

FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1441
Page 3 Section 1 Lines 12
Of the printed Bill
Of the Engrossed Bill

and Page 6, Section 2, Line 22:

By restoring all of the stricken language beginning with the comma ",", through the word "household" on Page 3, Line 22 and Page 7, Line 10;

Page 3, Section 1, Line 22 and Page 7, Section 2, Line 10:

By inserting after the word "household" and before the period "." the following language:

"; or

3. When the person has had a prior revocation pursuant to paragraph 2 of subsection A of Section 6-205 of this title or to Section 753 or 754 of this title";

Page 4, Section 1, Line 13:

By restoring all of the stricken language beginning with the word "If" on Line 13 through the period "." on Line 20; and

Page 1, Section 1, Line 20½:

By inserting a new Section 1 to read as follows:

(see attached)

and by renumbering the subsequent sections of the bill.

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Mike Turner

Adopted: _____

Reading Clerk

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

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

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

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

- 20 a. a prior revocation commenced pursuant to paragraph 2
21 or 6 of subsection A of Section 6-205 of this title,
22 or to Section 753 or 754 of this title, or
23 b. the record of the person reflects a prior conviction
24 in another jurisdiction which did not result in a

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

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

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

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

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

1 of subsection A of Section 6-205 of this title, and
2 the person was not a resident or a licensee of
3 Oklahoma at the time of the offense resulting in the
4 conviction, or

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

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

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

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

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

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

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

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

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, 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:

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

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

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

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

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