

ENROLLED SENATE
BILL NO. 1003

By: Rozell of the Senate

and

Maddox (Jim) and Toure of
the House

An Act relating to the Department of Public Safety;
amending 47 O.S. 1991, Sections 1-155, 1-173, 2-
105, as amended by Section 1, Chapter 2, O.S.L.
1992, 2-122, 6-117, as last amended by Section 53,
Chapter 243, O.S.L. 1993, 6-209, as last amended by
Section 5, Chapter 238, O.S.L. 1993, 6-212, 7-506,
7-605, as amended by Section 2, Chapter 301, O.S.L.
1993, 7-609, as last amended by Section 1, Chapter
77, O.S.L. 1993 (47 O.S. Supp. 1993, Sections 2-
105, 6-117, 6-209, 7-605 and 7-609) and 22 O.S.
1991, Section 1115.5, which relate to revocation of
driver's license, suspension of driver's license,
grievance procedure, Law Enforcement Training
Academy, records, surrender of license, condition
of reinstatement, reinstatement fee, suspension of
registration and certain notification; deleting
language; modifying language; requiring surrender
of driver's license upon certain condition;
providing certain grievance procedure for certain
patrol division; redirecting deposit of certain
monies; specifying use of petty cash fund;
expanding duties of the Director of State Finance;
abolishing policy of multiple reinstatement fees;
requiring a processing fee; deleting reinstatement
amounts; repealing 47 O.S. 1991, Sections 6-212.1
and 7-610, which relate to conditions for

reinstatement of suspended or revoked license and verification of nonuse affidavit; providing effective dates; and declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 1-155, is amended to read as follows:

Section 1-155. The termination by formal action of the Department of a person's ~~driver's license or~~ privilege to operate a motor vehicle on the public highways, ~~which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Department after the expiration of the period of revocation as hereinafter provided.~~ Such action shall include the requirement of the surrender to the Department of said person's driver license.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 1-173, is amended to read as follows:

Section 1-173. The temporary withdrawal by formal action of the Department of a person's ~~driver's license or~~ privilege to operate a motor vehicle on the public highways. Such action shall include the requirement of the surrender to the Department of said person's driver license.

SECTION 3. AMENDATORY 47 O.S. 1991, Section 2-105, as amended by Section 1, Chapter 2, O.S.L. 1992 (47 O.S. Supp. 1993, Section 2-105), is amended to read as follows:

Section 2-105. (a) The Commissioner when appointing the subordinate officers such as majors, captains, first lieutenants, second lieutenants, and patrolmen shall determine, in consultation with the Administrator of the Office of Personnel Management, minimum qualifications and shall select such officers only after examinations to determine their physical and mental qualifications for such positions. The content of the examinations shall be prescribed by the Commissioner, and all appointees shall complete a course of training in Highway Patrol operations and procedures as prescribed by the Commissioner. No person shall be appointed to the Oklahoma Highway Patrol Division unless the person is or has been a citizen of the State of Oklahoma, shall be of good moral character, shall be not less than twenty-three (23) years of age, and shall possess a minimum of thirty (30) successfully completed semester hours from a college or university which is recognized by and accepted by the American Association of Collegiate Registrars and Admissions Officers and whose hours are transferrable between such recognized institutions.

No member, officer, major, captain, first lieutenant, second lieutenant, or patrolman of the Oklahoma Highway Patrol Division shall, while in such position, be a candidate for any political office or take part in or contribute any money or other thing of value, directly or indirectly, to any political campaign or to any candidate for public office. Anyone convicted of violating the provisions of this section shall be guilty of a misdemeanor and shall be punished as provided by law. The Commissioner or any member of the Department shall not be a candidate for any political office, or in any way be active or participate in any political contest of any Primary, General, or Special Election, except to cast a ballot. No member of the Oklahoma Highway Patrol while in the

performance of the member's assigned duty of providing security and protection shall be considered as participating in a political campaign. The provisions of this paragraph shall not be construed to preclude a member of the Oklahoma Highway Patrol Division of the Department of Public Safety from being a candidate for a position on a local board of education.

Drunkenness or being under the influence of intoxicating liquors shall be sufficient grounds for the removal of any member of the Highway Patrol, in and by the manner provided for in this section.

