

1 ENGROSSED SENATE
2 BILL NO. 1116

By: Daniels and Bergstrom of
the Senate

3 and

4 Frix of the House
5

6 An Act relating to commercial motor vehicles;
7 amending 47 O.S. 2021, Section 6-205.2, which relates
8 to disqualifications from driving privileges for
9 certain convictions or acts; disqualifying certain
persons from operating certain commercial motor
vehicles; updating statutory reference; and providing
an effective date.

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

13 SECTION 1. AMENDATORY 47 O.S. 2021, Section 6-205.2, is
14 amended to read as follows:

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

- 17 1. A nonvacated adjudication of guilt;
- 18 2. A determination that a person has violated or failed to
19 comply with this section in any court or by the Department of Public
20 Safety following an administrative determination;
- 21 3. A nonvacated forfeiture of bail or collateral deposited to
22 secure a person's appearance in court;
- 23 4. A plea of guilty or nolo contendere accepted by the court;
- 24 5. The payment of any fine or court costs; or

1 6. A violation of a condition of release without bail,
2 regardless of whether or not the penalty is rebated, suspended or
3 probated.

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

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

14 2. Refusing to submit to a test for determination of alcohol
15 concentration, as required by Section 751 of this title, or as
16 required by the state in which the arrest occurred, while operating
17 a Class A, B or C commercial motor vehicle, or if the person is the
18 holder of a commercial driver license, committing the offense while
19 operating any vehicle;

20 3. Driving or being in actual physical control of a Class A, B
21 or C commercial motor vehicle while under the influence of alcohol
22 or any other intoxicating substance or the combined influence of
23 alcohol and any other intoxicating substance, or if the person is
24 the holder of a commercial driver license, committing the offense

1 while operating any vehicle. Provided, the Department shall not
2 additionally disqualify, pursuant to this subsection, if the
3 person's driving privilege has been disqualified in this state
4 because of a test result or test refusal pursuant to paragraph 1 or
5 2 of this subsection as a result of the same violation arising from
6 the same incident;

7 4. Knowingly leaving the scene of a collision which occurs
8 while operating a Class A, B or C commercial motor vehicle, or if
9 the person is the holder of a commercial driver license, committing
10 the offense while operating any vehicle;

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

16 6. Operating a commercial motor vehicle while the commercial
17 driving privilege is revoked, suspended, canceled, denied, or
18 disqualified;

19 7. Manslaughter homicide, or negligent homicide occurring as a
20 direct result of negligent operation of a commercial motor vehicle,
21 or, if the person is the holder of a commercial driver license,
22 committing the offense while operating any vehicle;

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

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

5 C. The Department of Public Safety shall disqualify any person
6 from operating a Class A, B or C commercial motor vehicle for a
7 period of not less than three (3) years upon receiving a record of
8 conviction of any of the disqualifying offenses described in
9 subsection B of this section, committed in connection with the
10 operation of a motor vehicle which is required to be placarded for
11 hazardous materials under 49 C.F.R., Part 172, subpart F, when the
12 conviction has become final.

13 D. The Department of Public Safety shall disqualify any person
14 from operating a Class A, B or C commercial motor vehicle for life
15 upon receiving a record of conviction in any court of any of the
16 disqualifying offenses described in subsection B of this section
17 after a former conviction of any of the following disqualifying
18 offenses, when the second conviction has become final.

19 The Department of Public Safety may promulgate rules
20 establishing conditions under which a disqualification for life
21 pursuant to the provisions of this subsection may be reduced to a
22 period of not less than ten (10) years provided a previous lifetime
23 disqualification has not been reduced.

1 E. The Department of Public Safety shall disqualify any person
2 from operating a Class A, B or C commercial motor vehicle for life
3 upon receiving a record of conviction for any felony related to the
4 manufacture, distribution or dispensation of a controlled dangerous
5 substance in the commission of which a Class A, B or C commercial
6 motor vehicle is used, or if the person is the holder of a
7 commercial driver license, committing the offense while operating
8 any vehicle, when the conviction has become final, or for a felony
9 conviction of human trafficking while operating a commercial motor
10 vehicle, when the conviction has become final.

