

ENGROSSED SENATE  
BILL NO. 295

BY: PIERCE of the SENATE

and

MADDUX (Elmer) of the HOUSE

AN ACT RELATING TO CRIMINAL PROCEDURE AND MOTOR  
VEHICLES; AMENDING SECTION 6, CHAPTER 250, O.S.L.  
1986, AS AMENDED BY SECTION 66, CHAPTER 205, O.S.L.  
1987 (22 O.S. SUPP. 1990, SECTION 1115.5), WHICH  
RELATES TO POWERS AND DUTIES OF THE DEPARTMENT OF  
PUBLIC SAFETY, AND SECTION 1, CHAPTER 276, O.S.L.  
1982, AS LAST AMENDED BY SECTION 39, CHAPTER 219,  
O.S.L. 1990, AND SECTION 22, CHAPTER 286, O.S.L.  
1983, AS LAST AMENDED BY SECTION 40, CHAPTER 219,  
O.S.L. 1990, AND 47 O.S. 1981, SECTIONS 7-506, AS  
LAST AMENDED BY SECTION 154, CHAPTER 5, O.S.L.  
1987, 7-605, AS LAST AMENDED BY SECTION 3, CHAPTER  
298, O.S.L. 1990, AND SECTION 6, CHAPTER 298,  
O.S.L. 1990 (47 O.S. SUPP. 1990, SECTIONS 6-212, 6-  
212.1, 7-506, 7-605 AND 7-609), WHICH RELATE TO  
SUSPENSION OF LICENSE AND CONDITIONS FOR  
REINSTATEMENT; INCREASING CERTAIN FEES; AUTHORIZING  
THE COMMISSIONER OF PUBLIC SAFETY WAIVE  
REINSTATEMENT FEE IN CASES OF EXTREME HARDSHIP;  
PROVIDING EXCEPTIONS; REPEALING 47 O.S. 1981,  
SECTION 7-605, AS LAST AMENDED BY SECTION 44,  
CHAPTER 219, O.S.L. 1990 (47 O.S. SUPP. 1990,  
SECTION 7-605), WHICH IS A DUPLICATE SECTION AND  
WHICH RELATES TO SUSPENSION OF LICENSE AND

CONDITIONS OF REINSTATEMENT; AND DECLARING AN  
EMERGENCY.

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

SECTION 1. AMENDATORY Section 6, Chapter 250, O.S.L. 1986, as amended by Section 66, Chapter 205, O.S.L. 1987 (22 O.S. Supp. 1990, Section 1115.5), is amended to read as follows:

Section 1115.5 A. 1. Following receipt of notification and a request for driver's license suspension from a municipal or district court clerk as provided for in Section 1115.1 of this title, the Department of Public Safety shall:

- a. suspend the person's driver's license or privilege to operate a motor vehicle in this state; or
- b. request suspension of the person's driver's license in the state which issued the license as provided by the Nonresident Violator Compact.

If the driver's license is suspended in this state, such suspension shall remain in effect until the person meets the requirements of subsection C of this section.

2. The Department of Public Safety may decline to initiate a driver's license suspension action if the request is discovered to be improper or questionable.

3. The Department shall not be required to issue more than one suspension of a person's license in the event multiple requests for suspensions are received from a court clerk based upon the failure of the person to appear at a particular time and date on multiple charges.

B. Following receipt of a request from another jurisdiction for the suspension of the driver's license or driving privileges of an Oklahoma resident as provided by the Nonresident Violator Compact, the Department of Public Safety, if the request appears to be valid, shall initiate suspension of the person's driver's license or privilege to operate a motor vehicle in this state. If suspended, such suspension shall remain in effect until the person meets the requirements of subsection C of this section.