(b) Patrolmen provided for in this section shall be required to serve a probationary period of twelve (12) months. The Commissioner may extend the probationary period for up to three (3) additional months provided that the employee and the Office of Personnel Management are notified in writing as to such action and the reasons therefor. During such probationary period their services may be terminated at any time and for any reason at the discretion of the Commissioner. Retention in the service after expiration of the probationary period shall entitle such employee to be classified as a permanent employee and he shall be so classified. A member of the Oklahoma Highway Patrol Division may be promoted during the initial probationary period if such member satisfactorily completes all training requirements prescribed by the Commissioner. No permanent employee may be discharged or removed except as provided for in this section.

(c) 1. No permanent employee, as provided for in this section, may be suspended without pay or dismissed unless the employee has been notified in writing by the Commissioner of such intended action and the reasons therefor. No such notice shall be given by the Commissioner unless sworn charges or statements have been obtained to justify the action.

2. Whenever such charges are preferred the Commissioner at his discretion may suspend the accused pending the hearing and final determination of such charges. If the charges are not sustained in whole or in part, the accused shall be entitled to his pay during the period of such suspension. If the charges are sustained in whole or in part, the accused shall not receive any pay for the period of such suspension.

3. Uniformed members of the Oklahoma Highway Patrol Division of the Department of Public Safety are not entitled to appeal intraagency transfer to the Oklahoma Merit Protection Commission pursuant to the Oklahoma Personnel Act, Section 840.1 et seq. of Title 74 of the Oklahoma Statutes, unless transfer is in violation of Section 841.7 or 841.10 of Title 74 of the Oklahoma Statutes.

4. The Department of Public Safety shall follow the uniform grievance procedure established and adopted by the Office of Personnel Management for permanent classified employees, except for those employees who are uniformed members of the Oklahoma Highway Patrol Division, the Oklahoma Lake Patrol Division and the Oklahoma Capitol Patrol Division. The Department of Public Safety shall establish and adopt a proprietary grievance procedure for uniformed members of the Oklahoma Highway Patrol Division, the Oklahoma Lake Patrol Division and the Oklahoma Capitol Patrol Division which is otherwise in compliance with the provisions of Section 841.9 of Title 74 of the Oklahoma Statutes.

(d) The Commissioner is hereby authorized to purchase uniforms and necessary equipment for all members of the Oklahoma Highway Patrol Division, and each of said members shall be entitled to his traveling, telephone, and telegraph expenses while away from the city or town designated by the Chief of the Oklahoma Highway Patrol Division as headquarters, when such expense is incurred in service of the state.

(e) The position of Chief of the Oklahoma Highway Patrol Division shall be filled from the membership of the uniformed body

of the Oklahoma Highway Patrol Division and appointment to said position shall be based on qualifications, previous record as a member of the Oklahoma Highway Patrol Division, length of service, and efficiency of service performed. The Chief of the Oklahoma Highway Patrol Division shall have the rank of Colonel.

(f) The Commissioner of Public Safety is hereby authorized to send members of the Department of Public Safety to such schools as Northwestern University Traffic Institute, Northwestern University Police Administrator's Institute, the National Police Academy conducted by the Federal Bureau of Investigation, or to any other such schools of similar training which would be conducive to improving the efficiency of the Oklahoma Highway Patrol and the Department of Public Safety.

(g) The maximum age for the initial employment of any person employed as a member of the Oklahoma Highway Patrol Division shall be thirty-five (35) years of age. Any former member of the Oklahoma Highway Patrol Division whose separation from the organization was at his own request and not a result of his own actions contrary to the policy of the organization may make application for reinstatement as a member of the Oklahoma Highway Patrol Division, provided he will be able to complete twenty (20) years of credited service by the time he reaches fifty-five (55) years of age. The Commissioner may waive the requirements of possessing the number of semester hours as required in subsection (a) of this section for any former member making application for reinstatement as a member of the Oklahoma Highway Patrol Division. The Commissioner may require the applicant for reinstatement to attend selected courses of instruction, as prescribed by the Commissioner, at the Oklahoma Highway Patrol Academy. In the event of future hostilities wherein the Congress of the United States declares this nation in a state of war with a foreign nation, including military service brought about by the Vietnam War, any period of military service served by a member of the Oklahoma Highway Patrol Division shall be considered as continued service with such Oklahoma Highway Patrol Division, provided such member returns to duty within sixty (60) days after his release from military service.

