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February 28, 2018

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 1164

By: David

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[ driver license revocation - procedures - mandatory
revocation of license - duration of revocation -
reinstatement - fees - provisional license - ignition
interlock - repealers - codification - provisional
effective date ]
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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. REPEALER 47 O.S. 2011, Section 6-204, as amended by Section 4, Chapter 292, O.S.L. 2017 (47 O.S. Supp. 2017, Section 6-204) is hereby repealed.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-204a of Title 47, unless there is created a duplication in numbering, reads as follows:

A. Whenever any person is convicted of, or receives a deferred sentence for any offense for which this title makes mandatory the revocation of the driving privilege of such person by the Department of Public Safety as provided in Section 4 of this act, the court in which the conviction or deferred sentence occurred may require the surrender to it of all proof of driving privileges then held by the person so convicted or sentenced and the court shall thereupon

1 forward the same together with a record of such conviction or
2 deferred sentence to the Department within five (5) days after the
3 conviction or deferred sentence occurred.

4 B. Every court, including courts not of record, having
5 jurisdiction over offenses committed under this act, or any other
6 law of this state or municipal ordinance regulating the operation of
7 motor vehicles on highways, shall forward to the Department a record
8 of the conviction of any person in such court for a violation of any
9 such laws other than regulations governing standing or parking, and
10 may recommend the suspension of the driving privileges of the person
11 so convicted.

12 C. Whenever a person arrested for any offense for which this
13 title makes mandatory the revocation of the driving privilege of
14 such person by the Department as provided in Section 4 of this act,
15 and enters into a deferred prosecution agreement related to such
16 offense, the prosecutor shall forward to the Department notice of
17 the deferred prosecution agreement. The notice of a deferred
18 prosecution agreement provided to the Department shall not be a
19 violation of Section 305.5 of Title 22 of the Oklahoma Statutes.

20 D. For the purposes of Section 6-101 et seq. of Title 47 of the
21 Oklahoma Statutes, the term "conviction" shall mean a final
22 conviction or shall mean a forfeiture of bail or collateral
23 deposited to secure a defendant's appearance in court, which
24 forfeiture has not been vacated.

1 SECTION 3. REPEALER 47 O.S. 2011, Section 6-205, as last
2 amended by Section 5, Chapter 392, O.S.L. 2017 (47 O.S. Supp. 2017,
3 Section 6-205), is hereby repealed.

4 SECTION 4. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 6-205a of Title 47, unless there
6 is created a duplication in numbering, reads as follows:

7 A. The Department of Public Safety shall revoke the driving
8 privilege of any person, whether adult or juvenile, who, in any
9 municipal, state or federal court within the United States, receives
10 a deferred sentence, or a conviction, when such conviction has
11 become final, or a deferred prosecution, for any of the following
12 offenses:

13 1. Manslaughter or negligent homicide resulting from the
14 operation of a motor vehicle;

15 2. Driving, operating or being in actual physical control of a
16 motor vehicle while under the influence of alcohol, any other
17 intoxicating substance, or the combined influence of alcohol and any
18 other intoxicating substance, or any offense in subsection A of
19 Section 11-902 of Title 47 of the Oklahoma Statutes or any offense
20 in Section 11-906.4 of Title 47 of the Oklahoma Statutes;

21 3. Any felony during the commission of which a motor vehicle is
22 used;

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

4 5. Perjury or the making of a false affidavit or statement
5 under oath to the Department under the Uniform Vehicle Code or under
6 any other law relating to the ownership or operation of motor
7 vehicles;

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

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

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

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

21 10. Failure to obey a traffic control device as provided in
22 Section 11-202 or 11-803 of Title 47 of the Oklahoma Statutes when
23 such failure results in great bodily injury to any other person; or
24

1 11. Failure to stop or to remain stopped for school bus loading
2 or unloading of children pursuant to Section 11-705 or 11-705.1 of
3 Title 47 of the Oklahoma Statutes.

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

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

14 D. The period of license revocation under paragraph 2 of
15 subsection A of this section shall be governed by the provisions of
16 Section 6 of this act.