C. 1. A person whose license is subject to suspension in this state pursuant to the provisions of this section may avoid the effective date of suspension, or if suspended in this state, shall be eligible for reinstatement, if otherwise eligible, upon:

- a. making application therefor to the Department of Public Safety, and
- b. showing proof from the court or court clerk that he has entered an appearance in the case which was the basis for the suspension action and was released by the court as provided for by the Nonresident Violator Compact or consistent provisions, and
- c. submitting with the application a processing or reinstatement fee of ~~Seventy-five Dollars (\$75.00)~~ One Hundred Dollars (\$100.00). The reinstatement fee may be waived as provided in Section 6-212.1 of Title 47 of the Oklahoma Statutes. The fee shall be remitted to the State Treasurer to be credited to the General Revenue Fund of the State Treasury;

2. Upon reinstatement, the Department of Public Safety may remove any record of the suspension and reinstatement as provided for in this section from the individual licensee's file and maintain an internal record of the suspension and reinstatement for fiscal and other purposes.

D. Any person whose license is suspended or subject to suspension in this state pursuant to the provisions of this section, at any time, may informally present specific reasons or documentation to the Department of Public Safety to show that such suspension may be unwarranted. The Department of Public Safety may stay the suspension or suspension action pending receipt of further information or documentation from the person or from the jurisdiction requesting such suspension, or pending review of the record, or other inquiry. If the Department of Public Safety determines the suspension is unwarranted, the suspension action shall be withdrawn or vacated without the requirement of a processing or reinstatement fee and the Department of Public Safety shall accordingly notify the jurisdiction which requested the suspension. If, however, the request for suspension appears valid, the Department of Public Safety shall proceed with suspension of the person's driver's license and the person shall have the right to appeal as provided for by Section 6-211 of Title 47 of the Oklahoma Statutes. Provided however, the court shall not consider modification, but shall either sustain or vacate the Department of Public Safety's order of suspension based upon the records on file with the Department of Public Safety, the law and other relevant evidence.

SECTION 2. AMENDATORY Section 1, Chapter 276, O.S.L. 1982, as last amended by Section 39, Chapter 219, O.S.L. 1990 (47 O.S. Supp. 1990, Section 6-212), is amended to read as follows:

Section 6-212. Whenever a driver's license or a person's privilege to operate a motor vehicle is suspended or revoked pursuant to Section 1115.5 of Title 22 of the Oklahoma Statutes or to any provision of this title, except as provided in Section 6-212.1 of this title, the license or privilege to operate a motor vehicle shall remain under suspension or revocation and shall not be reinstated until:

1. The expiration of the revocation or suspension order; and
2. The person has paid a reinstatement fee of ~~Seventy-five Dollars (\$75.00)~~ One Hundred Dollars (\$100.00) to the Department. The reinstatement fee may be waived as provided in Section 6-212.1 of this title.

SECTION 3. AMENDATORY Section 22, Chapter 286, O.S.L. 1983, as last amended by Section 40, Chapter 219, O.S.L. 1990 (47 O.S. Supp. 1990, Section 6-212.1), is amended to read as follows:

Section 6-212.1 A. Whenever a driver's license or a person's privilege to operate a motor vehicle is suspended or revoked pursuant to the provisions of Section 7-506 or 7-605 of this title, the license or privilege to operate a motor vehicle shall remain under suspension or revocation and shall not be reinstated until:

1. The expiration of the revocation or suspension order; and
2. The person has paid a reinstatement fee of One Hundred Dollars (\$100.00) to the Department.

B. Whenever a driver's license or a person's privilege to operate a motor vehicle is suspended or revoked pursuant to the provisions of Sections 6-205, 6-205.1, 753 or 754 of this title, the license or privilege to operate a motor vehicle shall remain under suspension or revocation and shall not be reinstated until:

1. The expiration of the revocation or suspension order; and
2. The person has paid a reinstatement fee of One Hundred Fifty Dollars (\$150.00) to the Department.

Provided, any person whose driver's license or privilege to operate a motor vehicle is suspended or revoked pursuant to Section 6-205 of this title shall not be required to pay such reinstatement fee until such conviction becomes final.

