

Resolution

ENROLLED HOUSE
CONCURRENT
RESOLUTION NO. 1009

By: Miller and Lepak of the
House

and

David of the Senate

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

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

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

2. A delay in the issuance or reinstatement of the driver license of the individual for at least six (6) months after the individual applies for issuance or reinstatement if the individual does not have a license or has a suspended license at the time of conviction; and

WHEREAS, the Legislature of the State of Oklahoma recognizes that although license suspensions may be appropriate tools in addressing rehabilitation and public safety goals, because the matter of driving privileges is and always has been a prerogative of

a state and not the federal government, the State wishes to be relieved of the federal license suspension mandate; and

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

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

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

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

WHEREAS, after considering the mandates under 23 U.S.C., Section 159, the Legislature of the State of Oklahoma determines that the enactment and enforcement of a law under 23 U.S.C., Section 159(a)(3)(A) may not be consistent with the State's goal of rehabilitation as balanced with public safety concerns; and

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

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

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

THAT the Legislature of the State of Oklahoma urges the Governor to submit a written certification stating the Governor's opposition

to such federal mandate along with this resolution to the United States Secretary of Transportation.

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

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

Adopted by the House of Representatives the 14th day of May, 2021.

Presiding Officer of the House
of Representatives

Adopted by the Senate the 18th day of May, 2021.

Presiding Officer of the Senate

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____
day of _____, 20_____, at _____ o'clock _____ M.
By: _____