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

22 F. The first license revocation under paragraph 11 of
23 subsection A of this section shall be for a period of one (1) year.
24 Such period may not be modified. Any appeal of the revocation of

1 driving privilege under paragraph 11 of subsection A of this section
2 shall be governed by Section 6-211 of Title 47 of the Oklahoma
3 Statutes.

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

8 SECTION 5. REPEALER 47 O.S. 2011, Section 6-205.1, as
9 last amended by Section 6, Chapter 392, O.S.L. 2017 (47 O.S. Supp.
10 2017, Section 6-205.1), is hereby repealed.

11 SECTION 6. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 6-205.3 of Title 47, unless
13 there is created a duplication in numbering, reads as follows:

14 A. The driving privilege of a person who is convicted of, or
15 receives a deferred sentence, or deferred prosecution agreement for
16 any offense as provided in paragraph 2 of subsection A of Section 4
17 of this act, unless the person has successfully completed, or is
18 currently participating in, the Impaired Driver Accountability
19 Program (IDAP) in accordance with Section 5 of Enrolled Senate Bill
20 No. 1163 of the 2nd Session of the 56th Oklahoma Legislature, shall
21 be revoked or denied by the Department of Public Safety for the
22 following period, as applicable:

23 1. The first license revocation pursuant to paragraph 2 of
24 subsection A of Section 4 of this act shall be for a minimum period

1 of one (1) year, which shall be modified; provided, any modification
2 under this paragraph shall apply to Class D motor vehicles only.
3 Modification requires the issuance of a modified driver license and
4 the continuous installation of an ignition interlock device or
5 devices pursuant to Section 10 of this act for a period of not less
6 than one (1) year immediately preceding reinstatement of the
7 license. If within the last six (6) months of the revocation period
8 the Department receives a report of an interlock violation, as
9 defined by the rules of the Board of Tests for Alcohol and Drug
10 Influence, the revocation period shall be extended until such time
11 that the person completes a violation-free, six-month period;

12 2. A revocation pursuant to paragraph 2 of subsection A of
13 Section 4 of this act shall be for a minimum period of twenty-four
14 (24) months, if within ten (10) years preceding the date of arrest
15 relating thereto, as shown by the records of the Department:

- 16 a. a prior revocation commenced pursuant to paragraph 2
17 or 6 of subsection A of Section 4 of this act, or a
18 revocation because of a test result or test refusal,
19 or previous enrollment and/or completion of the
20 Impaired Driver Accountability Program pursuant to
21 Section 5 of Enrolled Senate Bill No. 1163 of the 2nd
22 Session of the 56th Oklahoma Legislature, 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 4 of this act, and the person
4 was not a resident or a licensee of Oklahoma at the
5 time of the offense resulting in the conviction.

6 Such twenty-four-month period of revocation shall be modified;
7 provided, any modification under this paragraph shall apply to Class
8 D driver licenses only. Modification shall require the issuance of
9 a modified driver license and the installation of an ignition
10 interlock device or devices, pursuant to Section 10 of this act for
11 a continuous period of not less than twenty-four (24) months
12 immediately preceding reinstatement of the license. If within the
13 last eighteen (18) months of the revocation period the Department
14 receives a report of an interlock violation, as defined by the rules
15 of the Board of Tests for Alcohol and Drug Influence, the revocation
16 period shall be extended until such time that the person completes a
17 violation-free twelve-month period; or

18 3. A revocation pursuant to paragraph 2 of subsection A of
19 Section 4 of this act, or a revocation because of a test result or
20 test refusal shall be for a minimum period of forty-eight (48)
21 months if within ten (10) years preceding the date of arrest
22 relating thereto, as shown by the records of the Department:

- 23 a. two or more prior revocations commenced pursuant to
24 paragraph 2 or 6 of subsection A of Section 4 of this

1 act, or revocations because of a test result or test
2 refusal, or previous enrollment(s) or completion(s) of
3 the Impaired Driver Accountability Program pursuant to
4 Section 5 of Enrolled Senate Bill No. 1163 of the 2nd
5 Session of the 56th Oklahoma Legislature,

6 b. the record of the person reflects two or more prior
7 convictions in another jurisdiction which did not
8 result in a revocation of Oklahoma driving privileges,
9 for a violation substantially similar to paragraph 2
10 of subsection A of Section 4 of this act, and the
11 person was not a resident or a licensee of Oklahoma at
12 the time of the offense resulting in the conviction,
13 or

14 c. any combination of two or more prior revocations, or
15 previous completions of the Impaired Driver
16 Accountability Program, or convictions as described in
17 subparagraphs a and b of this paragraph.

