

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 1822

By: Kannady

COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; amending 47 O.S. 2011, Section 6-211, which relates to district court appeals of driver license cancellations, denials, suspensions, and revocations; eliminating reference to certain administrative hearings and appeals process; modifying appeal procedures; clarifying timeline for filing of appeals; amending 47 O.S. 2011, Section 6-212.3, as last amended by Section 2, Chapter 393, O.S.L. 2013 (47 O.S. Supp. 2016, Section 6-212.3), which relates to ignition interlock devices; requiring certain periodic reporting by device providers; requiring revocation and suspension of driving privileges for interlock violations; amending 47 O.S. 2011, Section 754, which relates to temporary driving privileges and administrative driver license revocation proceedings; eliminating certain administrative hearings and associated reports and processes; amending 47 O.S. 2011, Sections 754.1, as last amended by Section 4, Chapter 393, O.S.L. 2013 (47 O.S. Supp. 2016, Section 754.1) and 755, which relate to modifications of driver license revocations or denials; modifying references; eliminating administrative level application prerequisite for certain district court modification request; and providing an effective date.

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

1 SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-211, is
2 amended to read as follows:

3 Section 6-211. A. Any person denied driving privileges, or
4 whose driving privilege has been canceled, denied, suspended or
5 revoked by the Department, except where such cancellation, denial,
6 suspension or revocation is mandatory, under the provisions of
7 Section 6-205 of this title, or disqualified by the Department,
8 under the provisions of Section 6-205.2 or 761 of this title, shall
9 have the right of appeal to the district court as hereinafter
10 provided. Proceedings before the district court shall be exempt
11 from the provisions of the Oklahoma Pleading and Discovery codes,
12 except that the appeal shall be by petition, without responsive
13 pleadings. The district court is hereby vested with original
14 jurisdiction to hear said petition.

15 B. A person whose driving privilege is denied, canceled,
16 revoked or suspended due to inability to meet standards prescribed
17 by law, or due to an out-of-state conviction or violation, or due to
18 an excessive point accumulation on the traffic record, or for an
19 unlawful license issued, may appeal in the county in which the
20 person resides.

21 C. Any person whose driving privilege is canceled, denied,
22 suspended or revoked may appeal to the district court in the county
23 in which the offense was committed upon which the Department based
24 its order.

1 D. A person whose driving privilege is revoked or denied ~~or who~~
2 ~~is denied a hearing~~ pursuant to Section 753 or 754 of this title may
3 appeal to the district court in the county in which the arrest
4 occurred relating to the test refusal or test result, as shown by
5 the records of the Department.

6 E. The petition shall be filed within thirty (30) days after
7 the order has been served upon the person, ~~except a petition~~
8 ~~relating to an implied consent revocation shall be filed within~~
9 ~~thirty (30) days after the Department gives notice to the person~~
10 ~~that the revocation is sustained as provided in Section 754 of this~~
11 ~~title.~~ It shall be the duty of the district court to enter an order
12 setting the matter for hearing not less than fifteen (15) days and
13 not more than thirty (30) days from the date the petition is filed.
14 A certified copy of petition and order for hearing shall be served
15 ~~forthwith by the clerk of the court~~ at the expense of and by the
16 person appealing the revocation upon the Commissioner of Public
17 Safety by certified mail at the Department of Public Safety,
18 Oklahoma City, Oklahoma.

19 F. ~~At a hearing on a revocation by the Department pursuant to~~
20 ~~the implied consent laws as provided in Sections 6-205.1, 753 and~~
21 ~~754 of this title, the court shall not consider the merits of the~~
22 ~~revocation action unless a written request for an administrative~~
23 ~~hearing was timely submitted to the Department and the person~~
24 ~~actually exercised the opportunity to appear as provided in Section~~

1 ~~754 of this title and the Department entered an order sustaining the~~
2 ~~revocation.~~

3 ~~G.~~ Upon a hearing relating to a revocation or disqualification
4 pursuant to a conviction for an offense enumerated in Section 6-205,
5 ~~761, or 6-205.2~~ or 761 of this title, the court shall not consider
6 the propriety or merits of the revocation or disqualification
7 action, except to correct the identity of the person convicted as
8 shown by records of the Department.

