

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

HOUSE BILL 3951

By: Lowe

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 2011, Section 6-205, as last amended by Section 3, Chapter 400, O.S.L. 2019 (47 O.S. Supp. 2019, Section 6-205), which relates to mandatory revocation of driving privilege; modifying offense requiring mandatory revocation; amending 47 O.S. 2011, Section 6-205.2, as last amended by Section 1, Chapter 214, O.S.L. 2015 (47 O.S. Supp. 2019, Section 6-205.2), which relates to disqualification from driving privileges for certain convictions or acts; modifying definition; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-205, as last amended by Section 3, Chapter 400, O.S.L. 2019 (47 O.S. Supp. 2019, 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 adult or juvenile, upon receiving a record of conviction, in any municipal, state or federal court within the United States of any of the following offenses, when such conviction has become final:

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

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

15 3. Any felony during the commission of which a motor vehicle is
16 used;

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

20 5. Perjury or the making of a false affidavit or statement
21 under oath to the Department under the Uniform Vehicle Code or under
22 any other law relating to the ownership or operation of motor
23 vehicles;

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

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

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

12 9. A misdemeanor conviction for a violation of Section 1-229.34
13 of Title 63 of the Oklahoma Statutes;

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

17 11. Failure to stop or to remain stopped for school bus loading
18 or unloading of children pursuant to Section 11-705 or 11-705.1 of
19 this title.

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

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

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

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

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

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

3 SECTION 2. AMENDATORY 47 O.S. 2011, Section 6-205.2, as
4 last amended by Section 1, Chapter 214, O.S.L. 2015 (47 O.S. Supp.
5 2019, Section 6-205.2), is amended to read as follows:

6 Section 6-205.2 A. As used in this section, "conviction"
7 means:

8 1. A nonvacated adjudication of guilt;

9 2. A determination that a person has violated or failed to
10 comply with this section in any court or by the Department of Public
11 Safety following an administrative determination;

12 3. A nonvacated forfeiture of bail or collateral deposited to
13 secure a person's appearance in court;

14 4. A plea of guilty or nolo contendere accepted by the court;

15 or

16 5. ~~The payment of any fine or court costs; or~~

17 ~~6.~~ A violation of a condition of release without bail,
18 regardless of whether or not the penalty is rebated, suspended or
19 probated.

20 B. The Department of Public Safety shall disqualify any person
21 from operating a Class A, B or C commercial motor vehicle for a
22 period of not less than one (1) year upon receiving a record of
23 conviction of any of the following disqualifying offenses, when the
24 conviction has become final:

1 1. Driving, operating or being in actual physical control of a
2 Class A, B or C commercial motor vehicle while having a blood or
3 breath alcohol concentration, as defined in Section 756 of this
4 title, or as defined by the state in which the arrest occurred, of
5 four-hundredths (0.04) or more;

6 2. Refusing to submit to a test for determination of alcohol
7 concentration, as required by Section 751 of this title, or as
8 required by the state in which the arrest occurred, while operating
9 a Class A, B or C commercial motor vehicle, or if the person is the
10 holder of a commercial driver license, committing the offense while
11 operating any vehicle;

12 3. Driving or being in actual physical control of a Class A, B
13 or C commercial motor vehicle while under the influence of alcohol
14 or any other intoxicating substance or the combined influence of
15 alcohol and any other intoxicating substance, or if the person is
16 the holder of a commercial driver license, committing the offense
17 while operating any vehicle. Provided, the Department shall not
18 additionally disqualify, pursuant to this subsection, if the
19 person's driving privilege has been disqualified in this state
20 because of a test result or test refusal pursuant to paragraph 1 or
21 2 of this subsection as a result of the same violation arising from
22 the same incident;

23 4. Knowingly leaving the scene of a collision which occurs
24 while operating a Class A, B or C commercial motor vehicle, or if

1 the person is the holder of a commercial driver license, committing
2 the offense while operating any vehicle;

3 5. Any felony during the commission of which a Class A, B or C
4 commercial motor vehicle is used, except a felony involving the
5 manufacture, distribution or dispensation of a controlled dangerous
6 substance, or if the person is the holder of a commercial driver
7 license, committing the offense while operating any vehicle;

