

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL 3501

By: Hardin (David) and Humphrey
of the House

6 and

7 Weaver of the Senate

8
9 COMMITTEE SUBSTITUTE

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

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

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

21 For purposes of Section 6-101 et seq. of Title 47 of the
22 Oklahoma Statutes, the Department of Public Safety shall recognize
23 and act upon a report of conviction in a qualified court of any
24 federally recognized Indian tribe within the geographical boundaries

1 of this state or a court of the United States in the same manner it
2 acts upon any report of conviction from an Oklahoma state or
3 municipal court. Any report of conviction submitted to the
4 Department shall be submitted using a format approved by the
5 Department and shall include the full name of the offender as it
6 appears on the driver license, the number of the driver license, and
7 the penalty imposed.

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

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

11 1. "Conviction" means:

12 ~~1. A~~

13 a. a nonvacated adjudication of guilt~~†~~†

14 ~~2. A~~

15 b. a determination that a person has violated or failed
16 to comply with this section in any court or by the
17 Department of Public Safety following an
18 administrative determination~~†~~†

19 ~~3. A~~

20 c. a nonvacated forfeiture of bail or collateral
21 deposited to secure a person's appearance in court~~†~~†

22 ~~4. A~~

23 d. a plea of guilty or nolo contendere accepted by the
24 court~~†~~†

1 ~~5. The~~

2 e. the payment of any fine or court costs~~†~~, or

3 ~~6. A~~

4 f. a violation of a condition of release without bail,
5 regardless of whether or not the penalty is rebated,
6 suspended or probated;

7 2. "Tribe" means a federally recognized Indian tribe within the
8 geographic boundaries of this state; and

9 3. "Qualified court" means those tribal court systems that have
10 adopted the Tribal Law and Order Act of 2010.

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

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

21 2. Refusing to submit to a test for determination of alcohol
22 concentration, as required by Section 751 of this title, or as
23 required by the state in which the arrest occurred, while operating
24 a Class A, B or C commercial motor vehicle, or if the person is the

1 holder of a commercial driver license, committing the offense while
2 operating any vehicle;

3 3. Driving or being in actual physical control of a Class A, B
4 or C commercial motor vehicle while under the influence of alcohol
5 or any other intoxicating substance or the combined influence of
6 alcohol and any other intoxicating substance, or if the person is
7 the holder of a commercial driver license, committing the offense
8 while operating any vehicle. Provided, the Department shall not
9 additionally disqualify, pursuant to this subsection, if the
10 person's driving privilege has been disqualified in this state
11 because of a test result or test refusal pursuant to paragraph 1 or
12 2 of this subsection as a result of the same violation arising from
13 the same incident;

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

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

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1 6. Operating a commercial motor vehicle while the commercial
2 driving privilege is revoked, suspended, canceled, denied, or
3 disqualified;

4 7. Manslaughter homicide, or negligent homicide occurring as a
5 direct result of negligent operation of a commercial motor vehicle,
6 or, if the person is the holder of a commercial driver license,
7 committing the offense while operating any vehicle;

8 8. Fraud related to examination for or issuance of a commercial
9 learner permit or a Class A, B or C driver license; or

10 9. Failure to submit to skills or knowledge reexamination, or
11 both, for the purpose of issuance of a commercial learner permit or
12 a Class A, B or C driver license within thirty (30) days of receipt
13 of notification from the Department.

14 C. The Department of Public Safety shall disqualify any person
15 from operating a Class A, B or C commercial motor vehicle for a
16 period of not less than three (3) years upon receiving a record of
17 conviction of any of the disqualifying offenses described in
18 subsection B of this section, committed in connection with the
19 operation of a motor vehicle which is required to be placarded for
20 hazardous materials under 49 C.F.R., Part 172, subpart F, when the
21 conviction has become final.

22 D. The Department of Public Safety shall disqualify any person
23 from operating a Class A, B or C commercial motor vehicle for life
24 upon receiving a record of conviction in any court of any of the

1 disqualifying offenses described in subsection B of this section
2 after a former conviction of any of the following disqualifying
3 offenses, when the second conviction has become final.

4 The Department of Public Safety may promulgate rules
5 establishing conditions under which a disqualification for life
6 pursuant to the provisions of this subsection may be reduced to a
7 period of not less than ten (10) years provided a previous lifetime
8 disqualification has not been reduced.

