

HOT SHEET FROM OCDLA

The Oklahoma Supreme Court recently gave us a “bright line” rule to determine when a driver’s license revocation commences/starts for the purpose of calculating how long the revocation period will be for a DUI or APC. It is important to remember that one must count not only prior revocations for DUI and APC but also for convictions for misdemeanor or felony CDS related offenses that are committed while using a car. However, revocations for other things (such as traffic offense points) do not get counted.

The general rule for a revocation for a **DUI/APC** and **Drug Offenses** are as follows:

Number	DUI/APC	Drug Offenses using car
1 st offense in 10 years	180 days, modifiable	180 days, modifiable
2 nd offense in 10 years	1 year, modifiable	1 year, not modifiable
3 rd or more in 10 years	3 years, modifiable	3 years, not modifiable

Authority: 47 O.S. § 6-205.1 (modifications only apply to Class D)

Statutory Calculation Scheme: Start with the arrest date of the current charge and look back 10 years to see if there are any license revocations that began/commenced during that time. This 10 year period is the “look back period.” (Prior to November Nov. 1, 2007, the look back period was 5 years)

The Court held that revocation *commences or takes effect at “the point in time when the licensee begins to suffer the actual loss of driving privilege or from the imposition of restrictions on the driving privilege.”* Not the date the person was arrested or convicted for the previous charge, even if those prior events happened outside of the 10 year look back period.

The Oklahoma Supreme Court case we are referring to is

Jobe v. State ex rel. Dept. of Public Safety, 2010 OK 50, decided June 29, 2010. The case commenced in Cleveland County District Court, the Hon. Tom Lucas presiding.

Issue: When has a prior revocation “commenced” for purposes of calculating the period of revocation of a driver’s license under 47 O.S. § 6-205.1

FACTS

The Defendant, Mr. Jobe, had a prior revocation in which *the arrest and seizure of the license* for the DUI was outside the look-back period but the license revocation for that DUI went into effect during the look back period. The Department of Public Safety (DPS) counted that revocation, which, when added to another one well within the look back period, resulted in a three (3) year revocation. Jobe appealed to district court.

The trial court found that the revocation of the license begins at the time the license is seized which resulted in only a one year revocation period. DPS appealed to the Court of Civil Appeals which affirmed the trial court. DPS appealed to the Oklahoma Supreme Court.

DECISION

The Court reversed everybody and held that a prior drivers license revocation commences or takes effect at **“the point in time when the licensee begins to suffer the actual loss of driving privilege or from the imposition of restrictions on the driving privilege.”**

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