9 ~~H. In the event the Department declines to modify, as provided~~
10 ~~in Section 754.1 of this title, a revocation order issued pursuant~~
11 ~~to Section 753, Section 754, paragraph 2 of subsection A of Section~~
12 ~~6-205 or Section 6-205.1 of this title, which is subject to~~
13 ~~modification pursuant to Section 11-906.4 of this title or Section~~
14 ~~6-205.1 of this title, a~~

15 G. A petition for modification may be included with the appeal
16 or separately filed at any time, and the district court may, in its
17 discretion, modify the revocation as provided for in Section 755 of
18 this title; provided, any modification under this subsection shall
19 apply to Class D motor vehicles only.

20 ~~I.~~ H. The court shall take testimony and examine the facts and
21 circumstances, including all of the records on file in the office of
22 the Department of Public Safety relative to the offense committed
23 and the driving record of the person, and determine from the facts,
24 circumstances, and records whether or not the petitioner is entitled

1 to driving privileges or shall be subject to the order of denial,
2 cancellation, suspension or revocation issued by the Department.
3 The court may also determine whether or not, from the person's
4 previous driving record, the order was for a longer period of time
5 than such facts and circumstances warranted. In case the court
6 finds that the order was not justified, the court may sustain the
7 appeal, vacate the order of the Department and direct that driving
8 privileges be restored to the petitioner, if otherwise eligible.
9 The court may, in case it determines the order was justified, but
10 that the period of the suspension or revocation was excessive, enter
11 an order modifying the same as provided by law.

12 ~~J.~~ I. The testimony of any hearing pursuant to this section
13 shall be taken by the court stenographer and preserved for the
14 purpose of appeal and, in case the Department files notice of appeal
15 from the order of the court as provided herein, the court shall
16 order and direct the court clerk to prepare and furnish a complete
17 transcript of all pleadings and proceedings, together with a
18 complete transcript taken at said hearing at no cost to the
19 Department, except the cost of transcribing.

20 ~~K.~~ J. In order to stay or supersede any order of the
21 Department, the petitioner may execute and file a cash appeal bond
22 in the sum of Two Hundred Fifty Dollars (\$250.00) with the clerk of
23 the court, to be approved by the court clerk. A certified copy of
24

1 the bond shall be served along with the notice of hearing and
2 petition.

3 The bond shall be to the State of Oklahoma and conditioned that
4 the petitioner will prosecute the appeal with due diligence and
5 during pendency of the appeal abide by and not violate any of the
6 laws of this state or any other state in the operation of a motor
7 vehicle, and that the petitioner will abide by and perform the final
8 judgment of the court therein, and in case the appeal is finally
9 denied the appellant will pay all court costs incurred in the appeal
10 in the district court. If the petitioner is convicted of a traffic
11 offense during the pendency of the appeal or fails to prosecute the
12 appeal with due diligence, the bond may be forfeited to the court
13 fund upon application by the Department and after hearing before the
14 court in which the appeal is pending.

15 ~~L.~~ K. After filing and approval of the appeal bond and the
16 furnishing thereof to the Department as hereby provided, the
17 Department shall restore driving privileges to the person if
18 otherwise eligible, and the person shall be permitted to operate a
19 motor vehicle pending the appeal, under terms and conditions as
20 prescribed in the bond which shall include the installation of an
21 ignition interlock device on every motor vehicle operated by the
22 person, pursuant to Section 754.1 or 755 of this title, if the
23 person was denied modification pursuant to any provision of
24 paragraph 2 of subsection A of Section 6-205 or Section 6-205.1, 753

1 or 754 of this title; provided, however, if the order of the
2 Department is sustained in final judgment, the court shall, in such
3 final judgment, enter an order extending the period of suspension or
4 revocation for such time as the petitioner was permitted to operate
5 motor vehicles under the provisions of an appeal bond, and the court
6 shall also in such final judgment direct and require the immediate
7 surrender of any driver license or licenses to the Department.

