

An Act

ENROLLED HOUSE
BILL NO. 3501

By: Hardin (David) and Humphrey
of the House

and

Weaver of the Senate

An Act relating to motor vehicles; requiring the Department of Public Safety recognize and act upon certain reports of conviction; requiring certain format and information for submission of forms; 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.

SUBJECT: Motor vehicles

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

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

For purposes of Section 6-101 et seq. of Title 47 of the Oklahoma Statutes, the Department of Public Safety shall recognize and act upon a report of conviction in a qualified court of any federally recognized Indian tribe within the geographical boundaries of this state or a court of the United States in the same manner 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 Department and shall include the full name of the offender as it appears on the driver license, the number of the driver license, and the penalty imposed.

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

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

1. "Conviction" means:

~~1. A~~

a. a nonvacated adjudication of guilt~~†, L~~

~~2. A~~

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

~~3. A~~

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

~~4. A~~

d. a plea of guilty or nolo contendere accepted by the court~~†, L~~

~~5. The~~

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

~~6. A~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

D. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for life upon receiving a record of conviction in any court of any of the disqualifying offenses described in subsection B of this section after a former conviction of any of the following disqualifying offenses, when the second conviction has become final.

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

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

F. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for sixty (60) days upon receiving a record of a second conviction of the person for a serious traffic offense arising out of separate transactions or occurrences within a three-year period, when the convictions have become final. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for one hundred twenty (120) days upon receiving a record of a third conviction of a person for a serious traffic offense arising out of separate transactions or occurrences within a three-year period, when the convictions have become final; provided, the one-hundred-twenty-day period shall run in addition to and shall not run concurrently with any other period disqualification imposed pursuant to this subsection. As used in this subsection, "serious traffic offense" shall mean any of the following offenses committed while operating a commercial motor vehicle:

1. Speeding fifteen (15) miles per hour or more over the limit;
2. Reckless driving;
3. Any traffic offense committed that results in or in conjunction with a motor vehicle collision resulting in a fatality;
4. Erratic or unsafe lane changes;
5. Following too closely;
6. Failure to obtain a commercial driver license;
7. Failure to have in possession of the person a commercial driver license;
8. Failure to have:
 - a. the proper class of commercial driver license for the class of vehicle being operated,
 - b. the proper endorsement or endorsements for the type of vehicle being operated, including, but not limited to, passengers or type of cargo being transported, or
 - c. both proper class and proper endorsement, as provided in subparagraphs a and b of this paragraph;

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

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

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

G. Upon the receipt of a person's record of conviction of violating a lawful out-of-service order, when the conviction becomes final the Department shall disqualify the driving privilege of the person as follows:

1. For a first conviction for violating an out-of-service order:

- a. except as provided in subparagraph b of this paragraph, the period of disqualification shall be for one-hundred eighty (180) days, or
- b. while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act, 49 P. app. 180-1813, or while operating a motor vehicle designed for transport of sixteen (16) or more passengers, including the driver, the period of disqualification shall be for one (1) year;

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

- a. except as provided in subparagraph b of this paragraph, the period of disqualification shall be for two (2) years, or
- b. while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act, 49 P. app. 180-1813, or while operating a motor vehicle designed for transport of sixteen (16) or more passengers, including the driver, the period of disqualification shall be for three (3) years; and

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

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

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

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

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

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

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

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

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

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

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

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

Passed the House of Representatives the 2nd day of May, 2022.

Presiding Officer of the House
of Representatives

Passed the Senate the 19th day of April, 2022.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____