1	SENATE FLOOR VERSION		
	February 28, 2018		
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3	COMMITTEE SUBSTITUTE FOR		
4	SENATE BILL NO. 1164 By: David		
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7	[driver license revocation - procedures - mandatory		
8	revocation of license - duration of revocation - reinstatement - fees - provisional license - ignition		
9	interlock - repealers - codification - provisional effective date]		
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11	BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:		
12	SECTION 1. REPEALER 47 O.S. 2011, Section 6-204, as		
13	amended by Section 4, Chapter 292, O.S.L. 2017 (47 O.S. Supp. 2017,		
14	Section 6-204) is hereby repealed.		
15	SECTION 2. NEW LAW A new section of law to be codified		
16	in the Oklahoma Statutes as Section 6-204a of Title 47, unless there		
17	is created a duplication in numbering, reads as follows:		
18	A. Whenever any person is convicted of, or receives a deferred		
19	sentence for any offense for which this title makes mandatory the		
20	revocation of the driving privilege of such person by the Department		
21	of Public Safety as provided in Section 4 of this act, the court in		
22	which the conviction or deferred sentence occurred may require the		
23	surrender to it of all proof of driving privileges then held by the		
24	person so convicted or sentenced and the court shall thereupon		

forward the same together with a record of such conviction or deferred sentence to the Department within five (5) days after the conviction or deferred sentence occurred.

- B. Every court, including courts not of record, having jurisdiction over offenses committed under this act, or any other law of this state or municipal ordinance regulating the operation of motor vehicles on highways, shall forward to the Department a record of the conviction of any person in such court for a violation of any such laws other than regulations governing standing or parking, and may recommend the suspension of the driving privileges of the person so convicted.
- C. Whenever a person arrested for any offense for which this title makes mandatory the revocation of the driving privilege of such person by the Department as provided in Section 4 of this act, and enters into a deferred prosecution agreement related to such offense, the prosecutor shall forward to the Department notice of the deferred prosecution agreement. The notice of a deferred prosecution agreement provided to the Department shall not be a violation of Section 305.5 of Title 22 of the Oklahoma Statutes.
- D. For the purposes of Section 6-101 et seq. of Title 47 of the Oklahoma Statutes, the term "conviction" shall mean a final conviction or shall mean a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated.

- 1 SECTION 3. REPEALER 47 O.S. 2011, Section 6-205, as last 2 amended by Section 5, Chapter 392, O.S.L. 2017 (47 O.S. Supp. 2017, 3 Section 6-205), is hereby repealed.
 - SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-205a of Title 47, unless there is created a duplication in numbering, reads as follows:
 - A. The Department of Public Safety shall revoke the driving privilege of any person, whether adult or juvenile, who, in any municipal, state or federal court within the United States, receives a deferred sentence, or a conviction, when such conviction has become final, or a deferred prosecution, for any of the following offenses:
 - 1. Manslaughter or negligent homicide resulting from the operation of a motor vehicle;
 - 2. Driving, operating or being in actual physical control of a motor vehicle while under the influence of alcohol, any other intoxicating substance, or the combined influence of alcohol and any other intoxicating substance, or any offense in subsection A of Section 11-902 of Title 47 of the Oklahoma Statutes or any offense in Section 11-906.4 of Title 47 of the Oklahoma Statutes;
 - 3. Any felony during the commission of which a motor vehicle is used;

- 4. Failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;
- 5. Perjury or the making of a false affidavit or statement under oath to the Department under the Uniform Vehicle Code or under any other law relating to the ownership or operation of motor vehicles;
- 6. A misdemeanor or felony conviction for unlawfully possessing, distributing, dispensing, manufacturing, trafficking, cultivating, selling, transferring, attempting or conspiring to possess, distribute, dispense, manufacture, traffic, sell, or transfer of a controlled dangerous substance as defined in the Uniform Controlled Dangerous Substances Act while using a motor vehicle;
- 7. Failure to pay for gasoline pumped into a vehicle pursuant to Section 1740 of Title 21 of the Oklahoma Statutes;
- 8. A misdemeanor conviction for a violation of Section 1465 of Title 21 of the Oklahoma Statutes:
 - 9. A misdemeanor conviction for a violation of Section 609 of Title 37 of the Oklahoma Statutes;
- 10. Failure to obey a traffic control device as provided in

 Section 11-202 or 11-803 of Title 47 of the Oklahoma Statutes when

 such failure results in great bodily injury to any other person; or

11. Failure to stop or to remain stopped for school bus loading or unloading of children pursuant to Section 11-705 or 11-705.1 of Title 47 of the Oklahoma Statutes.

