

1 ENGROSSED SENATE AMENDMENT  
TO

2 ENGROSSED HOUSE  
3 BILL NO. 3501

By: Hardin (David) and Humphrey  
of the House

4 and

5 Weaver of the Senate

6  
7  
8 An Act relating to motor vehicles; requiring the  
9 Department of Public Safety recognize and act upon  
10 certain reports of conviction; requiring certain  
11 format and information for submission of forms;  
12 amending 47 O.S. 2021, Section 6-205.2, which relates  
13 to disqualification from driving privileges for  
14 certain convictions or acts; defining term; providing  
15 for codification; and declaring an emergency.

16 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and  
17 entire bill and insert

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

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

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

4 For purposes of Section 6-101 et seq. of Title 47 of the  
5 Oklahoma Statutes, the Department of Public Safety shall recognize  
6 and act upon a report of conviction in a qualified court of any  
7 federally recognized Indian tribe within the geographical boundaries  
8 of this state or a court of the United States in the same manner it  
9 acts upon any report of conviction from an Oklahoma state or  
10 municipal court. Any report of conviction submitted to the  
11 Department shall be submitted using a format approved by the  
12 Department and shall include the full name of the offender as it  
13 appears on the driver license, the number of the driver license, and  
14 the penalty imposed.

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

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

18 1. "Conviction" means:

19 ~~1. A~~

20 a. a nonvacated adjudication of guilt~~+~~

21 ~~2. A~~

22 b. a determination that a person has violated or failed  
23 to comply with this section in any court or by the  
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1 Department of Public Safety following an  
2 administrative determination~~†~~1

3 ~~3. A~~

4 c. a nonvacated forfeiture of bail or collateral  
5 deposited to secure a person's appearance in court~~†~~1

6 ~~4. A~~

7 d. a plea of guilty or nolo contendere accepted by the  
8 court~~†~~1

9 ~~5. The~~

10 e. the payment of any fine or court costs~~†~~1 or

11 ~~6. A~~

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

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

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

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

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

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

12 3. Driving or being in actual physical control of a Class A, B  
13 or C commercial motor vehicle while under the influence of alcohol  
14 or any other intoxicating substance or the combined influence of  
15 alcohol and any other intoxicating substance, or if the person is  
16 the holder of a commercial driver license, committing the offense  
17 while operating any vehicle. Provided, the Department shall not  
18 additionally disqualify, pursuant to this subsection, if the  
19 person's driving privilege has been disqualified in this state  
20 because of a test result or test refusal pursuant to paragraph 1 or  
21 2 of this subsection as a result of the same violation arising from  
22 the same incident;

23 4. Knowingly leaving the scene of a collision which occurs  
24 while operating a Class A, B or C commercial motor vehicle, or if

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

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

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

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

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

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

21 C. The Department of Public Safety shall disqualify any person  
22 from operating a Class A, B or C commercial motor vehicle for a  
23 period of not less than three (3) years upon receiving a record of  
24 conviction of any of the disqualifying offenses described in

1 subsection B of this section, committed in connection with the  
2 operation of a motor vehicle which is required to be placarded for  
3 hazardous materials under 49 C.F.R., Part 172, subpart F, when the  
4 conviction has become final.

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

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

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

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

- 18 1. Speeding fifteen (15) miles per hour or more over the limit;
- 19 2. Reckless driving;
- 20 3. Any traffic offense committed that results in or in  
21 conjunction with a motor vehicle collision resulting in a fatality;
- 22 4. Erratic or unsafe lane changes;
- 23 5. Following too closely;
- 24 6. Failure to obtain a commercial driver license;

1 7. Failure to have in possession of the person a commercial  
2 driver license;

3 8. Failure to have:

4 a. the proper class of commercial driver license for the  
5 class of vehicle being operated,

6 b. the proper endorsement or endorsements for the type of  
7 vehicle being operated, including but not limited to,  
8 passengers or type of cargo being transported, or

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

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

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

16 For the purposes of paragraphs 9 and 10 of this subsection,  
17 operating a commercial motor vehicle and using an electronic  
18 communication device or a hand-held mobile telephone is permissible  
19 by the operator when necessary to communicate with law enforcement  
20 officials or other emergency services. Further, for the purposes of  
21 paragraphs 9 and 10 of this subsection, "operate" means operating on  
22 a street or highway, including while temporarily stationary because  
23 of traffic, a traffic control device or other momentary delays.  
24 Operating does not include when the driver of a commercial motor



1 vehicle has moved the vehicle to the side of or off a street or  
2 highway and has halted in a location where the vehicle can safely  
3 remain stationary.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 M. When any record of conviction, as specified in this section,  
24 is received by the Department and pertains to a nonresident operator

1 of a Class A, B or C commercial motor vehicle, or if the nonresident  
2 operator is the holder of a commercial driver license, a record of  
3 the conviction pertaining to the nonresident operator of any  
4 vehicle, the Department shall not disqualify the person and shall  
5 report the conviction to the licensing jurisdiction in which the  
6 license of the nonresident to operate the commercial vehicle was  
7 issued.

