

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE CONCURRENT
4 RESOLUTION 1009

By: Miller

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7 AS INTRODUCED

8 A Concurrent Resolution declaring opposition to
9 certain federal mandate regarding driver licenses;
10 urging the Governor to submit certain written
11 opposition to the mandate; calling on the Legislature
12 to prevent the United States Secretary of
13 Transportation from withholding certain
14 apportionments; and directing distribution.

15 WHEREAS, under 23 U.S.C., Section 159(a)(3)(A), in the absence
16 of compelling circumstances warranting an exception, for an
17 individual who is convicted of a violation of the Controlled
18 Substances Act (Public Law 91-513, 84 Stat. 1236) or a drug offense,
19 a state generally must enact and enforce a law requiring:

20 1. The revocation or suspension of the driver license of the
21 individual for at least six (6) months; or

22 2. A delay in the issuance or reinstatement of the driver
23 license of the individual for at least six (6) months after the
24 individual applies for issuance or reinstatement if the individual

1 does not have a license or has a suspended license at the time of
2 conviction; and

3 WHEREAS, the Legislature of the State of Oklahoma recognizes
4 that although license suspensions may be appropriate tools in
5 addressing rehabilitation and public safety goals, because the
6 matter of driving privileges is and always has been a prerogative of
7 a state and not the federal government, the State wishes to be
8 relieved of the federal license suspension mandate; and

9 WHEREAS, under 23 U.S.C., Section 159(a)(3)(B), the Governor of
10 a state may submit to the United States Secretary of Transportation
11 a written certification stating that:

12 (1) the Governor is opposed to the enactment or enforcement of
13 federal license suspension mandates under 23 U.S.C., Section
14 159(a)(3)(A); and

15 (2) the Legislature has adopted a resolution expressing its
16 opposition to the enactment or enforcement of federal license
17 suspension mandates under 23 U.S.C., Section 159(a)(3)(A); and

18 WHEREAS, the United States Secretary of Transportation shall
19 withhold eight percent (8%) of a state's highway-related funds
20 unless a state either enacts and enforces a law under 23 U.S.C.,
21 Section 159(a)(3)(A) or the Governor of that state submits the
22 written certifications under 23 U.S.C., Section 159(a)(3)(B); and

23 WHEREAS, after considering the mandates under 23 U.S.C., Section
24 159, the Legislature of the State of Oklahoma determines that the

1 enactment and enforcement of a law under 23 U.S.C., Section
2 159(a) (3) (A) may not be consistent with the State's goal of
3 rehabilitation as balanced with public safety concerns; and

4 WHEREAS, the State has already enacted sufficient laws to deter
5 illegal drug activity and has the capability of addressing further
6 concerns.

7 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES
8 OF THE 1ST SESSION OF THE 58TH OKLAHOMA LEGISLATURE, THE SENATE
9 CONCURRING THEREIN:

10 THAT the Legislature of the State of Oklahoma declares its
11 opposition to the enactment and enforcement of a state law that
12 requires the suspension or revocation, or the delay in issuance or
13 reinstatement, of the driver license of an individual convicted of a
14 violation of the Controlled Substances Act or another drug offense
15 due to a federal mandate.

16 THAT the Legislature of the State of Oklahoma urges the Governor
17 to submit a written certification stating the Governor's opposition
18 to such federal mandate along with this resolution to the United
19 States Secretary of Transportation.

20 THAT the Legislature of the State of Oklahoma accordingly
21 prevent the United States Secretary of Transportation from
22 withholding a specified percentage of federal transportation
23 apportionments under 23 U.S.C., Section 159.

24

1 THAT enrolled copies of this resolution be transmitted to the
2 Governor, the presiding officers of each house of Congress, the
3 members of the Oklahoma Congressional Delegation and the United
4 States Secretary of Transportation.

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6 58-1-8239 JBH 04/30/21

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