9 E. The Department of Public Safety shall disqualify any person
10 from operating a Class A, B or C commercial motor vehicle for life
11 upon receiving a record of conviction for any felony related to the
12 manufacture, distribution or dispensation of a controlled dangerous
13 substance in the commission of which a Class A, B or C commercial
14 motor vehicle is used, or if the person is the holder of a
15 commercial driver license, committing the offense while operating
16 any vehicle, when the conviction has become final.

17 F. The Department of Public Safety shall disqualify any person
18 from operating a Class A, B or C commercial motor vehicle for sixty
19 (60) days upon receiving a record of a second conviction of the
20 person for a serious traffic offense arising out of separate
21 transactions or occurrences within a three-year period, when the
22 convictions have become final. The Department of Public Safety
23 shall disqualify any person from operating a Class A, B or C
24 commercial motor vehicle for one hundred twenty (120) days upon

1 receiving a record of a third conviction of a person for a serious
2 traffic offense arising out of separate transactions or occurrences
3 within a three-year period, when the convictions have become final;
4 provided, the one-hundred-twenty-day period shall run in addition to
5 and shall not run concurrently with any other period
6 disqualification imposed pursuant to this subsection. As used in
7 this subsection, "serious traffic offense" shall mean any of the
8 following offenses committed while operating a commercial motor
9 vehicle:

- 10 1. Speeding fifteen (15) miles per hour or more over the limit;
- 11 2. Reckless driving;
- 12 3. Any traffic offense committed that results in or in
13 conjunction with a motor vehicle collision resulting in a fatality;
- 14 4. Erratic or unsafe lane changes;
- 15 5. Following too closely;
- 16 6. Failure to obtain a commercial driver license;
- 17 7. Failure to have in possession of the person a commercial
18 driver license;
- 19 8. Failure to have:
 - 20 a. the proper class of commercial driver license for the
21 class of vehicle being operated,
 - 22 b. the proper endorsement or endorsements for the type of
23 vehicle being operated, including but not limited to,
24 passengers or type of cargo being transported, or

1 c. both proper class and proper endorsement, as provided
2 in subparagraphs a and b of this paragraph;

3 9. Operating a commercial motor vehicle while using a cellular
4 telephone or electronic communication device to write, send or read
5 a text-based communication; or

6 10. Operating a commercial motor vehicle while using a hand-
7 held mobile telephone.

8 For the purposes of paragraphs 9 and 10 of this subsection,
9 operating a commercial motor vehicle and using an electronic
10 communication device or a hand-held mobile telephone is permissible
11 by the operator when necessary to communicate with law enforcement
12 officials or other emergency services. Further, for the purposes of
13 paragraphs 9 and 10 of this subsection, "operate" means operating on
14 a street or highway, including while temporarily stationary because
15 of traffic, a traffic control device or other momentary delays.
16 Operating does not include when the driver of a commercial motor
17 vehicle has moved the vehicle to the side of or off a street or
18 highway and has halted in a location where the vehicle can safely
19 remain stationary.

20 G. Upon the receipt of a person's record of conviction of
21 violating a lawful out-of-service order, when the conviction becomes
22 final the Department shall disqualify the driving privilege of the
23 person as follows:
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1 1. For a first conviction for violating an out-of-service
2 order:

3 a. except as provided in subparagraph b of this
4 paragraph, the period of disqualification shall be for
5 one-hundred eighty (180) days, or

6 b. while transporting hazardous materials required to be
7 placarded under the Hazardous Materials Transportation
8 Act, 49 P. app. 180-1813, or while operating a motor
9 vehicle designed for transport of sixteen (16) or more
10 passengers, including the driver, the period of
11 disqualification shall be for one (1) year;

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

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

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

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

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

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

18 J. Upon the receipt of the record of a conviction of a person
19 of a railroad highway grade crossing offense in a commercial motor
20 vehicle, pursuant to Sections 11-701 or 11-702 of this title or
21 Section 11-1115 of this title, or upon receipt of an equivalent
22 conviction from any state, when the conviction becomes final, the
23 Department shall disqualify the driving privileges of the person
24 convicted as follows:

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

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

5 3. The third or subsequent conviction within three (3) years
6 shall result in disqualification for one (1) year.

7 K. The Department, upon receipt of a written notice of
8 immediate disqualification issued by the Federal Motor Carrier
9 Safety Administration under 49 CFR 383.52, shall immediately
10 disqualify the person's commercial driving privilege for the period
11 of time specified on the written notice.

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

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

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

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

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