8 ~~M.~~ L. An appeal may be taken by the person or by the Department
9 from the order or judgment of the district court to the Supreme
10 Court of the State of Oklahoma as otherwise provided by law.

11 SECTION 2. AMENDATORY 47 O.S. 2011, Section 6-212.3, as
12 last amended by Section 2, Chapter 393, O.S.L. 2013 (47 O.S. Supp.
13 2016, Section 6-212.3), is amended to read as follows:

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

22 1. For a first revocation and if the person refused to submit
23 to a test or tests, or had a blood or breath alcohol concentration
24 of fifteen hundredths (0.15) or more, for a period of one and one-

1 half (1 1/2) years following the mandatory period of revocation or
2 until the driving privileges of the person are reinstated, whichever
3 is longer;

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

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

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

21 C. The Department shall require, as a condition of
22 reinstatement, the device to be installed upon any vehicle owned or
23 leased, as reflected on the vehicle registration, by an employer of
24 the person for use by the person, except when the employer requests

1 the ignition interlock device not be installed. The request shall
2 be in writing and notarized on the official letterhead of the
3 employer and provided by the person to the Department; provided, a
4 request shall not be accepted by the Department under the following
5 circumstances:

6 1. When the person is self-employed or owns part or all of the
7 company or corporation, or exercises control over some part of the
8 business which owns or leases the vehicle;

9 2. When the person is employed by a relative who is within the
10 first degree of consanguinity or who resides in the same household;
11 or

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

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

17 D. 1. The requirements of subsection A or B, as applicable, of
18 this section shall be a prerequisite and condition for reinstatement
19 of driving privileges, in addition to other conditions for driving
20 privilege reinstatement provided by law or by rule of the
21 Department. Upon request and eligibility, the Department shall
22 issue a restricted driver license to the person, upon payment of a
23 restricted driver license fee of Fifty Dollars (\$50.00) and all
24 other appropriate fees by the person. The restricted driver license

1 and the driving record of the person shall indicate by an
2 appropriate restriction that the person is only authorized to
3 operate a vehicle upon which an ignition interlock is installed. If
4 the person is operating a motor vehicle owned or leased by an
5 employer who has not given permission for an ignition interlock
6 device to be installed, the employer shall provide the person with a
7 letter, on official letterhead of the employer, which the person
8 shall carry in his or her immediate possession at all times when
9 operating a motor vehicle and shall display for examination and
10 inspection upon demand of a peace officer.

11 2. The restricted driver license fee authorized by this section
12 shall be remitted to the State Treasurer to be credited to the
13 Department of Public Safety Restricted Revolving Fund. All monies
14 accruing to the credit of the Department of Public Safety Restricted
15 Revolving Fund from restricted driver license fees shall be budgeted
16 and expended solely for the purpose of administering the provisions
17 of this section.

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

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

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

6 G. The ignition interlock device provider shall ~~make available~~
7 report to the Department ~~regular reports~~ monthly of violations, if
8 any, for each ignition interlock device installed pursuant to this
9 section.

10 H. Pursuant to Section 6-113 of this title, the Department ~~may~~
11 shall revoke or suspend the driving privileges of the person for
12 reports from the provider which indicate attempts by the person to
13 operate a motor vehicle when the person is under the influence of
14 alcohol.

