revocation pursuant to paragraph 2 of subsection A of
11 Section 6-205 of this title, or to Section 753 or 754 of this title
12 shall be for a period of one (1) year if within ten (10) years
13 preceding the date of arrest relating thereto, as shown by the
14 records of the Department:

15 a. a prior revocation commenced pursuant to paragraph 2
16 or 6 of subsection A of Section 6-205 of this title,
17 or to Section 753 or 754 of this title, or

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

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

8 3. A revocation pursuant to paragraph 2 of subsection A of
9 Section 6-205 of this title, or to Section 753 or 754 of this title
10 shall be for a period of three (3) years if within ten (10) years
11 preceding the date of arrest relating thereto, as shown by the
12 records of the Department:

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

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

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

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

22 2. A revocation shall be for a period of one (1) year if within
23 ten (10) years preceding the date of arrest relating thereto, as
24 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, or
4 b. the record of the person reflects a prior conviction
5 in another jurisdiction which did not result in a
6 revocation of Oklahoma driving privileges, for a
7 violation substantially similar to paragraph 2 or 6 of
8 subsection A of Section 6-205 of this title, and the
9 person was not a resident or a licensee of Oklahoma at
10 the time of the offense resulting in the conviction.

11 Such period shall not be modified; or

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

- 15 a. two or more prior revocations commenced pursuant to
16 paragraph 2 or 6 of subsection A of Section 6-205 of
17 this title, or under Section 753 or 754 of this title,
18 b. the record of the person reflects two or more prior
19 convictions in another jurisdiction which did not
20 result in a revocation of Oklahoma driving privileges,
21 for a violation substantially similar to paragraph 2
22 or 6 of subsection A of Section 6-205 of this title,
23 and the person was not a resident or licensee of
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1 Oklahoma at the time of the offense resulting in the
2 conviction, or

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

5 Such period shall not be modified.

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

16 C. For the purposes of this subsection:

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

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

22 D. Each period of revocation not subject to modification shall
23 be mandatory and neither the Department nor any court shall grant
24 driving privileges based upon hardship or otherwise for the duration

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

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

7 SECTION 2. AMENDATORY 47 O.S. 2011, Section 6-212.3, as
8 amended by Section 6, Chapter 283, O.S.L. 2012 (47 O.S. Supp. 2012,
9 Section 6-212.3), is amended to read as follows:

10 Section 6-212.3 A. Whenever the records of the Department of
11 Public Safety reflect the revocation of the driving privilege of a
12 person as provided in subsection A of Section 6-205.1 of this title,
13 the Department shall require the installation of an ignition
14 interlock device, at the expense of the person, as provided in
15 subsection D of this section, after the mandatory period of
16 revocation, as prescribed by Section 6-205.1 of this title, for the
17 following period, as applicable:

18 1. For a first revocation and if the person refused to submit
19 to a test or tests, or had a blood or breath alcohol concentration
20 of fifteen hundredths (0.15) or more, for a period of one and one-
21 half (1 1/2) years following the mandatory period of revocation or
22 until the driving privileges of the person are reinstated, whichever
23 is longer;

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1 2. For a second revocation, for a period of four (4) years
2 following the mandatory period of revocation or until the driving
3 privileges of the person are reinstated, whichever is longer; or

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

8 B. Whenever the records of the Department of Public Safety
9 reflect a person is classified as an excessive user of alcohol or of
10 a combination of alcohol and any other intoxicating substance, and
11 inimical to public safety, in accordance with rules promulgated by
12 the Department, the person shall, upon request for reinstatement of
13 driving privileges from revocation or suspension based upon the
14 conviction or the status as an excessive user, provide proof of
15 installation of an ignition interlock device approved by the Board
16 of Tests for Alcohol and Drug Influence, at the expense of the
17 person, as provided in subsection D of this section.

18 C. The Department shall require, as a condition of
19 reinstatement, the device to be installed upon any vehicle owned or
20 leased, as reflected on the vehicle registration, by an employer of
21 the person for use by the person, ~~except when the employer requests~~
22 ~~the ignition interlock device not be installed. The request shall~~
23 ~~be in writing and notarized on the official letterhead of the~~
24 ~~employer and provided by the person to the Department; provided, a~~

1 ~~request shall not be accepted by the Department under the following~~
2 ~~circumstances:~~

3 ~~1. When the person is self-employed or owns part or all of the~~
4 ~~company or corporation, or exercises control over some part of the~~
5 ~~business which owns or leases the vehicle; or~~

6 ~~2. When the person is employed by a relative who is within the~~
7 ~~first degree of consanguinity or who resides in the same household.~~