- B. The first license revocation under any provision of this section, except for paragraph 2 of subsection A of this section, shall be for a period of one (1) year. Such period shall not be modified.
- C. A license revocation under any provision of this section, except for paragraph 2 of subsection A of this section, shall be for a period of three (3) years if a prior revocation under this section, except under paragraph 2 of subsection a of this section, was commenced within the preceding five-year period as shown by the records of the Department. Such period shall not be modified.
- D. The period of license revocation under paragraph 2 of subsection A of this section shall be governed by the provisions of Section 6 of this act.
- E. The first license revocation under paragraph 7 of subsection A of this section shall be for a period of six (6) months. A second or subsequent license revocation under paragraph 7 of subsection A of this section shall be for a period of one (1) year. Such periods shall not be modified.
- F. The first license revocation under paragraph 11 of subsection A of this section shall be for a period of one (1) year. Such period may not be modified. Any appeal of the revocation of

- 1 driving privilege under paragraph 11 of subsection A of this section
- 2 | shall be governed by Section 6-211 of Title 47 of the Oklahoma
- 3 Statutes.
- 4 G. As used in this section, "great bodily injury" means bodily
- 5 | injury which creates a substantial risk of death or which causes
- 6 | serious, permanent disfigurement or protracted loss or impairment of
- 7 | the function of any bodily member or organ.
- 8 SECTION 5. REPEALER 47 O.S. 2011, Section 6-205.1, as
- 9 last amended by Section 6, Chapter 392, O.S.L. 2017 (47 O.S. Supp.
- 10 | 2017, Section 6-205.1), is hereby repealed.
- 11 SECTION 6. NEW LAW A new section of law to be codified
- 12 | in the Oklahoma Statutes as Section 6-205.3 of Title 47, unless
- 13 | there is created a duplication in numbering, reads as follows:
- 14 A. The driving privilege of a person who is convicted of, or
- 15 receives a deferred sentence, or deferred prosecution agreement for
- 16 any offense as provided in paragraph 2 of subsection A of Section 4
- 17 of this act, unless the person has successfully completed, or is
- 18 | currently participating in, the Impaired Driver Accountability
- 19 | Program (IDAP) in accordance with Section 5 of Enrolled Senate Bill
- 20 No. 1163 of the 2nd Session of the 56th Oklahoma Legislature, shall
- 21 | be revoked or denied by the Department of Public Safety for the
- 22 | following period, as applicable:
- 23 1. The first license revocation pursuant to paragraph 2 of
- 24 subsection A of Section 4 of this act shall be for a minimum period

1 of one (1) year, which shall be modified; provided, any modification under this paragraph shall apply to Class D motor vehicles only. Modification requires the issuance of a modified driver license and the continuous installation of an ignition interlock device or devices pursuant to Section 10 of this act for a period of not less than one (1) year immediately preceding reinstatement of the license. If within the last six (6) months of the revocation period the Department receives a report of an interlock violation, as defined by the rules of the Board of Tests for Alcohol and Drug Influence, the revocation period shall be extended until such time that the person completes a violation-free, six-month period;

- 2. A revocation pursuant to paragraph 2 of subsection A of Section 4 of this act shall be for a minimum period of twenty-four (24) months, if within ten (10) years preceding the date of arrest relating thereto, as shown by the records of the Department:
 - a prior revocation commenced pursuant to paragraph 2 a. or 6 of subsection A of Section 4 of this act, or a revocation because of a test result or test refusal, or previous enrollment and/or completion of the Impaired Driver Accountability Program pursuant to Section 5 of Enrolled Senate Bill No. 1163 of the 2nd Session of the 56th Oklahoma Legislature, or
 - the record of the person reflects a prior conviction b. in another jurisdiction which did not result in a

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1	revocation of Oklahoma driving privileges, for a
2	violation substantially similar to paragraph 2 of
3	subsection A of Section 4 of this act, and the person
4	was not a resident or a licensee of Oklahoma at the

time of the offense resulting in the conviction.