8 6. Operating a commercial motor vehicle while the commercial
9 driving privilege is revoked, suspended, canceled, denied, or
10 disqualified;

11 7. Manslaughter homicide, or negligent homicide occurring as a
12 direct result of negligent operation of a commercial motor vehicle,
13 or, if the person is the holder of a commercial driver license,
14 committing the offense while operating any vehicle;

15 8. Fraud related to examination for or issuance of a commercial
16 learner permit or a Class A, B or C driver license; or

17 9. Failure to submit to skills or knowledge reexamination, or
18 both, for the purpose of issuance of a commercial learner permit or
19 a Class A, B or C driver license within thirty (30) days of receipt
20 of notification from the Department.

21 C. The Department of Public Safety shall disqualify any person
22 from operating a Class A, B or C commercial motor vehicle for a
23 period of not less than three (3) years upon receiving a record of
24 conviction of any of the disqualifying offenses described in

1 subsection B of this section, committed in connection with the
2 operation of a motor vehicle which is required to be placarded for
3 hazardous materials under 49 C.F.R., Part 172, subpart F, when the
4 conviction has become final.

5 D. The Department of Public Safety shall disqualify any person
6 from operating a Class A, B or C commercial motor vehicle for life
7 upon receiving a record of conviction in any court of any of the
8 disqualifying offenses described in subsection B of this section
9 after a former conviction of any of the following disqualifying
10 offenses, when the second conviction has become final.

11 The Department of Public Safety may promulgate rules
12 establishing conditions under which a disqualification for life
13 pursuant to the provisions of this subsection may be reduced to a
14 period of not less than ten (10) years provided a previous lifetime
15 disqualification has not been reduced.

16 E. The Department of Public Safety shall disqualify any person
17 from operating a Class A, B or C commercial motor vehicle for life
18 upon receiving a record of conviction for any felony related to the
19 manufacture, distribution or dispensation of a controlled dangerous
20 substance in the commission of which a Class A, B or C commercial
21 motor vehicle is used, or if the person is the holder of a
22 commercial driver license, committing the offense while operating
23 any vehicle, when the conviction has become final.

1 F. The Department of Public Safety shall disqualify any person
2 from operating a Class A, B or C commercial motor vehicle for sixty
3 (60) days upon receiving a record of a second conviction of the
4 person for a serious traffic offense arising out of separate
5 transactions or occurrences within a three-year period, when the
6 convictions have become final. The Department of Public Safety
7 shall disqualify any person from operating a Class A, B or C
8 commercial motor vehicle for one hundred twenty (120) days upon
9 receiving a record of a third conviction of a person for a serious
10 traffic offense arising out of separate transactions or occurrences
11 within a three-year period, when the convictions have become final;
12 provided, the one-hundred-twenty-day period shall run in addition to
13 and shall not run concurrently with any other period
14 disqualification imposed pursuant to this subsection. As used in
15 this subsection, "serious traffic offense" shall mean any of the
16 following offenses committed while operating a commercial motor
17 vehicle:

- 18 1. Speeding fifteen (15) miles per hour or more over the limit;
- 19 2. Reckless driving;
- 20 3. Any traffic offense committed that results in or in
21 conjunction with a motor vehicle collision resulting in a fatality;
- 22 4. Erratic or unsafe lane changes;
- 23 5. Following too closely;
- 24 6. Failure to obtain a commercial driver license;

1 7. Failure to have in possession of the person a commercial
2 driver license;

3 8. Failure to have:

4 a. the proper class of commercial driver license for the
5 class of vehicle being operated,

6 b. the proper endorsement or endorsements for the type of
7 vehicle being operated, including but not limited to,
8 passengers or type of cargo being transported, or

9 c. both proper class and proper endorsement, as provided
10 in subparagraphs a and b of this paragraph;

11 9. Operating a commercial motor vehicle while using a cellular
12 telephone or electronic communication device to write, send or read
13 a text-based communication; or

14 10. Operating a commercial motor vehicle while using a hand-
15 held mobile telephone.