18 Such forty-eight-month period of revocation shall be modified;
19 provided, any modification under this paragraph shall apply to Class
20 D driver licenses only. Modification requires the issuance of a
21 modified driver license and the installation of an ignition
22 interlock device or devices, pursuant to Section 10 of this act for
23 a continuous period of not less than forty-eight (48) months
24 immediately preceding reinstatement of the license. If within the

1 last forty-two (42) months of the revocation period the Department
2 receives a report of an interlock violation, as defined by the rules
3 of the Board of Tests for Alcohol and Drug Influence, the revocation
4 period shall be extended until such time that the person completes a
5 violation-free forty-two (42) month period.

6 B. The driving privilege of a person who is convicted of any
7 offense as provided in paragraph 6 of subsection A of Section 4 of
8 this act shall be revoked or denied by the Department of Public
9 Safety for the following period, as applicable:

10 1. The first license revocation shall be for one hundred eighty
11 (180) days, which may not be modified;

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

- 15 a. a prior revocation commenced pursuant to paragraph 2
16 or 6 of subsection A of Section 4 of this act, or a
17 revocation because of a test result or test refusal,
18 previous participation and/or completion of the
19 Impaired Driver Accountability Program pursuant to
20 Section 5 of Enrolled Senate Bill No. 1163 of the 2nd
21 Session of the 56th Oklahoma Legislature, or
22 b. the record of the person reflects a prior conviction
23 in another jurisdiction which did not result in a
24 revocation of Oklahoma driving privileges, for a

1 violation substantially similar to paragraph 2 or 6 of
2 subsection A of Section 4 of this act, and the person
3 was not a resident or a licensee of Oklahoma at the
4 time of the offense resulting in the conviction.

5 Such period shall not be modified; or

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

9 a. two or more prior revocations commenced pursuant to
10 paragraph 2 or 6 of subsection A of Section 4 of this
11 act, or a revocation because of a test result or test
12 refusal, previous participation and/or completion of
13 the Impaired Driver Accountability Program pursuant to
14 Section 5 of Enrolled Senate Bill No. 1163 of the 2nd
15 Session of the 56th Oklahoma Legislature,

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 or 6 of subsection A of Section 4 of this act, and the
21 person was not a resident or licensee of Oklahoma at
22 the time of the offense resulting in the conviction,
23 or
24

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

3 Such period shall not be modified.

4 The revocation of the driving privilege of any person under this
5 subsection shall not run concurrently with any other withdrawal of
6 driving privilege resulting from a different incident and which
7 requires the driving privilege to be withdrawn for a prescribed
8 amount of time. A denial based on a conviction of any offense as
9 provided in paragraph 6 of subsection A of Section 4 of this act
10 shall become effective on the first day the convicted person is
11 otherwise eligible to apply for and be granted driving privilege if
12 the person was not eligible to do so at the time of the conviction.

13 C. For the purposes of this subsection:

14 1. The term "conviction" includes a juvenile delinquency
15 adjudication by a court or any notification from a court pursuant to
16 Section 6-107.1 of Title 47 of the Oklahoma Statutes; and

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

19 D. Each period of revocation not subject to modification shall
20 be mandatory and neither the Department nor any court may grant
21 driving privileges for the duration of that period. Each period of
22 revocation, subject to modification as provided for in this section,
23 shall be modified as provided for in Section 10 of this act;

1 provided, any modification under this paragraph shall apply to Class
2 D driver licenses only.

3 E. Any appeal of a revocation of denial of driving privileges
4 shall be governed by Section 6-211 of Title 47 of the Oklahoma
5 Statutes.

