

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3501

By: Hardin (David)

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5
6 AS INTRODUCED

7 An Act relating to motor vehicles; requiring the
8 Department of Public Safety recognize and act upon
9 certain reports of conviction; requiring certain
10 format and information for submission of forms;
11 amending 47 O.S. 2021, Section 6-205.2, which relates
12 to disqualification from driving privileges for
13 certain convictions or acts; defining term; providing
14 for codification; and declaring an emergency.

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

16 SECTION 1. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 6-201.2 of Title 47, unless
18 there is created a duplication in numbering, reads as follows:

19 For purposes of Section 6-101 et seq. of Title 47 of the
20 Oklahoma Statutes, the Department of Public Safety shall recognize
21 and act upon a report of conviction in a court of any federally
22 recognized Indian tribe within the geographical boundaries of the
23 State of Oklahoma or a court of the United States in the same manner
24 it acts upon any report of conviction from an Oklahoma state or
municipal court. Any report of conviction submitted to the
Department shall be submitted using a format approved by the

1 Department and shall include the full name of the offender as it
2 appears on the driver license, the number of the driver license, and
3 the penalty imposed.

4 SECTION 2. AMENDATORY 47 O.S. 2021, Section 6-205.2, is
5 amended to read as follows:

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

7 1. "Conviction" means:

8 ~~1.—A~~

9 a. a nonvacated adjudication of guilt~~":~~

10 ~~2.—A~~

11 b. a determination that a person has violated or failed
12 to comply with this section in any court or by the
13 Department of Public Safety following an
14 administrative determination~~":~~

15 ~~3.—A~~

16 c. a nonvacated forfeiture of bail or collateral
17 deposited to secure a person's appearance in court~~":~~

18 ~~4.—A~~

19 d. a plea of guilty or nolo contendere accepted by the
20 court~~":~~

21 ~~5.—The~~

22 e. the payment of any fine or court costs~~":~~ or

23 ~~6.—A~~

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

4 2. "Tribe" means a federally recognized Indian tribe within the
5 geographic boundaries of this state.

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

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

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

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

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

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

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

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

21 7. Manslaughter homicide, or negligent homicide occurring as a
22 direct result of negligent operation of a commercial motor vehicle,
23 or, if the person is the holder of a commercial driver license,
24 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
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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.

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

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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
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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 one (1) year;

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

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

12 b. while transporting hazardous materials required to be
13 placarded under the Hazardous Materials Transportation
14 Act, 49 P. app. 180-1813, or while operating a motor
15 vehicle designed for transport of sixteen (16) or more
16 passengers, including the driver, the period of
17 disqualification shall be for three (3) years; and

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

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

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

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

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

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

22 3. The third or subsequent conviction within three (3) years
23 shall result in disqualification for one (1) year.
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1 K. The Department, upon receipt of a written notice of
2 immediate disqualification issued by the Federal Motor Carrier
3 Safety Administration under 49 CFR 383.52, shall immediately
4 disqualify the person's commercial driving privilege for the period
5 of time specified on the written notice.

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

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

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

22 SECTION 3. It being immediately necessary for the preservation
23 of the public peace, health or safety, an emergency is hereby
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1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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