Such twenty-four-month period of revocation shall be modified; provided, any modification under this paragraph shall apply to Class D driver licenses only. Modification shall require the issuance of a modified driver license and the installation of an ignition interlock device or devices, pursuant to Section 10 of this act for a continuous period of not less than twenty-four (24) months immediately preceding reinstatement of the license. If within the last eighteen (18) months of the revocation period the Department receives a report of an interlock violation, as defined by the rules of the Board of Tests for Alcohol and Drug Influence, the revocation period shall be extended until such time that the person completes a violation-free twelve-month period; or

- 3. A revocation pursuant to paragraph 2 of subsection A of Section 4 of this act, or a revocation because of a test result or test refusal shall be for a minimum period of forty-eight (48) months if within ten (10) years preceding the date of arrest relating thereto, as shown by the records of the Department:
 - a. two or more prior revocations commenced pursuant to paragraph 2 or 6 of subsection A of Section 4 of this

act, or revocations because of a test result or test refusal, or previous enrollment(s) or completion(s) of the Impaired Driver Accountability Program pursuant to Section 5 of Enrolled Senate Bill No. 1163 of the 2nd Session of the 56th Oklahoma Legislature,

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- b. the record of the person reflects two or more prior convictions in another jurisdiction which did not result in a revocation of Oklahoma driving privileges, for a violation substantially similar to paragraph 2 of subsection A of Section 4 of this act, and the person was not a resident or a licensee of Oklahoma at the time of the offense resulting in the conviction, or
- c. any combination of two or more prior revocations, or previous completions of the Impaired Driver Accountability Program, or convictions as described in subparagraphs a and b of this paragraph.

Such forty-eight-month period of revocation shall be modified; provided, any modification under this paragraph shall apply to Class D driver licenses only. Modification requires the issuance of a modified driver license and the installation of an ignition interlock device or devices, pursuant to Section 10 of this act for a continuous period of not less than forty-eight (48) months immediately preceding reinstatement of the license. If within the

- last forty-two (42) months of the revocation period the Department receives a report of an interlock violation, as defined by the rules of the Board of Tests for Alcohol and Drug Influence, the revocation period shall be extended until such time that the person completes a violation-free forty-two (42) month period.
 - B. The driving privilege of a person who is convicted of any offense as provided in paragraph 6 of subsection A of Section 4 of this act shall be revoked or denied by the Department of Public Safety for the following period, as applicable:
 - 1. The first license revocation shall be for one hundred eighty (180) days, which may not be modified;
 - 2. A revocation shall be for a period of one (1) year if within ten (10) years preceding the date of arrest relating thereto, as shown by the records of the Department:
 - a. a prior revocation commenced pursuant to paragraph 2 or 6 of subsection A of Section 4 of this act, or a revocation because of a test result or test refusal, previous participation and/or completion of the Impaired Driver Accountability Program pursuant to Section 5 of Enrolled Senate Bill No. 1163 of the 2nd Session of the 56th Oklahoma Legislature, or
 - b. the record of the person reflects a prior conviction in another jurisdiction which did not result in a revocation of Oklahoma driving privileges, for a

violation substantially similar to paragraph 2 or 6 of subsection A of Section 4 of this act, and the person was not a resident or a licensee of Oklahoma at the time of the offense resulting in the conviction.

Such period shall not be modified; or

- 3. A revocation shall be for a period of three (3) years if within ten (10) years preceding the date of arrest relating thereto, as shown by the records of the Department:
 - a. two or more prior revocations commenced pursuant to paragraph 2 or 6 of subsection A of Section 4 of this act, or a revocation because of a test result or test refusal, previous participation and/or completion of the Impaired Driver Accountability Program pursuant to Section 5 of Enrolled Senate Bill No. 1163 of the 2nd Session of the 56th Oklahoma Legislature,
 - b. the record of the person reflects two or more prior convictions in another jurisdiction which did not result in a revocation of Oklahoma driving privileges, for a violation substantially similar to paragraph 2 or 6 of subsection A of Section 4 of this act, and the person was not a resident or licensee of Oklahoma at the time of the offense resulting in the conviction, or

c. any combination of two or more prior revocations as described in subparagraphs a and b or this paragraph.
Such period shall not be modified.

The revocation of the driving privilege of any person under this subsection shall not run concurrently with any other withdrawal of driving privilege resulting from a different incident and which requires the driving privilege to be withdrawn for a prescribed amount of time. A denial based on a conviction of any offense as provided in paragraph 6 of subsection A of Section 4 of this act shall become effective on the first day the convicted person is otherwise eligible to apply for and be granted driving privilege if the person was not eligible to do so at the time of the conviction.

