

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 1057

By: Rosino

AS INTRODUCED

An Act relating to driving under the influence; amending 47 O.S. 2021, Section 6-205.1, as amended by Section 1, Chapter 376, O.S.L. 2022 (47 O.S. Supp. 2022, Section 6-205.1), which relates to periods of revocation of driving privileges; increasing penalties; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2021, Section 6-205.1, as amended by Section 1, Chapter 376, O.S.L. 2022 (47 O.S. Supp. 2022, Section 6-205.1), is amended to read as follows:

Section 6-205.1. A. The driving privilege of a person who is convicted of any offense as provided in paragraph 2 of subsection A of Section 6-205 of this title, or a person who has refused to submit to a test or tests as provided in Section 753 of this title, or a person whose alcohol concentration is subject to the provisions of Section 754 of this title shall be revoked or denied by the Department of Public Safety for the following period, as applicable:

1 1. The first license revocation pursuant to paragraph 2 of
2 subsection A of Section 6-205 of this title or Section 753 or 754 of
3 this title, within ten (10) years preceding the date of arrest
4 relating thereto, shall be for a period of no less than one ~~hundred~~
5 ~~eighty (180) days~~ (1) year and until the person completes the
6 Impaired Driver Accountability Program in accordance with the rules
7 of the Board of Tests for Alcohol and Drug Influence. The period of
8 revocation and the Impaired Driver Accountability Program shall run
9 concurrently and each shall be for no less than one ~~hundred eighty~~
10 ~~(180) days~~ (1) year;

11 2. A revocation pursuant to paragraph 2 of subsection A of
12 Section 6-205 of this title or Section 753 or 754 of this title
13 shall be for a period of no less than ~~one (1) year~~ three (3) years
14 and until the person completes the Impaired Driver Accountability
15 Program in accordance with the rules of the Board of Tests for
16 Alcohol and Drug Influence, if within ten (10) years preceding the
17 date of arrest relating thereto, as shown by the records of the
18 Department:

- 19 a. a prior revocation commenced pursuant to paragraph 2
20 or 6 of subsection A of Section 6-205 of this title or
21 Section 753 or 754 of this title, or
- 22 b. the record of the person reflects a prior conviction
23 in another jurisdiction which did not result in a
24 revocation of Oklahoma driving privileges, for a

1 violation substantially similar to paragraph 2 of
2 subsection A of Section 6-205 of this title, and the
3 person was not a resident or a licensee of Oklahoma at
4 the time of the offense resulting in the conviction.

5 The period of revocation and the Impaired Driver Accountability
6 Program shall run concurrently and each shall be for no less than
7 ~~one (1) year~~ three (3) years;

8 3. A revocation pursuant to paragraph 2 of subsection A of
9 Section 6-205 of this title or Section 753 or 754 of this title
10 shall be for a period of no less than ~~two (2)~~ five (5) years and
11 until the person completes the Impaired Driver Accountability
12 Program in accordance with the rules of the Board of Tests for
13 Alcohol and Drug Influence, if within ten (10) years preceding the
14 date of arrest relating thereto, as shown by the records of the
15 Department:

16 a. two or more prior revocations commenced pursuant to
17 paragraph 2 or 6 of subsection A of Section 6-205 of
18 this title or Section 753 or 754 of this title,

19 b. two or more current enrollments in or previous
20 completions of the Impaired Driver Accountability
21 Program,

22 c. the record of the person reflects two or more prior
23 convictions in another jurisdiction which did not
24 result in a revocation of Oklahoma driving privileges,

1 for a violation substantially similar to paragraph 2
2 of subsection A of Section 6-205 of this title, and
3 the person was not a resident or a licensee of
4 Oklahoma at the time of the offense resulting in the
5 conviction, or

6 d. any combination of two or more prior revocations,
7 current enrollments in or previous completions of the
8 Impaired Driver Accountability Program, or convictions
9 as described in subparagraphs a, b and c of this
10 paragraph.

