

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 1097

By: Apple

COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; amending 22 O.S. 1991, Section 1115.5, which relates to the State and Municipal Traffic Bail Bond Procedure Act; amending 47 O.S. 1991, Sections 6-212 and 6-212.1, which relate to reinstatement of suspended or revoked licenses; clarifying language; modifying certain reinstatement fees; authorizing installment payment plans; providing for rules; and providing an effective date.

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

SECTION 1. AMENDATORY 22 O.S. 1991, Section 1115.5, is amended to read as follows:

Section 1115.5 A. 1. Following receipt of notification and a request for ~~driver's~~ driver 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~~ driver license or privilege to operate a motor vehicle in this state; or
- b. request suspension of the person's ~~driver's~~ driver license in the state which issued the license as provided by the Nonresident Violator Compact.

If the ~~driver's~~ driver 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~~ driver 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~~ driver 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~~ driver 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 fee may be paid in installment payments 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~~ driver 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 47 O.S. 1991, Section 6-212, is amended to read as follows:

Section 6-212. Whenever a ~~driver's~~ driver 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. Such fee may be paid in installment payments as provided in Section 6-212.1 of this title.

SECTION 3. AMENDATORY 47 O.S. 1991, Section 6-212.1,
is amended to read as follows:

Section 6-212.1 A. Whenever a ~~driver's~~ driver license or a person's privilege to operate a motor vehicle is suspended or revoked pursuant to the provisions of Sections 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~~ driver 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.

Whenever any type of fee is required for reinstatement of a person's driving privileges, the Commissioner of Public Safety shall be authorized to adopt and promulgate necessary rules to provide for an installment payment plan for said fees.

SECTION 4. This act shall become effective September 1, 1993.

44-1-6310 SD