8 The person shall comply with all provisions of law and rule
9 regarding ignition interlock devices.

10 D. 1. The requirements of subsection A or B, as applicable, of
11 this section shall be a prerequisite and condition for reinstatement
12 of driving privileges, in addition to other conditions for driving
13 privilege reinstatement provided by law or by rule of the
14 Department. Upon request and eligibility, the Department shall
15 issue a restricted driver license to the person, upon payment of a
16 restricted driver license fee of Fifty Dollars (\$50.00) and all
17 other appropriate fees by the person. The restricted driver license
18 and the driving record of the person shall indicate by an
19 appropriate restriction that the person is only authorized to
20 operate a vehicle upon which an ignition interlock is installed. ~~If~~
21 ~~the person is operating a motor vehicle owned or leased by an~~
22 ~~employer who has not given permission for an ignition interlock~~
23 ~~device to be installed, the employer shall provide the person with a~~
24 ~~letter, on official letterhead of the employer, which the person~~

1 ~~shall carry in his or her immediate possession at all times when~~
2 ~~operating a motor vehicle and shall display for examination and~~
3 ~~inspection upon demand of a peace officer.~~

4 2. The restricted driver license fee authorized by this section
5 shall be remitted to the State Treasurer to be credited to the
6 Department of Public Safety Restricted Revolving Fund. All monies
7 accruing to the credit of the Department of Public Safety Restricted
8 Revolving Fund from restricted driver license fees shall be budgeted
9 and expended solely for the purpose of administering the provisions
10 of this section.

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

14 E. Installation of an ignition interlock device pursuant to
15 subsection A or B of this section shall run concurrently with a
16 court order, if any, for installation of an ignition interlock
17 device, or devices pursuant to the same conviction.

18 F. The person shall pay the monthly maintenance fee, not to
19 exceed Twenty-five Dollars (\$25.00) per month, for each ignition
20 interlock device installed pursuant to this section. The person
21 shall comply with all provisions of law regarding ignition interlock
22 devices.

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1 G. The ignition interlock device provider shall make available
2 to the Department regular reports of violations, if any, for each
3 ignition interlock device installed pursuant to this section.

4 H. Pursuant to Section 6-113 of this title, the Department may
5 revoke or suspend the driving privileges of the person for reports
6 from the provider which indicate attempts by the person to operate a
7 motor vehicle when the person is under the influence of alcohol.

8 I. The Department shall promulgate rules necessary to implement
9 and administer this section.

10 SECTION 3. AMENDATORY 47 O.S. 2011, Section 754.1, as
11 amended by Section 14, Chapter 283, O.S.L. 2012 (47 O.S. Supp. 2012,
12 Section 754.1), is amended to read as follows:

13 Section 754.1 A. The Department of Public Safety, prior to an
14 administrative hearing for a revocation or denial arising under the
15 provisions of Sections 751 through 754 or Section 761 of this title
16 or under the provisions of Section 6-205.1 of this title, may modify
17 the revocation or denial when it is determined by the Department
18 that no other adequate means of transportation exists for the person
19 whose driving privilege has been revoked or denied; provided, any
20 modification under this paragraph shall apply to Class D motor
21 vehicles only.

22 B. As a prerequisite and condition of any modification, the
23 person shall be required to have installed an ignition interlock
24 device approved by the Board of Tests for Alcohol and Drug

1 Influence, at the person's own expense, upon every motor vehicle
2 operated by the person. The Department shall require, as a
3 condition of modification, the device to be installed upon any
4 vehicle owned or leased, as reflected on the vehicle registration,
5 by an employer of the person for use by the person, ~~except when the~~
6 ~~employer requests the ignition interlock device not be installed.~~
7 ~~The request shall be in writing and notarized on the official~~
8 ~~letterhead of the employer and provided by the person to the~~
9 ~~Department; provided, a request shall not be accepted by the~~
10 ~~Department under the following circumstances:~~

11 1. ~~When the person is self-employed or owns part or all of the~~
12 ~~company or corporation, or exercises control over some part of the~~
13 ~~business which owns or leases the vehicle; or~~

14 2. ~~When the person is employed by a relative who either is~~
15 ~~within the first degree of consanguinity or who resides in the same~~
16 ~~household.~~

17 The person shall comply with all provisions of law and rule
18 regarding ignition interlock devices.

19 C. Upon the issuance of a modification order pursuant to this
20 section or Section 755 of this title, or under the provisions of
21 paragraph 1, ~~2, or 3~~ of subsection A or paragraph 1, 2, or 3 of
22 subsection B of Section 6-205.1 of this title, for a violation of
23 this title, the person shall pay a modification fee of One Hundred
24 Seventy-five Dollars (\$175.00) to the Department. For each

1 modification fee collected pursuant to the provisions of this
2 subsection, One Hundred Dollars (\$100.00) shall be remitted to the
3 State Treasurer to be credited to the General Revenue Fund in the
4 State Treasury and Seventy-five Dollars (\$75.00) shall be remitted
5 to the State Treasurer to be credited to the Department of Public
6 Safety Restricted Revolving Fund. All monies accruing to the credit
7 of the Department of Public Safety Restricted Revolving Fund from
8 modification fees shall be budgeted and expended solely for the
9 purpose of administering the provisions of this section and Section
10 755 of this title.

11 D. The Board of Tests for Alcohol and Drug Influence shall
12 promulgate such rules as are necessary to implement and administer
13 the provisions of this subsection relating to ignition interlock
14 devices and the providers of such devices.

15 SECTION 4. This act shall become effective November 1, 2013.

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