C. When a driver's license or a person's privilege to operate a motor vehicle has been revoked or suspended by the Department of Public Safety as provided by law, and the term of revocation or suspension has expired, the Commissioner of Public Safety, or his

designee, may waive the reinstatement fee required by law upon a finding that the payment of such reinstatement fee would produce extreme and unusual hardship on the licensee. Provided, however, that no reinstatement fee shall be waived by the Department of Public Safety or the court, if the revocation or suspension was the result of any violation of drug or alcohol laws, including but not limited to, paragraph 2 of subsection A of Section 6-205, Section 6-205.1, paragraph 1, 2 or 3 of subsection A or B of Section 6-205.2, Sections 753, 754 and 11-902 of this title, and subparagraph c of paragraph 4 of subsection A of Section 1115.1 of Title 22 of the Oklahoma Statutes. The findings of the Department following the hearing shall be final and not appealable.

SECTION 4. AMENDATORY 47 O.S. 1981, Section 7-506, as last amended by Section 154, Chapter 5, O.S.L. 1987 (47 O.S. Supp. 1990, Section 7-506), is amended to read as follows:

Section 7-506. Whenever a license or a registration is suspended or revoked and the filing of proof of financial responsibility is made a prerequisite to reinstatement of such license or registration, or both, or the issuance of a new license or registration, or both, no such license and registration shall be reinstated or a new license or registration issued unless the licensee or registrant, in addition to complying with the other provisions of this chapter, pays to the Department a fee of One Hundred Dollars (\$100.00). Only one such fee for each accident shall be paid by any one person irrespective of the number of licenses and registrations to be reinstated or issued to one person. The reinstatement fee may be waived as provided in Section 6-212.1 of this title.

SECTION 5. AMENDATORY 47 O.S. 1981, Section 7-605, as last amended by Section 3, Chapter 298, O.S.L. 1990 (47 O.S. Supp. 1990, Section 7-605), is amended to read as follows:

Section 7-605. A. Every owner or operator of a motor vehicle registered in this state who operates the vehicle or permits it to be operated in this state when no security exists as required by Section 7-601 of this title, or, until July 1, 1991, any owner who fails to provide proof of security pursuant to the provisions of Section 7-603.1 of this title, or any person who receives a deferred sentence, forfeits a bond or is convicted in any state or municipal court for failure to carry a security verification form, shall be subject to suspension of the driver's license and registrations of any motor vehicle not covered by security. Such suspension shall remain in effect until payment of a reinstatement fee of One Hundred Dollars (\$100.00), and proof of security is furnished through filing of a certificate of insurance with the Department which complies with the requirements of Section 7-321 of this title. The certificate of insurance shall be kept on file with the Department for three (3) years. Suspension under this section shall be effective immediately upon receipt by the Department of notice that the owner or operator is without security and the Department shall provide written notice thereof to the owner or operator within a reasonable time. Any person failing to voluntarily relinquish the suspended license or registration to the Department within thirty (30) days of receipt of said notice shall pay a fee of Fifty Dollars (\$50.00) in addition to the One Hundred Dollar (\$100.00) reinstatement fee. The reinstatement fee may be waived as provided in Section 6-212.1 of this title. If a person furnishes proof to the satisfaction of the Department that security was in effect at the time of the alleged offense, the Department shall vacate the suspension order and shall not require the filing of a certificate of insurance nor either of the above fees.

B. The Department may rely upon an abstract which indicates a charge and the imposition of a deferred sentence pending compliance with the Compulsory Insurance Law, Section 7-600 et seq. of this

title, or an abstract of conviction or a notice of bond forfeiture from any court of competent jurisdiction, which indicates that the person was either convicted, or failed to appear upon a charge of failure to carry a security verification form or the lack of security, indicated by "No Security Form", "No Insurance" or other such term indicating lack of security. The Department may continue to rely on such abstract or notice unless proof is submitted from the issuing court clerk which indicates that the abstract or notice was issued in error, or was not related to a violation of the Compulsory Insurance Law or a security verification form as required by Chapter 7 of this title or by municipal ordinance.

