

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 CONFERENCE COMMITTEE  
4 SUBSTITUTE  
5 FOR ENGROSSED  
6 HOUSE BILL NO. 1714

By: Cox, Cleveland and Johnson  
of the House

7 and

8 Shaw of the Senate

9  
10  
11 CONFERENCE COMMITTEE SUBSTITUTE

12 An Act relating to boating under the influence of  
13 alcohol; amending 47 O.S. 2011, Section 6-205, as  
14 amended by Section 1, Chapter 279, O.S.L. 2013 (47  
15 O.S. Supp. 2014, Section 6-205), which relates to the  
16 suspension of driver licenses; providing for the  
17 revocation of driving privileges under certain  
18 circumstances; amending 63 O.S. 2011, Section 4210.8,  
19 which relates to the Oklahoma Boating Safety  
20 Regulation Act; modifying certain penalty to include  
21 driver license revocation; providing an exception;  
22 adding definition; and providing an effective date.

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

24 SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-205, as  
amended by Section 1, Chapter 279, O.S.L. 2013 (47 O.S. Supp. 2014,  
Section 6-205), is amended to read as follows:

1 Section 6-205. A. The Department of Public Safety shall  
2 immediately revoke the driving privilege of any person, whether  
3 adult or juvenile, upon receiving a record of conviction in any  
4 municipal, state or federal court within the United States of any of  
5 the following offenses, when such conviction has become final:

6 1. Manslaughter or negligent homicide resulting from the  
7 operation of a motor vehicle;

8 2. Driving or being in actual physical control of a motor  
9 vehicle while under the influence of alcohol, any other intoxicating  
10 substance, or the combined influence of alcohol and any other  
11 intoxicating substance, any violation of paragraph 1, 2, 3 ~~or~~, 4 or  
12 5 of subsection A of Section 11-902 of this title or any violation  
13 of Section 11-906.4 of this title. However, the Department shall  
14 not additionally revoke the driving privileges of the person  
15 pursuant to this subsection if the driving privilege of the person  
16 has been revoked because of a test result or test refusal pursuant  
17 to Section 753 or 754 of this title arising from the same  
18 circumstances which resulted in the conviction unless the revocation  
19 because of a test result or test refusal is set aside;

20 3. Any felony during the commission of which a motor vehicle is  
21 used;

22 4. Failure to stop and render aid as required under the laws of  
23 this state in the event of a motor vehicle accident resulting in the  
24 death or personal injury of another;

1           5. Perjury or the making of a false affidavit or statement  
2 under oath to the Department under the Uniform Vehicle Code or under  
3 any other law relating to the ownership or operation of motor  
4 vehicles;

5           6. A misdemeanor or felony conviction for unlawfully  
6 possessing, distributing, dispensing, manufacturing, trafficking,  
7 cultivating, selling, transferring, attempting or conspiring to  
8 possess, distribute, dispense, manufacture, traffic, sell, or  
9 transfer of a controlled dangerous substance as defined in the  
10 Uniform Controlled Dangerous Substances Act while using a motor  
11 vehicle;

12           7. Failure to pay for gasoline pumped into a vehicle pursuant  
13 to Section 1740 of Title 21 of the Oklahoma Statutes;

14           8. A misdemeanor conviction for a violation of Section 1465 of  
15 Title 21 of the Oklahoma Statutes;

16           9. A misdemeanor conviction for a violation of Section 609 of  
17 Title 37 of the Oklahoma Statutes;

18           10. Failure to obey a traffic control device as provided in  
19 Section 11-202 of this title or a stop sign when such failure  
20 results in great bodily injury to any other person; ~~or~~

21           11. Failure to stop or to remain stopped for school bus loading  
22 or unloading of children pursuant to Section 11-705 or 11-705.1 of  
23 this title; or

24

1       12. Operating or being in actual physical control of a vessel  
2 while under the influence of alcohol, any other intoxicating  
3 substance, or the combined influence of alcohol and any other  
4 intoxicating substance as provided in Section 4210.8 of Title 63 of  
5 the Oklahoma Statutes.

6       B. The first license revocation under any provision of this  
7 section, except for paragraph 2, 6, 7 ~~or~~, 11 or 12 of subsection A  
8 of this section, shall be for a period of one (1) year. Such period  
9 shall not be modified.

10       C. A license revocation under any provision of this section,  
11 except for paragraph 2, 6, ~~or~~ 7 or 12 of subsection A of this  
12 section, shall be for a period of three (3) years if a prior  
13 revocation under this section, except under paragraph 2 of  
14 subsection A of this section, commenced within the preceding five-  
15 year period as shown by the records of the Department. Such period  
16 shall not be modified.

17       D. The period of license revocation under paragraph 2 or 6 of  
18 subsection A of this section shall be governed by the provisions of  
19 Section 6-205.1 of this title.