11 The period of revocation and the Impaired Driver Accountability
12 Program shall run concurrently and each shall be for no less than
13 ~~two (2)~~ five (5) years; or

14 4. The revocation of the driving privilege of any person under
15 Section 6-205, 6-205.1, 753, or 754 of this title shall not run
16 concurrently with any other revocation of driving privilege under
17 Section 6-205, 6-205.1, 753, or 754 of this title resulting from a
18 different incident.

19 B. The driving privilege of a person who is convicted of any
20 offense as provided in paragraph 3 or 6 of subsection A of Section
21 6-205 of this title shall be revoked or denied by the Department of
22 Public Safety for the following period, as applicable:

23 1. The first license revocation shall be for one hundred eighty
24 (180) days, which shall be modified upon request; provided, any

1 modification under this paragraph shall apply to Class D driver
2 licenses only;

3 2. A revocation shall be for a period of one (1) year if within
4 ten (10) years preceding the date of arrest relating thereto, as
5 shown by the records of the Department:

- 6 a. a prior revocation commenced pursuant to paragraph 2,
7 3 or 6 of subsection A of Section 6-205 of this title,
8 or Section 753 or 754 of this title,
- 9 b. a prior revocation commenced pursuant to paragraph 2,
10 3 or 6 of subsection A of Section 6-205 of this title
11 or Section 753 or 754 of this title, or current
12 enrollment in or previous completion of the Impaired
13 Driver Accountability Program, or
- 14 c. the record of the person reflects a prior conviction
15 in another jurisdiction which did not result in a
16 revocation of Oklahoma driving privileges, for a
17 violation substantially similar to paragraph 2, 3 or 6
18 of subsection A of Section 6-205 of this title, and
19 the person was not a resident or a licensee of
20 Oklahoma at the time of the offense resulting in the
21 conviction.

22 Such period shall not be modified; or
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1 3. A revocation shall be for a period of three (3) years if
2 within ten (10) years preceding the date of arrest relating thereto,
3 as shown by the records of the Department:

- 4 a. two or more prior revocations commenced pursuant to
5 paragraph 2 or 6 of subsection A of Section 6-205 of
6 this title, or Section 753 or 754 of this title,
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8 b. two or more prior revocations commenced pursuant to
9 paragraph 2 or 6 of subsection A of Section 6-205 of
10 this title or Section 753 or 754 of this title, or two
11 or more current enrollments in or previous completions
12 of the Impaired Driver Accountability Program,
13
14 c. the record of the person reflects two or more prior
15 convictions in another jurisdiction which did not
16 result in a revocation of Oklahoma driving privileges,
17 for a violation substantially similar to paragraph 2
18 or 6 of subsection A of Section 6-205 of this title,
19 and the person was not a resident or licensee of
20 Oklahoma at the time of the offense resulting in the
21 conviction, or
22
23 d. any combination of two or more prior revocations,
24 current enrollments in or previous completions of the
Impaired Driver Accountability Program, or convictions
as described in subparagraphs a and b or c of this
paragraph.

1 Such period shall not be modified.

2 The revocation of the driving privilege of any person under this
3 subsection shall not run concurrently with any other withdrawal of
4 driving privilege resulting from a different incident and which
5 requires the driving privilege to be withdrawn for a prescribed
6 amount of time. A denial based on a conviction of any offense as
7 provided in paragraph 6 of subsection A of Section 6-205 of this
8 title shall become effective on the first day the convicted person
9 is otherwise eligible to apply for and be granted driving privileges
10 if the person was not eligible to do so at the time of the
11 conviction.

12 C. For the purposes of this section:

13 1. The term "conviction" includes a juvenile delinquency
14 adjudication by a court or any notification from a court pursuant to
15 Section 6-107.1 of this title; and

16 2. The term "revocation" includes a denial of driving
17 privileges by the Department.

18 D. Each period of revocation in subsection A of this section
19 shall be mandatory and neither the Department nor any court shall
20 grant driving privileges based upon hardship or otherwise for the
21 duration of that period, except under the Impaired Driver
22 Accountability Program in accordance with the rules of the Board of
23 Tests for Alcohol and Drug Influence.

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E. Any appeal of a revocation or denial of driving privileges in subsection A of this section shall be governed by Section 6-211 of this title.

SECTION 2. This act shall become effective November 1, 2023.

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