

OCDLA HOTSHEET

New Laws Relating to Alcohol Effective 11-1-11

by

Bruce Edge—John Hunsucker

BOATING: SB 324

The per se limit drops to .08... It is still a fine only for violation and does not carry any license implications.

Note that it carries jail time for allowing someone else to drive drunk but not for actually doing it!!!
Under 21—any measurable quantity is a violation.

Added License Suspension-Aarons law: HB 1507

- Reckless driving without regard for safety of others pursuant to 47 OS 11-901
 - Failure to stop or remain stopped for school bus loading/unloading children
 - Failure to stop at Red light/stop sign resulting in accident with great bodily injury
- conviction results in a **1 year license suspension, not modifiable**
-3 years for second conviction within 5 years

Mark McGee Act: HB 1319

- 10 year lookback for predicate starts AFTER completion of any sentence **including** deferred sentence on predicate offense of DUI, Child Endangerment by DUI, Negligent Homicide and DUI with Great Bodily Injury. Also, deferred predicates count for increasing punishment for subsequent felony DUI charges for 10 years after completion of prior sentence.
- Assessment and completion of all recommendations required as part of sentence on all pleas including deferred and suspended-no longer required prior to plea
- Mandatory electronic monitoring for felony—no time frame listed
- Attempts to clean up the Aggravated DUI by specifying that first offense is a misdemeanor but still has contradictory language- It does remove the 480 hours of community service. Increased requirement of interlock to min. 90 days.
- Allows a person if qualified by knowledge, skill, experience, training or education to testify as to opinion of impairment and category of impairing substance but not specific concentration levels relating to SFST, specifically HGN and DRE. If witness holds current certification as DRE, witness shall be qualified to give testimony.
- If previously convicted of Manslaughter¹/Murder² caused by DUI, then it is predicate for DUI with 5-20 DOC & up to \$10K fines if convicted. Lifetime lookback for predicate

ERIN SWEZEY: SB 529

- First time DL revocation is still 6 months. However, if test refusal or test over .15 then 18 months of interlock required after reinstatement.
- Second revocation=4 years required interlock added to the 1 year license suspension
- Third revocation=5 years required interlock added to the 1 year license suspension
- Applies to DL suspensions under 47 OS 11-906 (DUI under 21)
- Runs concurrent w/ any court ordered interlock

THESE ARE AFTER REINSTATEMENT. THUS, THEY'RE A RESTRICTION AND NOT A MODIFICATION.
CAUTION: DPS has not formally expressed their interpretation of how the additional interlock requirements apply to DL suspensions started prior to 11-1-11 but are not eligible for reinstatement until after 11-1-11. It appears from the bill and informal conversations w/ DPS, that it is triggered by the reinstatement date.

For more information, contact:

Bruce Edge at 918-582-6333/ Bruce@EdgeLawFirm.com

OR

John Hunsucker at 405-231-5600/ John@OKDUI.com.