15 I. The Department shall promulgate rules necessary to implement
16 and administer this section.

17 SECTION 3. AMENDATORY 47 O.S. 2011, Section 754, is
18 amended to read as follows:

19 Section 754. A. Any arrested person who is under twenty-one
20 (21) years of age and has any measurable quantity of alcohol in the
21 person's blood or breath, or any person twenty-one (21) years of age
22 or older whose alcohol concentration is eight-hundredths (0.08) or
23 more as shown by a breath test administered according to the
24 provisions of this title, or any arrested person who has refused to

1 submit to a breath or blood test, shall immediately surrender his or
2 her driver license, permit or other evidence of driving privilege to
3 the arresting law enforcement officer. The officer shall seize any
4 driver license, permit, or other evidence of driving privilege
5 surrendered by or found on the arrested person during a search.

6 B. If the evidence of driving privilege surrendered to or
7 seized by the officer has not expired and otherwise appears valid,
8 the officer shall issue to the arrested person a dated receipt for
9 that driver license, permit, or other evidence of driving privilege
10 on a form prescribed by the Department of Public Safety. This
11 receipt shall be recognized as a driver license and shall authorize
12 the arrested person to operate a motor vehicle for a period not to
13 exceed thirty (30) days. The receipt form shall contain and
14 constitute a notice of revocation of driving privilege by the
15 Department effective in thirty (30) days. The evidence of driving
16 privilege and a copy of the receipt form issued to the arrested
17 person shall be attached to the sworn report of the officer and
18 shall be submitted by mail or in person to the Department within
19 seventy-two (72) hours of the issuance of the receipt. The failure
20 of the officer to timely file this report shall not affect the
21 authority of the Department to revoke the driving privilege of the
22 arrested person.

23 C. Upon receipt of a written blood or breath test report
24 reflecting that the arrested person, if under twenty-one (21) years

1 of age, had any measurable quantity of alcohol in the person's blood
2 or breath, or, if the arrested person is twenty-one (21) years of
3 age or older, a blood or breath alcohol concentration of eight-
4 hundredths (0.08) or more, accompanied by a sworn report from a law
5 enforcement officer that the officer had reasonable grounds to
6 believe the arrested person had been operating or was in actual
7 physical control of a motor vehicle while under the influence of
8 alcohol as prohibited by law, the Department shall revoke or deny
9 the driving privilege of the arrested person for a period as
10 provided by Section 6-205.1 of this title. Revocation or denial of
11 the driving privilege of the arrested person shall become effective
12 thirty (30) days after the arrested person is given written notice
13 thereof by the officer as provided in this section or by the
14 Department as provided in Section 2-116 of this title.

15 ~~D. Upon the written request of a person whose driving privilege~~
16 ~~has been revoked or denied by notice given in accordance with this~~
17 ~~section or Section 2-116 of this title, the Department shall grant~~
18 ~~the person an opportunity to be heard if the request is received by~~
19 ~~the Department within fifteen (15) days after the notice. The sworn~~
20 ~~report of the officer, together with the results of any test or~~
21 ~~tests, shall be deemed true, absent any facial deficiency, should~~
22 ~~the requesting person fail to appear at the scheduled hearing. A~~
23 ~~timely request shall stay the order of the Department until the~~
24 ~~disposition of the hearing unless the person is under cancellation,~~

1 ~~denial, suspension or revocation for some other reason. The~~
2 ~~Department may issue a temporary driving permit pending disposition~~
3 ~~of the hearing, if the person is otherwise eligible. If the hearing~~
4 ~~request is not timely filed, the revocation or denial shall be~~
5 ~~sustained.~~