6 SECTION 7. REPEALER 47 O.S. 2011, Section 6-212, as last
7 amended by Section 7, Chapter 392, O.S.L. 2017 (47 O.S. Supp. 2017,
8 Section 6-212), is hereby repealed.

9 SECTION 8. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 6-212a of Title 47, unless there
11 is created a duplication in numbering, reads as follows:

12 A. The Department of Public Safety shall not assess and collect
13 multiple reinstatement fees when reinstating the driving privilege
14 of any person having more than one suspension or revocation
15 affecting the person's driving privilege at the time of
16 reinstatement.

17 B. The Department shall:

18 1. Suspend or revoke a person's driving privilege as delineated
19 within the Oklahoma Statutes; and

20 2. Require any person having more than one suspension or
21 revocation affecting the person's driving privilege to meet the
22 statutory requirements for each action as a condition precedent to
23 the reinstatement of any driving privilege. Provided, however,
24 reinstatement fees shall not be cumulative, and a single

1 reinstatement fee, as provided for in subsection C of this section,
2 shall be paid for all suspensions or revocations as shown by the
3 Department's records at the time of reinstatement.

4 C. Whenever a person's privilege to operate a motor vehicle is
5 suspended or revoked pursuant to any provision as authorized by the
6 Oklahoma Statutes, the license or privilege to operate a motor
7 vehicle shall remain under suspension or revocation and shall not be
8 reinstated until:

9 1. The expiration of each such revocation or suspension order
10 and the satisfaction of all terms and conditions of the revocation;

11 2. The person has paid to the Department:

12 a. if such privilege is suspended or revoked pursuant to
13 Section 1115.5 of Title 22 of the Oklahoma
14 Statutes or pursuant to any provisions of this
15 title, except as provided in subparagraph b of
16 this paragraph, a processing fee of Twenty-five
17 Dollars (\$25.00) for each such suspension or
18 revocation as shown by the Department's records,
19 or

20 b. (1) if such privilege is suspended or revoked because
21 of a test result or test refusal, or pursuant to
22 the provisions of Section 4 of this act, Section
23 6 of this act, 7-612 or 761 of Title 47 of the
24 Oklahoma Statutes or pursuant to subsection A of

1 Section 7-605 of Title 47 of the Oklahoma
2 Statutes for a conviction for failure to maintain
3 the mandatory motor vehicle insurance required by
4 law or pursuant to subsection B of Section 6-206
5 of Title 47 of the Oklahoma Statutes for a
6 suspension other than for points accumulation, a
7 processing fee of Seventy-five Dollars (\$75.00)
8 for each such suspension or revocation as shown
9 by the Department's records, and a special
10 assessment trauma-care fee of Two Hundred Dollars
11 (\$200.00) to be deposited into the Trauma Care
12 Assistance Revolving Fund created in Section 1-
13 2530.9 of Title 63 of the Oklahoma Statutes, for
14 each suspension or revocation as shown by the
15 records of the Department, and

16 (2) in addition to any other fees required by this
17 section, if such privilege is suspended or
18 revoked pursuant to an arrest on or after
19 November 1, 2008, under the provisions of
20 paragraph 2 or 6 of subsection A of Section 4 of
21 this act or of Section 761 of Title 47 of the
22 Oklahoma Statutes or because of a test result or
23 test refusal, a fee of Fifteen Dollars (\$15.00),
24 which shall be apportioned pursuant to the

1 provisions of Section 3-460 of Title 43A of the
2 Oklahoma Statutes; and

3 3. The person has paid to the Department a single reinstatement
4 fee of:

5 a. beginning on August 26, 2011, through June 30, 2013,
6 Fifty Dollars (\$50.00), of which Twenty-five Dollars
7 (\$25.00) shall be deposited by the Commissioner to the
8 credit of the Department of Public Safety Revolving
9 Fund and, in addition to other purposes authorized by
10 law, the expenditures from that fund of monies derived
11 from the Twenty-five Dollars (\$25.00) pursuant to this
12 subparagraph shall be used to fund any Oklahoma
13 Highway Patrol Trooper Academy provided by the
14 Department. Any remaining funds shall be used for
15 operational expenses of the Oklahoma Highway Patrol,
16 and

17 b. beginning on July 1, 2013, and any year thereafter,
18 Twenty-five Dollars (\$25.00).