SECTION 4. AMENDATORY 47 O.S. 1991, Section 2-122, is amended to read as follows:

Section 2-122. A. The Commissioner of the Department of Public Safety is authorized to receive funds from gifts, federal agency sources, tuition and fees for room and meals from users of the Robert R. Lester Law Enforcement Training Academy facilities. All amounts collected, ~~except the fees for meals, shall be remitted to the State Treasurer to be credited to the General Revenue Fund in the State Treasury, provided that federal funds shall be credited to the Department of Public Safety Revolving Fund unless otherwise provided by federal law or regulation.~~ The fees for meals shall be deposited in the State Treasury to the credit of the Department of Public Safety Revolving Fund, created pursuant to Section 6-117 of this title.

B. There is hereby created a petty cash fund for the Department of Public Safety. Said fund shall be ~~used as a cash drawer change fund for the cafeteria in the Robert R. Lester Training Center~~ used by the Department to operate cash drawers as necessary. The amount of the petty cash fund shall be determined by the Director of State Finance and the Commissioner of Public Safety ~~but shall not exceed a total amount of Two Hundred Dollars (\$200.00).~~ Purchases from the petty cash fund shall be prohibited. The Director of State Finance shall be authorized to prescribe forms, systems and procedures for the administration of the petty cash fund.

SECTION 5. AMENDATORY 47 O.S. 1991, Section 6-209, as last amended by Section 5, Chapter 238, O.S.L. 1993 (47 O.S. Supp. 1993, Section 6-209), is amended to read as follows:

Section 6-209. A. The Department upon ~~suspending,~~ canceling or ~~revoking~~ denying a person's driver license or upon suspending or revoking a person's driving privilege shall require that such person's license be surrendered to the Department. Such driver license so surrendered, unless said driver license has expired, shall be returned to the licensee, when statutory requirements for reinstatement are met in accordance with ~~Sections 6-212, 6-212.1, 7-506 or 7-605 of this title~~ Oklahoma Statutes; provided the Department has determined that the licensee is a person not prohibited from holding a driver license under Section 6-103 of this title, and has successfully completed the customary written, physical and driving tests, if such tests are required.

B. The Department, upon entering an order ~~suspending,~~ canceling, ~~revoking,~~ or denying a driver license or suspending or revoking a person's driving privilege, shall forward a copy of said order to the licensee pursuant to the provisions of Section 2-116 of this title and request the immediate return of the license to the Department of Public Safety, Oklahoma City, Oklahoma, or the order may be served upon the licensee by an authorized member of the Department. Failure to comply with the order of the Department shall constitute a misdemeanor, and upon conviction thereof such person so convicted shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00).

C. Any peace officer of this state may seize the license of any person who, according to Department records, is under suspension, cancellation, revocation or denial under the provisions ~~of Section 6-101 et seq.~~ of this title. The officer shall immediately forward the license to the Department of Public Safety, Oklahoma City, Oklahoma.

SECTION 6. AMENDATORY 47 O.S. 1991, Section 6-212, is amended to read as follows:

Section 6-212. A. Effective April 1, 1995, the Department of Public Safety shall:

1. Abolish and cease the policy and procedure of assessing and collecting multiple reinstatement fees when reinstating the driving privilege of any person having more than one suspension or revocation affecting his driving privilege at the time of reinstatement; and

2. Suspend or revoke a person's driving privilege for each basis as delineated within the Oklahoma Statutes; and

3. Require any person having more than one suspension or revocation affecting his driving privilege to meet the statutory requirements for each action as a condition precedent to the reinstatement of any driving privilege. Provided, however, reinstatement fees shall not be cumulative, and a single reinstatement fee, as provided for in subsection B of this section, shall be paid for all suspensions or revocations as shown by the Department's records at the time of reinstatement.

~~B. 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 as~~ authorized by the Oklahoma Statutes, 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~~ each such revocation or suspension order; and

2. The person has paid to the Department:

a. if such privilege is suspended or revoked pursuant to Section 1115.5 of Title 22 of the Oklahoma Statutes or pursuant to any provisions of this title, except as provided in subparagraph b of this paragraph, a processing fee of Twenty-five Dollars (\$25.00) for

each such suspension or revocation as shown by the Department's records, or

- b. if such privilege is suspended or revoked pursuant to the provisions of Section 6-205, 6-205.1, 7-506, 7-608, 753, 754 or 761 of this title or pursuant to subsection A of Section 7-605 of this title for a conviction for failure to maintain the mandatory motor vehicle insurance required by law or pursuant to subsection B of Section 6-206 of this title for a suspension other than for points accumulation, a processing fee of Seventy-five Dollars (\$75.00) for each such suspension or revocation as shown by the Department's records; and

3. The person has paid to the Department a single reinstatement fee of ~~Seventy-five Dollars (\$75.00)~~ to the Department Twenty-five Dollars (\$25.00).