6 ~~E. 1. At any hearing held relevant to this section, a report~~
7 ~~of the findings of the laboratory of the Oklahoma State Bureau of~~
8 ~~Investigation, the medical examiner's report of investigation or~~
9 ~~autopsy report, or a laboratory report from a forensic laboratory~~
10 ~~operated by the State of Oklahoma or any political subdivision~~
11 ~~thereof, which has been made available to the person by the~~
12 ~~Commissioner or an authorized representative at least five (5) days~~
13 ~~prior to the hearing, with reference to all or part of the evidence~~
14 ~~submitted, when certified as correct by the persons making the~~
15 ~~report shall be received as evidence of the facts and findings~~
16 ~~stated, if relevant and otherwise admissible in evidence. If the~~
17 ~~report is deemed relevant by either party, the court shall admit the~~
18 ~~report without the testimony of the person making the report, unless~~
19 ~~the court, pursuant to this subsection, orders the person to appear.~~

20 ~~2. When any alleged controlled dangerous substance has been~~
21 ~~submitted to the laboratory of the OSBI for analysis, and the~~
22 ~~analysis shows that the submitted material is a controlled dangerous~~
23 ~~substance, the distribution of which constitutes a felony under the~~
24 ~~laws of this state, no portion of the substance shall be released to~~

1 ~~any other person or laboratory absent an order of a district court.~~
2 ~~The defendant shall additionally be required to submit to the court~~
3 ~~a procedure for transfer and analysis of the subject material to~~
4 ~~ensure the integrity of the sample and to prevent the material from~~
5 ~~being used in any illegal manner.~~

6 ~~3. The court, upon motion of either party, shall order the~~
7 ~~attendance of any person preparing a report submitted as evidence in~~
8 ~~the hearing when it appears there is a substantial likelihood that~~
9 ~~material evidence not contained in the report may be produced by the~~
10 ~~testimony of any person having prepared a report. The hearing shall~~
11 ~~be held and, if sustained, an order issued not less than five (5)~~
12 ~~days prior to the time when the testimony shall be required.~~

13 ~~4. If within five (5) days prior to the hearing or during a~~
14 ~~hearing, a motion is made pursuant to this section requiring a~~
15 ~~person having prepared a report to testify, the court may hear a~~
16 ~~report or other evidence but shall continue the hearing until such~~
17 ~~time notice of the motion and hearing is given to the person making~~
18 ~~the report, the motion is heard, and, if sustained, the testimony~~
19 ~~ordered can be given.~~

20 ~~F. The hearing before the Commissioner of Public Safety or a~~
21 ~~designated hearing officer shall be conducted in the county of~~
22 ~~arrest or may be conducted by telephone conference call. The~~
23 ~~hearing may be recorded and its scope shall cover the issues of~~
24 ~~whether the officer had reasonable grounds to believe the person had~~

1 ~~been operating or was in actual physical control of a vehicle upon~~
2 ~~the public roads, highways, streets, turnpikes or other public place~~
3 ~~of this state while under the influence of alcohol, any other~~
4 ~~intoxicating substance, or the combined influence of alcohol and any~~
5 ~~other intoxicating substance as prohibited by law, and whether the~~
6 ~~person was placed under arrest.~~

7 ~~1. If the revocation or denial is based upon a breath or blood~~
8 ~~test result and a sworn report from a law enforcement officer, the~~
9 ~~scope of the hearing shall also cover the issues as to whether:~~

- 10 ~~a. if timely requested by the person, the person was not~~
11 ~~denied a breath or blood test,~~
- 12 ~~b. the specimen was obtained from the person within two~~
13 ~~(2) hours of the arrest of the person,~~
- 14 ~~c. the person, if under twenty-one (21) years of age, was~~
15 ~~advised that driving privileges would be revoked or~~
16 ~~denied if the test result reflected the presence of~~
17 ~~any measurable quantity of alcohol,~~
- 18 ~~d. the person, if twenty-one (21) years of age or older,~~
19 ~~was advised that driving privileges would be revoked~~
20 ~~or denied if the test result reflected an alcohol~~
21 ~~concentration of eight hundredths (0.08) or more, and~~
- 22 ~~e. the test result in fact reflects the alcohol~~
23 ~~concentration.~~