SECTION 6. AMENDATORY Section 6, Chapter 298, O.S.L. 1990 (47 O.S. Supp. 1990, Section 7-609), is amended to read as follows:

Section 7-609. A. In the event the owner fails to timely furnish proof of insurance or fails to timely respond to the Department's request as required by subsection C of Section ~~5~~ 7-608 of this ~~act~~ title, the Department shall suspend the person's driver's license and the registration of any motor vehicle registered in the name of such person as owner and not covered by security, effective immediately upon the lapse of the thirty-day response period as provided in subsection C of Section ~~5~~ 7-608 of this ~~act~~ title. Such suspension shall remain in effect until payment of a reinstatement fee of One Hundred Dollars (\$100.00) and proof of insurance is presented to the Department. However, the reinstatement fee may be waived as provided in Section 6-212.1 of this title.

B. Any person whose driver's license and registration have been suspended pursuant to the provisions of subsection A of this section shall submit such driver's license and license plate to the Department within thirty (30) days from the date of such suspension. Any owner failing to submit the suspended license or license plate

to the Department within such time shall pay a fee of Fifty Dollars (\$50.00) in addition to the reinstatement fee.

C. Whenever any person's driver's license or registration of any motor vehicle is suspended pursuant to this section according to the records of the Department, the Department may accordingly notify any law enforcement agency, police officer, sheriff, deputy sheriff, highway patrol trooper or other peace officer of such suspension.

D. Any peace officer who has been notified that a person's driver's license or registration of a motor vehicle is currently under suspension according to the records of the Department may, upon observing such person or motor vehicle anywhere upon a public street, highway, roadway, turnpike or public parking lot within this state, forthwith stop such person or motor vehicle and seize such suspended driver's license or license plate.

E. No person who has been issued a driver's license, vehicle registration or vehicle license plate pursuant to the laws of this state shall obtain or retain a property interest therein and it shall be the duty of every person to forthwith surrender such suspended driver's license or license plate upon the request of any peace officer or representative of the Department of Public Safety.

F. Any person upon a public street, highway, roadway, turnpike or public parking lot within this state who willfully refuses to surrender possession of a driver's license or license plate after being informed by a peace officer or representative of the Department of Public Safety that the same is currently under suspension according to the records of the Department, shall be guilty of a misdemeanor, punishable by imprisonment in the county jail for not more than ten (10) days or a fine not to exceed Five Hundred Dollars (\$500.00) or by both such fine and imprisonment.

G. Any driver's license or license plate surrendered to or seized by a peace officer pursuant to this section shall be

submitted to a representative of the Department of Public Safety in a manner and with a form or method approved by the Department.

H. Following receipt of the fifty-dollar fee collected pursuant to subsection B of this section, the Department shall deposit said fee in the office of the State Treasurer. The State Treasurer shall credit said fees into a special account to be distributed as hereinafter provided.

I. The Department shall certify to the State Treasurer the name of the employing law enforcement agency from which a suspended driver's license or license plate has been received pursuant to this section, together with a certification that the fifty-dollar fee required by subsection B of this section has been paid. Following receipt of certification from the Department as provided herein, the State Treasurer shall reimburse the law enforcement agency named in the certificate the sum of Twenty-five Dollars (\$25.00) for each driver's license and the sum of Twenty-five Dollars (\$25.00) for each vehicle registration plate as shown on the certificate, from the special account.

J. Any unencumbered monies remaining in said special account at the close of each calendar month shall be transferred to the General Revenue Fund of the State Treasury.

K. The State of Oklahoma, the departments and agencies thereof, including the Department of Public Safety, all political subdivisions, and the officers and employees of each, shall not be held legally liable in any suit in law or in equity for any erroneous entry of a suspension upon the records of the Department, nor for the enforcement of the provisions of Section 7-601 et seq. of this act title, performed in good faith.

SECTION 7. REPEALER 47 O.S. 1981, Section 7-605, as last amended by Section 44, Chapter 219, O.S.L. 1990 (47 O.S. Supp. 1990, Section 7-605), is hereby repealed.

SECTION 8. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 12th day of March, 1991.

President of the Senate

Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_, 1991.

Speaker of the House of Representatives