

SUPREME COURT OF OKLAHOMA

Justus v. State ex rel. Department of Public Safety

61 P.3d 888 (Okla. 2002) · Decided May 28, 2002

SUMMARY

The Oklahoma Supreme Court held that a private apartment-complex parking lot was not a "public parking lot" under Oklahoma's implied-consent statute. Because the lot was neither on a right-of-way dedicated to public use nor owned by the state or a political subdivision, the driver's refusal to submit to chemical testing could not support revocation of his license. The court vacated the Court of Civil Appeals' opinion and affirmed the district court's judgment.

CASE DETAILS

COURT	Supreme Court of Oklahoma
WRITING FOR THE COURT	Boudreau, J.; Boudreau; Hargrave; Hodges; Kauger; Lavender; Opala; Summers; Watt; Winchester
JURISDICTION	Oklahoma
DECIDED	May 28, 2002
DISPOSITION	vacated
PROCEDURAL POSTURE	Justus appealed the Department of Public Safety's revocation of his driver's license after he refused a chemical test under Oklahoma's implied consent statute. The district court granted summary judgment to Justus and reversed the revocation. The Court of Civil Appeals reversed, and the Oklahoma Supreme Court granted certiorari.
STANDARD OF REVIEW	De novo review applies to the legal question whether the undisputed facts satisfy the statutory definition; the court has plenary, independent, and non-deferential authority to determine whether the trial court correctly applied the law.
PRECEDENTIAL VALUE	Published, precedential opinion of the Supreme Court of Oklahoma
PARTIES	Perry Justus v. State ex rel. Department of Public Safety

TOPICS

- statutory interpretation
- plain meaning rule
- administrative law
- judicial review of agency action
- standard of review

PRACTICE AREAS

administrative law

criminal procedure

statutory interpretation

appellate procedure

QUESTIONS PRESENTED

1. Whether the Quail Ridge Apartments parking lot was a public parking lot under Oklahoma's implied consent statute and the statutory definition in 47 O.S. 2001 § 1-142(b).
2. Whether Justus's refusal to submit to chemical testing supported revocation of his driver's license.

HOLDINGS

1. A parking lot is a public parking lot under 47 O.S. 2001 § 1-142(b) only if it is on a right-of-way dedicated to public use or is owned by the state or a political subdivision. Because the Quail Ridge parking lot satisfied neither category, it was not a public parking lot for purposes of the implied consent statute.
2. Because the arrest occurred in a parking lot that was not a public parking lot within the meaning of the implied consent statute, Justus's refusal to submit to chemical testing did not support revocation of his driver's license.
3. When the parties stipulate to the facts, the question whether the statute applies to those facts is a question of law reviewed de novo.

KEY QUOTATIONS

“Using the plain meaning of the statutory language, there are only two categories of public parking lots: (1) those on a right-of-way dedicated to public use and (2) those owned by the state or a political subdivision thereof.” (¶ 7)

“Using the plain meaning of the statutory language, we hold that the Quail Ridge parking lot is not a public parking lot for purposes of Oklahoma’s implied consent statute because it is not on a public right of way dedicated to public use and is not owned by the state or a political subdivision thereof.” (¶ 10)

FACTUAL BACKGROUND

At approximately 3:00 a.m., Oklahoma City police arrested Perry Justus for driving under the influence in the parking lot of Quail Ridge Apartments. The lot was private property marked for tenants and invited guests, with two gated entrances and a main entrance opening into the apartment office. Justus refused a chemical test after being advised under Oklahoma's implied consent law, and DPS revoked his driver's license.

PROCEDURAL HISTORY

After Justus was arrested for driving under the influence in the Quail Ridge Apartments parking lot and refused a chemical test, DPS revoked his driver's license. The district court, reviewing the revocation de novo on stipulated facts, held that the private apartment parking lot was not a public parking lot under Title 47. The Court of Civil Appeals reversed; the Supreme Court vacated that opinion and affirmed the district court.

DISPOSITION

vacated

CASES CITED

- In re Braddy, 1980 OK 44, 611 P.2d 235
- Manley v. Brown, 1999 OK 79, 989 P.2d 448
- TXO Production Corp. v. Oklahoma Corp. Comm'n, 1992 OK 39, 829 P.2d 964
- Keating v. Edmondson, 2001 OK 110, 37 P.3d 882
- State v. Houston, 1980 OK CR 63, 615 P.2d 305
- Huffman v. Oklahoma Coca-Cola Bottling Co., 1955 OK 76, 281 P.2d 436
- Solenberg v. State ex rel. DPS, 1993 OK CIV APP 191, 871 P.2d 440

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