- C. For the purposes of this subsection:
- 1. The term "conviction" includes a juvenile delinquency adjudication by a court or any notification from a court pursuant to Section 6-107.1 of Title 47 of the Oklahoma Statutes; and
- 2. The term "revocation" includes a denial of driving privileges by the Department.
- D. Each period of revocation not subject to modification shall be mandatory and neither the Department nor any court may grant driving privileges for the duration of that period. Each period of revocation, subject to modification as provided for in this section, shall be modified as provided for in Section 10 of this act;

- provided, any modification under this paragraph shall apply to Class
 D driver licenses only.
- E. Any appeal of a revocation of denial of driving privileges

 shall be governed by Section 6-211 of Title 47 of the Oklahoma
- SECTION 7. REPEALER 47 O.S. 2011, Section 6-212, as last amended by Section 7, Chapter 392, O.S.L. 2017 (47 O.S. Supp. 2017, Section 6-212), is hereby repealed.
- 9 SECTION 8. NEW LAW A new section of law to be codified 10 in the Oklahoma Statutes as Section 6-212a of Title 47, unless there 11 is created a duplication in numbering, reads as follows:
 - A. The Department of Public Safety shall not assess and collect multiple reinstatement fees when reinstating the driving privilege of any person having more than one suspension or revocation affecting the person's driving privilege at the time of reinstatement.
 - B. The Department shall:

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Statutes.

- 18 1. Suspend or revoke a person's driving privilege as delineated
 19 within the Oklahoma Statutes; and
- 2. Require any person having more than one suspension or
 revocation affecting the person's driving privilege to meet the
 statutory requirements for each action as a condition precedent to
 the reinstatement of any driving privilege. Provided, however,
 reinstatement fees shall not be cumulative, and a single

- reinstatement fee, as provided for in subsection C of this section,

 shall be paid for all suspensions or revocations as shown by the

 Department's records at the time of reinstatement.
 - C. Whenever a person's privilege to operate a motor vehicle is suspended or revoked pursuant to any provision as authorized by the Oklahoma Statutes, the license or privilege to operate a motor vehicle shall remain under suspension or revocation and shall not be reinstated until:
 - 1. The expiration of each such revocation or suspension order and the satisfaction of all terms and conditions of the revocation;
 - 2. The person has paid to the Department:

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- a. if such privilege is suspended or revoked pursuant to

 Section 1115.5 of Title 22 of the Oklahoma

 Statutes or pursuant to any provisions of this

 title, except as provided in subparagraph b of

 this paragraph, a processing fee of Twenty-five

 Dollars (\$25.00) for each such suspension or

 revocation as shown by the Department's records,

 or
- b. (1) if such privilege is suspended or revoked because of a test result or test refusal, or pursuant to the provisions of Section 4 of this act, Section 6 of this act, 7-612 or 761 of Title 47 of the Oklahoma Statutes or pursuant to subsection A of

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Section 7-605 of Title 47 of the Oklahoma Statutes for a conviction for failure to maintain the mandatory motor vehicle insurance required by law or pursuant to subsection B of Section 6-206 of Title 47 of the Oklahoma Statutes for a suspension other than for points accumulation, a processing fee of Seventy-five Dollars (\$75.00) for each such suspension or revocation as shown by the Department's records, and a special assessment trauma-care fee of Two Hundred Dollars (\$200.00) to be deposited into the Trauma Care Assistance Revolving Fund created in Section 1-2530.9 of Title 63 of the Oklahoma Statutes, for each suspension or revocation as shown by the records of the Department, and

(2) in addition to any other fees required by this section, if such privilege is suspended or revoked pursuant to an arrest on or after November 1, 2008, under the provisions of paragraph 2 or 6 of subsection A of Section 4 of this act or of Section 761 of Title 47 of the Oklahoma Statutes or because of a test result or test refusal, a fee of Fifteen Dollars (\$15.00), which shall be apportioned pursuant to the

- provisions of Section 3-460 of Title 43A of the
 Oklahoma Statutes; and
 - 3. The person has paid to the Department a single reinstatement fee of:
 - a. beginning on August 26, 2011, through June 30, 2013,
 Fifty Dollars (\$50.00), of which Twenty-five Dollars
 (\$25.00) shall be deposited by the Commissioner to the
 credit of the Department of Public Safety Revolving
 Fund and, in addition to other purposes authorized by
 law, the expenditures from that fund of monies derived
 from the Twenty-five Dollars (\$25.00) pursuant to this
 subparagraph shall be used to fund any Oklahoma
 Highway Patrol Trooper Academy provided by the
 Department. Any remaining funds shall be used for
 operational expenses of the Oklahoma Highway Patrol,
 and
 - b. beginning on July 1, 2013, and any year thereafter, Twenty-five Dollars (\$25.00).
 - D. The Department of Public Safety is hereby authorized to enter into agreements with persons whose license to operate a motor vehicle or commercial motor vehicle has been suspended or revoked, for issuance of a provisional license that allows such persons to drive:

1 1. Between their place of residence and their place of employment or potential employment;

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- 2. During the scope and course of their employment;
- Between their place of residence and a college, university or technology center;
- 4. Between their place of residence and their child's school or day care provider;
 - Between their place of residence and a place of worship; or
- 6. Between their place of residence and any court-ordered treatment program,

with the condition that such persons pay a minimum of Twentyfive Dollars (\$25.00) per month toward the satisfaction of all outstanding driver license or commercial driver license reinstatement fees. The Department shall develop rules and procedures to establish such a provisional driver license program and such rules and procedures shall include, but not be limited to, eligibility criteria, proof of insurance, proof of enrollment or employment, and any provisional license fees. Any violation of law by the person holding the provisional license that would result in the suspension or revocation of a driver license shall result in the revocation of the provisional license and such person shall be ineligible for future application for a provisional driver license.

E. Effective on July 1, 2002, and for each fiscal year thereafter:

1 1. Two Hundred Fifty Thousand Dollars (\$250,000.00) of all monies collected each month pursuant to this section shall be apportioned as provided in Section 1104 of Title 47 of the Oklahoma Statutes, except as otherwise provided in this section; and

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- 2. Except as otherwise provided in this section, all other monies collected in excess of Two Hundred Fifty Thousand Dollars (\$250,000.00) each month shall be deposited in the General Revenue Fund.
- SECTION 9. REPEALER 47 O.S. 2011, Section 754.1, as last amended by Section 14, Chapter 392, O.S.L. 2017 (47 O.S. Supp. 2017, Section 754.1), is hereby repealed.
- 12 SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 754.2 of Title 47, unless there 13 is created a duplication in numbering, reads as follows: 14
 - Modification of a revocation arising under the provisions of Section 6 of this act shall apply to Class D motor vehicles only.
 - As a prerequisite and condition of any modification, the В. person shall be required to have installed an ignition interlock device approved by the rules of the Board of Tests for Alcohol and Drug Influence, at the person's own expense, upon any motor vehicle operated by the person. A person whose revocation is modified may only operate a motor vehicle equipped with an approved ignition interlock device. The Department shall require, as a condition of modification, the device to be installed upon any vehicle owned or

- leased, as reflected on the vehicle registration, by an employer of
 the person for use by the person, except when the employer requests
 the ignition interlock device not be installed. The request shall
 be in writing and notarized on the official letterhead of the
 employer and provided by the employer to the Department; provided, a
 request shall not be accepted by the Department under the following
 circumstances:
 - 1. When the person is self-employed or owns part or all of the company or corporation, or exercises control over some part of the business which owns or leases the vehicle;
 - 2. When the person is employed by a relative who either is within the first degree of consanguinity or who resides in the same household; or
 - 3. When the person has had a prior revocation pursuant to paragraph 2 of subsection A of Section 4 of this act or to Sections 3 and 7 of Enrolled Senate Bill No. 1163 of the 2nd Session of the 56th Oklahoma Legislature.

The person shall comply with all provisions of law and rule regarding ignition interlock devices.

C. Upon the issuance of a modification order pursuant to this section, or under the provisions of paragraph 1, 2, or 3 of subsection A or paragraph 1, 2, or 3 of subsection B of Section 6 of this act, for a violation of this title, the person shall pay a modification fee of One Hundred Seventy-five Dollars (\$175.00) to

1	the Department. For each modification fee collected pursuant to the
2	provisions of this subsection, One Hundred Dollars (\$100.00) shall
3	be remitted to the State Treasurer to be credited to the General
4	Revenue Fund in the State Treasury and Seventy-five Dollars (\$75.00)
5	shall be remitted to the State Treasurer to be credited to the
6	Department of Public Safety Restricted Revolving Fund. All monies
7	accruing to the credit of the Department of Public Safety Restricted
8	Revolving Fund from modification fees shall be budgeted and expended
9	solely for the purpose of administering the provisions of this
10	section.
11	D. The Board of Tests for Alcohol and Drug Influence shall
12	promulgate such rules as are necessary to implement and administer
13	the provisions of this subsection relating to ignition interlock
14	devices and the providers of such devices.
15	SECTION 11. The provisions of this act shall not become
16	effective as law unless Enrolled Senate Bill No. 1163 of the 2nd
17	Session of the 56th Oklahoma Legislature becomes effective as law.
18	COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS February 28, 2018 - DO PASS AS AMENDED
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