SECTION 7. AMENDATORY 47 O.S. 1991, Section 6-117, as last amended by Section 53, Chapter 243, O.S.L. 1993 (47 O.S. Supp. 1993, Section 6-117), is amended to read as follows:

Section 6-117. ~~(a)~~ A. The Department of Public Safety shall file every application for a license received by it and shall maintain suitable indexes containing, in alphabetical order:

1. All applications denied and on each thereof note the reasons for such denial; and
2. All applications granted; and
3. The name of every licensee whose license has been suspended or revoked by the Department and after each such name note the reasons for such action. Any notation of suspension of a license for reason of nonpayment of a fine shall be removed from the record after the licensee has paid the fine and has had his license reinstated.

~~(b)~~ B. The Department shall also file all accident reports and abstracts of court records of convictions received by it pursuant to the laws of this state and maintain convenient records of such records and reports or make suitable notations in order that an individual record of each licensee showing the convictions of such licensee and the traffic accidents in which he has been involved shall be readily ascertainable and available for the consideration of the Department of Public Safety upon any application for license or renewal of license and at other suitable times. Any abstract, index or other entry relating to a driving record according to the licensing authority in another state or a province of Canada may be posted upon the driving record of any resident of this state when notice thereof is received by documentation or by electronic transmission. The individual record of each licensee shall not include any accident reports and abstracts of court records involving an accident in which the individual licensee was not issued a citation or if a citation is issued and said licensee was not convicted.

~~(e)~~ C. The Commissioner may cause any or all records kept by the Department of Public Safety to be photographed, microphotographed, photostated, or reproduced on film. Such film or reproducing material shall be of durable material and the device used to reproduce such records on such film or material shall be such as to accurately reproduce and perpetuate the original records in all detail.

~~(d)~~ D. Such photostatic copy, photograph, microphotograph, or photographic film of the original records shall be deemed to be an original record for all purposes, and shall be admissible in evidence in all courts or administrative agencies. A facsimile, exemplification, or certified copy thereof shall be deemed to be a transcript, exemplification, or certified copy of the original.

~~(e)~~ E. If such photostatic copy, photograph, microphotograph, or reproductions on films shall be placed in conveniently accessible files and provisions made for preserving, examining, and using same, the Commissioner is empowered to authorize the disposal, archival storage, or destruction of such records or papers.

~~(f)~~ F. Officers and employees of the Department designated by the Commissioner, for the purpose of administering the motor vehicle laws, are authorized to administer oaths and acknowledge signatures, and shall do so without fee.

~~(g)~~ G. The Commissioner and such officers of the Department as he may designate are hereby authorized to prepare under the seal of the Department and deliver upon request a certified copy of any record of the Department, charging a fee of Three Dollars (\$3.00) per sheet, photograph, or any part of a sheet or photograph of any such document or similar document so certified. The certified copy shall be admissible in any proceeding in any court in like manner as the original thereof.

~~(h)~~ H. The Department of Public Safety or any motor license agent upon request shall prepare and furnish a summary to any person of the traffic record of any person subject to the provisions of the motor vehicle laws of this state. Said summary shall include the enumeration of any motor vehicle accidents, reference to convictions for violations of motor vehicle laws, and any action taken against the person's privilege to operate a motor vehicle, as shown by the files of the Department for the three (3) years preceding the date of the request. For each summary furnished by the Department of Public Safety, the Department shall collect the sum of Ten Dollars (\$10.00). For each summary furnished by a motor license agent, the agent shall collect the sum of Ten Dollars (\$10.00), Eight Dollars (\$8.00) of which shall be paid to the Oklahoma Tax Commission for deposit in the General Revenue Fund in the State Treasury and Two Dollars (\$2.00) of which shall be retained by the motor license agent.