20       E. The first license revocation under paragraph 7 of subsection  
21 A of this section shall be for a period of six (6) months. A second  
22 or subsequent license revocation under paragraph 7 of subsection A  
23 of this section shall be for a period of one (1) year. Such periods  
24 shall not be modified.

1 F. The first license revocation under paragraph 11 of  
2 subsection A of this section shall be for a period of one (1) year.  
3 Such period may be modified. Any appeal of the revocation of  
4 driving privilege under paragraph 11 of subsection A of this section  
5 shall be governed by Section 6-211 of this title, provided any  
6 modification under this subsection shall apply to Class D motor  
7 vehicles only.

8 G. The first license revocation under paragraph 12 of  
9 subsection A of this section shall be for a period of thirty (30)  
10 days. A second license revocation under paragraph 12 of subsection  
11 A of this section shall be for a period of sixty (60) days. A third  
12 or subsequent license revocation under paragraph 12 of subsection A  
13 of this section shall be for a period of ninety (90) days. Such  
14 periods shall not be modified.

15 H. As used in this section, "great bodily injury" means bodily  
16 injury which creates a substantial risk of death or which causes  
17 serious, permanent disfigurement or protracted loss or impairment of  
18 the function of any bodily member or organ.

19 SECTION 2. AMENDATORY 63 O.S. 2011, Section 4210.8, is  
20 amended to read as follows:

21 Section 4210.8 A. It shall be unlawful for any person to  
22 operate or be in actual physical control of a vessel upon the waters  
23 of this state, except privately owned waters, who:  
24

1           1. Has a blood or breath alcohol concentration of eight-  
2 hundredths (0.08) or more at the time of a test of the person's  
3 blood or breath;

4           2. Is under the influence of any other intoxicating substance  
5 to a degree which renders such person incapable of safely operating  
6 a vessel upon the waters of this state; or

7           3. Is under the influence of alcohol and any other intoxicating  
8 substance to a degree which renders such person incapable of safely  
9 operating a vessel upon the waters of this state.

10           As used in this section, "other intoxicating substance" means  
11 any controlled dangerous substance as defined in the Uniform  
12 Controlled Dangerous Substances Act or any other substance, other  
13 than alcohol, which is capable of being ingested, inhaled, injected  
14 or absorbed into the human body and is capable of adversely  
15 affecting the central nervous system, vision, hearing or other  
16 sensory or motor functions.

17           B. 1. Any person operating a vessel upon the waters of this  
18 state, except privately owned waters, shall be deemed to have given  
19 consent to a test or tests of such person's blood, breath, saliva or  
20 urine for the purpose of determining the presence and concentration  
21 of alcohol or any other intoxicating substance. Such tests shall be  
22 performed within two (2) hours of an arrest and in the same manner  
23 as provided for in Section 752 of Title 47 of the Oklahoma Statutes.

1           2. Evidence that the person has refused to submit to a test or  
2 tests as required by this section shall be admissible upon the trial  
3 of any criminal action or proceeding arising out of acts alleged to  
4 have been committed in violation of the provisions of this section.

5           3. Any person refusing to submit to such test or tests shall be  
6 in violation of this section and subject to the fines provided for  
7 herein.

8           C. 1. Any person convicted of a violation of this section  
9 shall be guilty of a misdemeanor and fined in an amount not to  
10 exceed One Thousand Dollars (\$1,000.00). Any second or subsequent  
11 conviction shall be punishable by a fine in an amount of not less  
12 than One Thousand Dollars (\$1,000.00), nor more than Two Thousand  
13 Five Hundred Dollars (\$2,500.00).

14           2. A person arrested by a law enforcement officer for a  
15 violation of this section may be allowed to post a cash bail in an  
16 amount set by the arresting law enforcement officer not to exceed  
17 the maximum fine provided by this section, or deposit a valid  
18 license to operate a motor vehicle in exchange for an official  
19 receipt issued by the arresting officer as provided for in Section  
20 1111 et seq. of Title 22 of the Oklahoma Statutes.

21           D. In addition to any penalty imposed pursuant to the  
22 provisions of this section, the person shall be subject to the  
23 mandatory revocation of driving privileges pursuant to subsection G  
24

1 of Section 6-205 of Title 47 of the Oklahoma Statutes, which  
2 revocation periods shall not be modified.

3 E. The consumption of alcohol or the possession of an open  
4 container of alcohol aboard a vessel does not in and of itself  
5 constitute probable cause that the person committed the offense of  
6 boating while under the influence of alcohol.

7 F. For purposes of this section, "vessel" means any device  
8 operated upon water that is propelled by machinery, whether or not  
9 the machinery is the principal source of propulsion, and includes  
10 personal watercraft as such term is defined in Section 4201 of this  
11 title.

12 SECTION 3. This act shall become effective November 1, 2015.

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14 55-1-7466            GRS            04/30/15

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