ENGROSSED SENATE
JOINT
RESOLUTION NO. 33

By: Rozell of the Senate

and

Maddox (Jim) of the House

[Department of Public Safety - suspend or revoke driving privilege - reinstatement fee]

WHEREAS, on December 8, 1992, Division 3 of the Court of Appeals of the State of Oklahoma rendered a decision styled Fink v. State of Oklahoma, ex rel Department of Public Safety, Case #80353, construing certain provisions of Title 47 of the Oklahoma Statutes, relating to driver license actions and reinstatement fees; and

WHEREAS, on January 19, 1993, the Court denied rehearing and on April 14, 1993, the Supreme Court of the State of Oklahoma declined to review the matter; and

WHEREAS, the Court of Appeals correctly noted that under Title 47 of the Oklahoma Statutes, a suspended or revoked license remains suspended or revoked until it is restored according to the applicable statutory scheme or lawful precedents established by agency policy; and

WHEREAS, however, the Court also construed the provisions of Title 47 of the Oklahoma Statutes, to the effect that once a person's driver license has been suspended or revoked and the person has not been reinstated, then:

1. The Department cannot additionally suspend or revoke driving privileges for any reason; and

2. The Department cannot collect more than one reinstatement fee; and

WHEREAS, the Legislature, in enacting the various provisions of Title 47 of the Oklahoma Statutes, has mandated the Department to deny, cancel, suspend, revoke or withdraw driving privileges for myriad reasons as delineated therein, tailored remedial measures in the public interest for each type of license sanction, and specified the conditions for reinstatement as applicable; and

WHEREAS, the Legislature has specified the amount required as a condition for reinstatement based upon the type of license suspension or revocation sanction imposed; and

WHEREAS, the effect of the decision of the Court of Appeals, if followed, would:

1. Permit those who are under one license suspension or revocation to avoid other license sanctions, along with the reinstatement conditions mandated by law; and

2. Result in disparate treatment for those who timely meet reinstatement conditions for each license sanction imposed; and

WHEREAS, it was and is, the intent of the Legislature that the Department suspend or revoke driving privileges for each applicable basis as delineated within Title 47 of the Oklahoma Statutes, and to require the applicable amount as prescribed by law for each valid suspension or revocation action as a condition for reinstatement.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 2ND SESSION OF THE 44TH OKLAHOMA LEGISLATURE:

SECTION 1. The Department of Public Safety is hereby directed to continue to deny, cancel, suspend, revoke or withdraw driving privileges for each applicable basis as delineated within Title 47 of the Oklahoma Statutes, and to collect the reinstatement fee for each suspension or revocation action as provided in Title 47 of the Oklahoma Statutes.

SECTION 2. The Secretary of State shall distribute copies of this resolution to the Court of Appeals, the Supreme Court of the State of Oklahoma, and the Department of Public Safety.

Passed the Senate the 9th day of March, 1994.

President of the Senate

Passed the House of Representatives the ____ day of _____, 1994.

Speaker of the House of Representatives