

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 SENATE BILL 1116

By: Daniels

4  
5  
6  
7 AS INTRODUCED

8 An Act relating to driver license revocations;  
9 amending 47 O.S. 2021, Section 6-205, which relates  
10 to mandatory license revocations; modifying certain  
revocation period; and providing an effective date.

11  
12  
13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 47 O.S. 2021, Section 6-205, is  
15 amended to read as follows:

16 Section 6-205. A. The Department of Public Safety shall  
17 immediately revoke the driving privilege of any person, whether  
18 adult or juvenile, upon receiving a record of conviction, in any  
19 municipal, state or federal court within the United States of any of  
20 the following offenses, when such conviction has become final:

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

23 2. Driving or being in actual physical control of a motor  
24 vehicle while under the influence of alcohol, any other intoxicating  
25

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

11 3. Driving a motor vehicle during the commission of a felony;

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

15 5. Perjury or the making of a false affidavit or statement  
16 under oath to the Department under the Uniform Vehicle Code or under  
17 any other law relating to the ownership or operation of motor  
18 vehicles;

19 6. A felony conviction for unlawfully distributing, dispensing,  
20 manufacturing, trafficking, attempting or conspiring to distribute,  
21 dispense, manufacture, or traffic a controlled dangerous substance  
22 as defined in the Uniform Controlled Dangerous Substances Act while  
23 driving a motor vehicle;

1        7. A misdemeanor conviction for a violation of Section 1-229.34  
2 of Title 63 of the Oklahoma Statutes;

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

6        9. Failure to stop or to remain stopped for school bus loading  
7 or unloading of children pursuant to Section 11-705 or 11-705.1 of  
8 this title.

9        B. The first license revocation under any provision of this  
10 section, except for paragraph 2, 3, 6, 7, or 9 of subsection A of  
11 this section, shall be for a period of one (1) year. Such period  
12 shall not be modified.

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

19        D. The period of license revocation under paragraph 2, 3, or 6  
20 of subsection A of this section shall be governed by the provisions  
21 of Section 6-205.1 of this title.

22        E. The first license revocation under paragraph 7 of subsection  
23 A of this section shall be for a period of six (6) months. Such  
24 periods shall not be modified.

1 F. The first license revocation under paragraph 9 of subsection  
2 A of this section shall be for a period of ~~one (1) year~~ one (1)  
3 month. Such period may be modified. Any appeal of the revocation  
4 of driving privilege under paragraph 9 of subsection A of this  
5 section shall be governed by Section 6-211 of this title; provided,  
6 any modification under this subsection shall apply to Class D motor  
7 vehicles only.

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

12 H. Any person whose driving privileges are or have been  
13 canceled or denied pursuant to this section, except for paragraph 1,  
14 2, or 8 of subsection A of this section, may file a petition for  
15 relief based upon error or hardship.

16 1. The petition shall be filed in the district court which  
17 notified the Department. If the ~~Notification~~ notification  
18 originated in a municipal court, the petition shall be filed in the  
19 district court of the county in which the municipal court is  
20 located. A copy of the ~~Notification~~ notification and a copy of the  
21 Department's action canceling or denying driving privileges pursuant  
22 to this section shall be attached to the petition.

23 2. The district court shall conduct a hearing on the petition  
24 and may determine the matter de novo, without notice to the

1 Department and, if applicable, without notice to the municipal  
2 court; provided, the district court shall not consider a collateral  
3 attack upon the merits of any conviction or determination which has  
4 become final.

5 3. The district court may deny the petition or, in its  
6 discretion, issue a written Order to the Department to decrease the  
7 period of cancellation or denial to any period or issue a written  
8 Order to vacate the Department's action taken pursuant to this  
9 section, in its entirety. The content of the Order shall not grant  
10 or purport to grant any driving privileges to the person; however,  
11 such Order may direct the Department of Public Safety to do so if  
12 the person is otherwise eligible therefor. The petitioner is  
13 responsible for his or her own attorney fees. However, if the  
14 petitioner is granted relief for error, then the party that  
15 committed the error may be ordered to pay attorney fees and costs.  
16 Unless all persons or agencies the court had reason to believe may  
17 have had relevant information related to the court record and  
18 departmental action have been given notice of the petition, attorney  
19 fees and costs shall not be awarded against any party. In no event  
20 shall the Department of Public Safety be liable for attorney fees  
21 and costs for suspending, revoking, canceling or denying a driver  
22 license based upon reasonable reliance on a notice from a court  
23 requiring the revocation, suspension, cancellation or denial of the  
24 driver license according to law.

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

58-2-2359 BG 11/19/2021 2:54:13 PM