16 For the purposes of paragraphs 9 and 10 of this subsection,
17 operating a commercial motor vehicle and using an electronic
18 communication device or a hand-held mobile telephone is permissible
19 by the operator when necessary to communicate with law enforcement
20 officials or other emergency services. Further, for the purposes of
21 paragraphs 9 and 10 of this subsection, "operate" means operating on
22 a street or highway, including while temporarily stationary because
23 of traffic, a traffic control device or other momentary delays.
24 Operating does not include when the driver of a commercial motor

1 vehicle has moved the vehicle to the side of or off a street or
2 highway and has halted in a location where the vehicle can safely
3 remain stationary.

4 G. Upon the receipt of a person's record of conviction of
5 violating a lawful out-of-service order, when the conviction becomes
6 final the Department shall disqualify the driving privilege of the
7 person as follows:

8 1. For a first conviction for violating an out-of-service
9 order:

10 a. except as provided in subparagraph b of this
11 paragraph, the period of disqualification shall be for
12 one-hundred eighty (180) days, or

13 b. while transporting hazardous materials required to be
14 placarded under the Hazardous Materials Transportation
15 Act, 49 P. app. 180-1813, or while operating a motor
16 vehicle designed for transport of sixteen (16) or more
17 passengers, including the driver, the period of
18 disqualification shall be for one (1) year;

19 2. For a second conviction within ten (10) years for violating
20 an out-of-service order:

21 a. except as provided in subparagraph b of this
22 paragraph, the period of disqualification shall be for
23 two (2) years, or
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1 b. while transporting hazardous materials required to be
2 placarded under the Hazardous Materials Transportation
3 Act, 49 P. app. 180-1813, or while operating a motor
4 vehicle designed for transport of sixteen (16) or more
5 passengers, including the driver, the period of
6 disqualification shall be for three (3) years; and

7 3. For a third or subsequent conviction within ten (10) years
8 for violating an out-of-service order, the period of
9 disqualification shall be for three (3) years.

10 H. Upon determination by the Department that fraudulent
11 information was used to apply for or obtain a Class A, B or C driver
12 license, the Department shall disqualify the driving privilege of
13 the applicant or licensee for a period of sixty (60) days.

14 I. Any person who drives a Class A, B or C commercial motor
15 vehicle on any public roads, streets, highways, turnpikes or any
16 other public place of this state at a time when the person has been
17 disqualified or when the privilege to do so is canceled, denied,
18 suspended or revoked shall be guilty of a misdemeanor and upon
19 conviction shall be punished by a fine of not less than One Hundred
20 Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00),
21 or by imprisonment for not more than one (1) year, or by both such
22 fine and imprisonment. Each act of driving as prohibited shall
23 constitute a separate offense.

1 J. Upon the receipt of the record of a conviction of a person
2 of a railroad highway grade crossing offense in a commercial motor
3 vehicle, pursuant to Sections 11-701 or 11-702 of this title or
4 Section 11-1115 of this title, or upon receipt of an equivalent
5 conviction from any state, when the conviction becomes final, the
6 Department shall disqualify the driving privileges of the person
7 convicted as follows:

8 1. The first conviction shall result in disqualification for
9 sixty (60) days;

10 2. The second conviction within three (3) years shall result in
11 disqualification for one hundred twenty (120) days; and

12 3. The third or subsequent conviction within three (3) years
13 shall result in disqualification for one (1) year.

14 K. The Department, upon receipt of a written notice of
15 immediate disqualification issued by the Federal Motor Carrier
16 Safety Administration under 49 CFR 383.52, shall immediately
17 disqualify the person's commercial driving privilege for the period
18 of time specified on the written notice.

19 L. The periods of disqualification as defined by this section
20 shall not be modified. A person may not be granted driving
21 privileges to operate a Class A, B or C commercial vehicle until the
22 disqualification is reinstated.

23 M. When any record of conviction, as specified in this section,
24 is received by the Department and pertains to a nonresident operator

1 of a Class A, B or C commercial motor vehicle, or if the nonresident
2 operator is the holder of a commercial driver license, a record of
3 the conviction pertaining to the nonresident operator of any
4 vehicle, the Department shall not disqualify the person and shall
5 report the conviction to the licensing jurisdiction in which the
6 license of the nonresident to operate the commercial vehicle was
7 issued.

8 N. Any person who is disqualified from driving under the
9 provisions of this section shall have the right of appeal, as
10 provided in Section 6-211 of this title.

11 SECTION 3. This act shall become effective November 1, 2020.

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