1 ~~2. If the revocation or denial is based upon the refusal of the~~
2 ~~person to submit to a breath or blood test, reflected in a sworn~~
3 ~~report by a law enforcement officer, the scope of the hearing shall~~
4 ~~also include whether:~~

5 ~~a. the person refused to submit to the test or tests, and~~

6 ~~b. the person was informed that driving privileges would~~
7 ~~be revoked or denied if the person refused to submit~~
8 ~~to the test or tests.~~

9 ~~G. After the hearing, the Commissioner of Public Safety or a~~
10 ~~designated hearing officer shall order the revocation or denial~~
11 ~~either rescinded or sustained.~~

12 SECTION 4. AMENDATORY 47 O.S. 2011, Section 754.1, as
13 last amended by Section 4, Chapter 393, O.S.L. 2013 (47 O.S. Supp.
14 2016, Section 754.1), is amended to read as follows:

15 Section 754.1 A. The Department of Public Safety, prior to an
16 administrative appeal hearing, pursuant to Section 6-211 of this
17 title, for a revocation or denial arising under the provisions of
18 Sections 751 through 754 or Section 761 of this title or under the
19 provisions of Section 6-205.1 of this title, may modify the
20 revocation or denial when it is determined by the Department that no
21 other adequate means of transportation exists for the person whose
22 driving privilege has been revoked or denied; provided, any
23 modification under this paragraph shall apply to Class D motor
24 vehicles only.

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

14 1. When the person is self-employed or owns part or all of the
15 company or corporation, or exercises control over some part of the
16 business which owns or leases the vehicle;

17 2. When the person is employed by a relative who either is
18 within the first degree of consanguinity or who resides in the same
19 household; or

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

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

1 C. Upon the issuance of a modification order pursuant to this
2 section or Section 755 of this title, or under the provisions of
3 paragraph 1, 2, or 3 of subsection A or paragraph 1, 2, or 3 of
4 subsection B of Section 6-205.1 of this title, for a violation of
5 this title, the person shall pay a modification fee of One Hundred
6 Seventy-five Dollars (\$175.00) to the Department. For each
7 modification fee collected pursuant to the provisions of this
8 subsection, One Hundred Dollars (\$100.00) shall be remitted to the
9 State Treasurer to be credited to the General Revenue Fund in the
10 State Treasury and Seventy-five Dollars (\$75.00) shall be remitted
11 to the State Treasurer to be credited to the Department of Public
12 Safety Restricted Revolving Fund. All monies accruing to the credit
13 of the Department of Public Safety Restricted Revolving Fund from
14 modification fees shall be budgeted and expended solely for the
15 purpose of administering the provisions of this section ~~and Section~~
16 ~~755 of this title.~~

17 D. The Board of Tests for Alcohol and Drug Influence shall
18 promulgate such rules as are necessary to implement and administer
19 the provisions of this subsection relating to ignition interlock
20 devices and the providers of such devices.

21 SECTION 5. AMENDATORY 47 O.S. 2011, Section 755, is
22 amended to read as follows:

23 Section 755. ~~If the revocation or denial is sustained, the~~
24 ~~person whose license or permit to drive or nonresident operating~~

1 ~~privilege has been revoked or denied may file a petition for appeal~~
2 ~~in the district court in the manner and subject to the proceedings~~
3 ~~provided for in Section 6-211 of this title.~~ The district court may
4 modify the revocation or denial, occurring pursuant to Section 753
5 or 754 of this title, when it is determined by the court that the
6 person whose license or permit to drive has been revoked or denied
7 has no other adequate means of transportation and may enter a
8 written order directing the Department of Public Safety to allow
9 driving, subject to the limitations of Section 6-205.1 of this title
10 and the requirement of an ignition interlock device as provided in
11 Section 754.1 of this title; provided, any modification under this
12 paragraph shall apply to Class D motor vehicles only.

13 SECTION 6. This act shall become effective November 1, 2017.
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15 56-1-6801 EK 02/08/17
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