19 D. The Department of Public Safety is hereby authorized to
20 enter into agreements with persons whose license to operate a motor
21 vehicle or commercial motor vehicle has been suspended or revoked,
22 for issuance of a provisional license that allows such persons to
23 drive:
24

1 1. Between their place of residence and their place of
2 employment or potential employment;

3 2. During the scope and course of their employment;

4 3. Between their place of residence and a college, university
5 or technology center;

6 4. Between their place of residence and their child's school or
7 day care provider;

8 5. Between their place of residence and a place of worship; or

9 6. Between their place of residence and any court-ordered
10 treatment program,

11 with the condition that such persons pay a minimum of Twenty-
12 five Dollars (\$25.00) per month toward the satisfaction of all
13 outstanding driver license or commercial driver license
14 reinstatement fees. The Department shall develop rules and
15 procedures to establish such a provisional driver license program
16 and such rules and procedures shall include, but not be limited to,
17 eligibility criteria, proof of insurance, proof of enrollment or
18 employment, and any provisional license fees. Any violation of law
19 by the person holding the provisional license that would result in
20 the suspension or revocation of a driver license shall result in the
21 revocation of the provisional license and such person shall be
22 ineligible for future application for a provisional driver license.

23 E. Effective on July 1, 2002, and for each fiscal year
24 thereafter:

1 1. Two Hundred Fifty Thousand Dollars (\$250,000.00) of all
2 monies collected each month pursuant to this section shall be
3 apportioned as provided in Section 1104 of Title 47 of the Oklahoma
4 Statutes, except as otherwise provided in this section; and

5 2. Except as otherwise provided in this section, all other
6 monies collected in excess of Two Hundred Fifty Thousand Dollars
7 (\$250,000.00) each month shall be deposited in the General Revenue
8 Fund.

9 SECTION 9. REPEALER 47 O.S. 2011, Section 754.1, as last
10 amended by Section 14, Chapter 392, O.S.L. 2017 (47 O.S. Supp. 2017,
11 Section 754.1), is hereby repealed.

12 SECTION 10. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 754.2 of Title 47, unless there
14 is created a duplication in numbering, reads as follows:

15 A. Modification of a revocation arising under the provisions of
16 Section 6 of this act shall apply to Class D motor vehicles only.

17 B. As a prerequisite and condition of any modification, the
18 person shall be required to have installed an ignition interlock
19 device approved by the rules of the Board of Tests for Alcohol and
20 Drug Influence, at the person's own expense, upon any motor vehicle
21 operated by the person. A person whose revocation is modified may
22 only operate a motor vehicle equipped with an approved ignition
23 interlock device. The Department shall require, as a condition of
24 modification, the device to be installed upon any vehicle owned or

1 leased, as reflected on the vehicle registration, by an employer of
2 the person for use by the person, except when the employer requests
3 the ignition interlock device not be installed. The request shall
4 be in writing and notarized on the official letterhead of the
5 employer and provided by the employer to the Department; provided, a
6 request shall not be accepted by the Department under the following
7 circumstances:

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

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

14 3. When the person has had a prior revocation pursuant to
15 paragraph 2 of subsection A of Section 4 of this act or to Sections
16 3 and 7 of Enrolled Senate Bill No. 1163 of the 2nd Session of the
17 56th Oklahoma Legislature.

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

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

1 the Department. For each modification fee collected pursuant to the
2 provisions of this subsection, One Hundred Dollars (\$100.00) shall
3 be remitted to the State Treasurer to be credited to the General
4 Revenue Fund in the State Treasury and Seventy-five Dollars (\$75.00)
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 modification fees shall be budgeted and expended
9 solely for the purpose of administering the provisions of this
10 section.

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 11. The provisions of this act shall not become
16 effective as law unless Enrolled Senate Bill No. 1163 of the 2nd
17 Session of the 56th Oklahoma Legislature becomes effective as law.

18 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
19 February 28, 2018 - DO PASS AS AMENDED
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