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

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

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

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Presiding Officer of the Senate

Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
2022.

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Presiding Officer of the House  
of Representatives

1 ENGROSSED HOUSE  
2 BILL NO. 3501

By: Hardin (David) and Humphrey  
of the House

3 and

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

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

16 SECTION 4. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 6-201.2 of Title 47, unless  
18 there is created a duplication in numbering, reads as follows:

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

1 Department and shall include the full name of the offender as it  
2 appears on the driver license, the number of the driver license, and  
3 the penalty imposed.

4 SECTION 5. AMENDATORY 47 O.S. 2021, Section 6-205.2, is  
5 amended to read as follows:

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

7 1. "Conviction" means:

8 ~~1. A~~

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

10 ~~2. A~~

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

15 ~~3. A~~

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

18 ~~4. A~~

19 d. a plea of guilty or nolo contendere accepted by the  
20 court~~†~~†

21 ~~5. The~~

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

23 ~~6. A~~

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

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

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

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

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

22           3. Driving or being in actual physical control of a Class A, B  
23 or C commercial motor vehicle while under the influence of alcohol  
24 or any other intoxicating substance or the combined influence of



1 alcohol and any other intoxicating substance, or if the person is  
2 the holder of a commercial driver license, committing the offense  
3 while operating any vehicle. Provided, the Department shall not  
4 additionally disqualify, pursuant to this subsection, if the  
5 person's driving privilege has been disqualified in this state  
6 because of a test result or test refusal pursuant to paragraph 1 or  
7 2 of this subsection as a result of the same violation arising from  
8 the same incident;

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

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

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

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

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

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

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

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

21 The Department of Public Safety may promulgate rules  
22 establishing conditions under which a disqualification for life  
23 pursuant to the provisions of this subsection may be reduced to a  
24

1 period of not less than ten (10) years provided a previous lifetime  
2 disqualification has not been reduced.

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

11 F. The Department of Public Safety shall disqualify any person  
12 from operating a Class A, B or C commercial motor vehicle for sixty  
13 (60) days upon receiving a record of a second conviction of the  
14 person for a serious traffic offense arising out of separate  
15 transactions or occurrences within a three-year period, when the  
16 convictions have become final. The Department of Public Safety  
17 shall disqualify any person from operating a Class A, B or C  
18 commercial motor vehicle for one hundred twenty (120) days upon  
19 receiving a record of a third conviction of a person for a serious  
20 traffic offense arising out of separate transactions or occurrences  
21 within a three-year period, when the convictions have become final;  
22 provided, the one-hundred-twenty-day period shall run in addition to  
23 and shall not run concurrently with any other period  
24 disqualification imposed pursuant to this subsection. As used in

1 this subsection, "serious traffic offense" shall mean any of the  
2 following offenses committed while operating a commercial motor  
3 vehicle:

4 1. Speeding fifteen (15) miles per hour or more over the limit;

5 2. Reckless driving;

6 3. Any traffic offense committed that results in or in  
7 conjunction with a motor vehicle collision resulting in a fatality;

8 4. Erratic or unsafe lane changes;

9 5. Following too closely;

10 6. Failure to obtain a commercial driver license;

11 7. Failure to have in possession of the person a commercial  
12 driver license;

13 8. Failure to have:

14 a. the proper class of commercial driver license for the  
15 class of vehicle being operated,

16 b. the proper endorsement or endorsements for the type of  
17 vehicle being operated, including but not limited to,  
18 passengers or type of cargo being transported, or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 3. The third or subsequent conviction within three (3) years  
23 shall result in disqualification for one (1) year.  
24

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

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

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

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

22 SECTION 6. It being immediately necessary for the preservation  
23 of the public peace, health or safety, an emergency is hereby  
24



1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

3 Passed the House of Representatives the 7th day of March, 2022.

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\_\_\_\_\_  
6 Presiding Officer of the House  
7 of Representatives

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8 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2022.

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11 Presiding Officer of the Senate

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