11 F. The Department of Public Safety shall disqualify any person
12 from operating a Class A, B or C commercial motor vehicle for sixty
13 (60) days upon receiving a record of a second conviction of the
14 person for a serious traffic offense arising out of separate
15 transactions or occurrences within a three-year period, when the
16 convictions have become final. The Department of Public Safety
17 shall disqualify any person from operating a Class A, B or C
18 commercial motor vehicle for one hundred twenty (120) days upon
19 receiving a record of a third conviction of a person for a serious
20 traffic offense arising out of separate transactions or occurrences
21 within a three-year period, when the convictions have become final;
22 provided, the one-hundred-twenty-day period shall run in addition to
23 and shall not run concurrently with any other period
24 disqualification imposed pursuant to this subsection. As used in

1 this subsection, "serious traffic offense" shall mean any of the
2 following offenses committed while operating a commercial motor
3 vehicle:

4 1. Speeding fifteen (15) miles per hour or more over the limit;

5 2. Reckless driving;

6 3. Any traffic offense committed that results in or in
7 conjunction with a motor vehicle collision resulting in a fatality;

8 4. Erratic or unsafe lane changes;

9 5. Following too closely;

10 6. Failure to obtain a commercial driver license;

11 7. Failure to have in possession of the person a commercial
12 driver license;

13 8. Failure to have:

14 a. the proper class of commercial driver license for the
15 class of vehicle being operated,

16 b. the proper endorsement or endorsements for the type of
17 vehicle being operated, including but not limited to,
18 passengers or type of cargo being transported, or

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

21 9. Operating a commercial motor vehicle while using a cellular
22 telephone or electronic communication device to write, send or read
23 a text-based communication; or
24

1 10. Operating a commercial motor vehicle while using a hand-
2 held mobile telephone.

3 For the purposes of paragraphs 9 and 10 of this subsection,
4 operating a commercial motor vehicle and using an electronic
5 communication device or a hand-held mobile telephone is permissible
6 by the operator when necessary to communicate with law enforcement
7 officials or other emergency services. Further, for the purposes of
8 paragraphs 9 and 10 of this subsection, "operate" means operating on
9 a street or highway, including while temporarily stationary because
10 of traffic, a traffic control device or other momentary delays.
11 Operating does not include when the driver of a commercial motor
12 vehicle has moved the vehicle to the side of or off a street or
13 highway and has halted in a location where the vehicle can safely
14 remain stationary.

15 G. Upon the receipt of a person's record of conviction of
16 violating a lawful out-of-service order, when the conviction becomes
17 final the Department shall disqualify the driving privilege of the
18 person as follows:

19 1. For a first conviction for violating an out-of-service
20 order:

21 a. except as provided in subparagraph b of this
22 paragraph, the period of disqualification shall be for
23 one-hundred eighty (180) days, or
24

1 b. while transporting hazardous materials required to be
2 placarded under the Hazardous Materials Transportation
3 Act, ~~49 P. app. 180-1813~~ 49 U.S.C.A. Section 5103 et
4 seq., or while operating a motor vehicle designed for
5 transport of sixteen (16) or more passengers₇
6 including the driver, the period of disqualification
7 shall be for one (1) year;

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

10 a. except as provided in subparagraph b of this
11 paragraph, the period of disqualification shall be for
12 two (2) years, or

13 b. while transporting hazardous materials required to be
14 placarded under the Hazardous Materials Transportation
15 Act, ~~49 P. app. 180-1813~~ 49 U.S.C.A. Section 5103 et
16 seq., or while operating a motor vehicle designed for
17 transport of sixteen (16) or more passengers₇
18 including the driver, the period of disqualification
19 shall be for three (3) years; and

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

23 H. Upon determination by the Department that fraudulent
24 information was used to apply for or obtain a Class A, B or C driver

1 license, the Department shall disqualify the driving privilege of
2 the applicant or licensee for a period of sixty (60) days.

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

13 J. Upon the receipt of the record of a conviction of a person
14 of a railroad highway grade crossing offense in a commercial motor
15 vehicle, pursuant to Sections 11-701 or 11-702 of this title or
16 Section 11-1115 of this title, or upon receipt of an equivalent
17 conviction from any state, when the conviction becomes final, the
18 Department shall disqualify the driving privileges of the person
19 convicted as follows:

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

22 2. The second conviction within three (3) years shall result in
23 disqualification for one hundred twenty (120) days; and
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1 3. The third or subsequent conviction within three (3) years
2 shall result in disqualification for one (1) year.

3 K. The Department, upon receipt of a written notice of
4 immediate disqualification issued by the Federal Motor Carrier
5 Safety Administration under 49 CFR 383.52, shall immediately
6 disqualify the person's commercial driving privilege for the period
7 of time specified on the written notice.

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

12 M. When any record of conviction, as specified in this section,
13 is received by the Department and pertains to a nonresident operator
14 of a Class A, B or C commercial motor vehicle, or if the nonresident
15 operator is the holder of a commercial driver license, a record of
16 the conviction pertaining to the nonresident operator of any
17 vehicle, the Department shall not disqualify the person and shall
18 report the conviction to the licensing jurisdiction in which the
19 license of the nonresident to operate the commercial vehicle was
20 issued.

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

24 SECTION 2. This act shall become effective November 1, 2022.

1 Passed the Senate the 7th day of March, 2022.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2022.

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8 _____
9 Presiding Officer of the House
10 of Representatives