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February 21, 2022

COMMITTEE SUBSTITUTE  
FOR

SENATE BILL NO. 1116

By: Daniels

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

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

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

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

1. A nonvacated adjudication of guilt;

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

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

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

1        5. The payment of any fine or court costs; or

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

5        B. 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 one (1) year upon receiving a record of  
8 conviction of any of the following disqualifying offenses, when the  
9 conviction has become final:

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

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

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

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

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

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

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

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

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

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

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

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

21        The Department of Public Safety may promulgate rules  
22 establishing conditions under which a disqualification for life  
23 pursuant to the provisions of this subsection may be reduced to a  
24

1 period of not less than ten (10) years provided a previous lifetime  
2 disqualification has not been reduced.

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

13 F. The Department of Public Safety shall disqualify any person  
14 from operating a Class A, B or C commercial motor vehicle for sixty  
15 (60) days upon receiving a record of a second conviction of the  
16 person for a serious traffic offense arising out of separate  
17 transactions or occurrences within a three-year period, when the  
18 convictions have become final. The Department of Public Safety  
19 shall disqualify any person from operating a Class A, B or C  
20 commercial motor vehicle for one hundred twenty (120) days upon  
21 receiving a record of a third conviction of a person for a serious  
22 traffic offense arising out of separate transactions or occurrences  
23 within a three-year period, when the convictions have become final;  
24 provided, the one-hundred-twenty-day period shall run in addition to

1 and shall not run concurrently with any other period  
2 disqualification imposed pursuant to this subsection. As used in  
3 this subsection, "serious traffic offense" shall mean any of the  
4 following offenses committed while operating a commercial motor  
5 vehicle:

- 6 1. Speeding fifteen (15) miles per hour or more over the limit;
- 7 2. Reckless driving;
- 8 3. Any traffic offense committed that results in or in  
9 conjunction with a motor vehicle collision resulting in a fatality;
- 10 4. Erratic or unsafe lane changes;
- 11 5. Following too closely;
- 12 6. Failure to obtain a commercial driver license;
- 13 7. Failure to have in possession of the person a commercial  
14 driver license;
- 15 8. Failure to have:
  - 16 a. the proper class of commercial driver license for the  
17 class of vehicle being operated,
  - 18 b. the proper endorsement or endorsements for the type of  
19 vehicle being operated, including but not limited to,  
20 passengers or type of cargo being transported, or
  - 21 c. both proper class and proper endorsement, as provided  
22 in subparagraphs a and b of this paragraph;
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1        9. Operating a commercial motor vehicle while using a cellular  
2 telephone or electronic communication device to write, send or read  
3 a text-based communication; or

4        10. Operating a commercial motor vehicle while using a hand-  
5 held mobile telephone.

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

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

22        1. For a first conviction for violating an out-of-service  
23 order:  
24

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

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

- 13           a.    except as provided in subparagraph b of this  
14                paragraph, the period of disqualification shall be for  
15                two (2) years, or  
16           b.    while transporting hazardous materials required to be  
17                placarded under the Hazardous Materials Transportation  
18                Act, ~~49 P. app. 180-1813~~ 49 U.S.C.A. Section 5103 et  
19                seq., or while operating a motor vehicle designed for  
20                transport of sixteen (16) or more passengers,  
21                including the driver, the period of disqualification  
22                shall be for three (3) years; and  
23  
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1        3. For a third or subsequent conviction within ten (10) years  
2 for violating an out-of-service order, the period of  
3 disqualification shall be for three (3) years.

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

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

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

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

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

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

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

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

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

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

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

5 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY  
6 February 21, 2022 - DO PASS AS AMENDED  
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