~~(i)~~ I. There is hereby created in the State Treasury a revolving fund for the Department of Public Safety to be designated the Department of Public Safety Revolving Fund. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all money received by the Department of Public Safety from sale of surplus property, insurance and other reimbursements for damaged, lost or stolen property, for the services of ~~highway patrol~~ Department personnel as approved by the Department if such personnel are representing the Department or are in any uniform of the Department, turnpike enforcement, reimbursement for supplies or facsimile or data transmissions or for contractual services or products not otherwise provided by law, fees and costs paid by subscribers to the Oklahoma Law Enforcement Telecommunications Systems, refund of federal gasoline tax, court-ordered forfeitures, salvage vehicle inspection and certification fees, inspections fees provided for in subsection H of Section 1111 of this title, reimbursements by federal, state and municipal government agencies for the use of Department of Public Safety airplanes, fees ~~for meals~~ from users of the Robert R. Lester Law Enforcement Training Academy facilities and federal funds unless otherwise provided by federal law or regulation. Except as provided for in subsection ~~(j)~~ J of this section, all monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Department of Public Safety for the operating expenses of the Department and for vehicles, equipment, personnel and other operating expenses for turnpike enforcement. The Director of State Finance shall provide a distinct numbering system for the identification and tracking of the expenditures of the various programs budgeted from the Revolving Fund. Expenditures from said fund shall be made upon warrants issued by the State Treasurer

against claims filed as prescribed by law with the Director of State Finance for approval and payment.

~~(j)~~ J. All monies accruing to the credit of the Department of Public Safety Revolving Fund from inspection fees provided for in subsection H of Section 1111 of this title shall be budgeted and expended solely for the purpose of inspections by the Department of Public Safety provided for in Section 1111 of this title and for contracting with local law enforcement agencies for conducting the inspections provided for in Section 1111 of this title.

~~(k)~~ K. All monies received by the Commissioner of Public Safety, his officers and his employees shall be remitted to the State Treasurer to be credited to the General Revenue Fund in the State Treasury except as otherwise provided in this section.

SECTION 8. AMENDATORY 47 O.S. 1991, Section 7-506, is amended to read as follows:

Section 7-506. Whenever a ~~license~~ person's driving privilege or a registration is suspended or revoked and the filing of proof of financial responsibility is made a prerequisite to reinstatement of such ~~license privilege~~ or registration, or both, or the issuance of a ~~new driver~~ license or registration, or both, no such ~~license and privilege~~ or registration shall be reinstated or a ~~new driver~~ 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 fees provided for in Section 6-212 of this title.

SECTION 9. AMENDATORY 47 O.S. 1991, Section 7-605, as amended by Section 2, Chapter 301, O.S.L. 1993 (47 O.S. Supp. 1993, Section 7-605), is amended to read as follows:

Section 7-605. A. Every owner or operator of a motor vehicle 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~~ his driving privilege and registrations of any motor vehicle not covered by security, ~~if issued in this state and, in the case of a nonresident required to provide proof of security,~~ shall be subject to suspension of the privilege to operate a motor vehicle in this state. Such suspension shall remain in effect until payment of ~~a reinstatement fee of One Hundred Dollars (\$100.00)~~ the fees provided for in Section 6-212 of this title, and proof of security is furnished to the Department which complies with the requirements of Section 7-601 of this title. Suspension under this section shall be effective upon the Department giving notice pursuant to Section 2-116 of this title that the owner or operator is without security. Any suspended person failing to voluntarily relinquish ~~the suspended~~ his driver license or registration to the Department within sixty (60) 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~~ fees provided for in Section 6-212 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.

C. If a nonresident's ~~operating~~ driving privilege or registration is suspended pursuant to subsection A of this section, the Department shall transmit a certified copy of the record of such action to the official or officials in charge of the issuance of licenses and registration certificates in the state in which such nonresident resides.

SECTION 10. AMENDATORY 47 O.S. 1991, Section 7-609, as last amended by Section 1, Chapter 77, O.S.L. 1993 (47 O.S. Supp. 1993, 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 D of Section 7-608 of this title, the Department shall suspend the person's ~~driver's license~~ driving privilege 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 D of Section 7-608 of this title. Such suspension shall remain in effect until payment of ~~a reinstatement fee of One Hundred Dollars (\$100.00)~~ the fees provided for in Section 6-212 of this title and proof of insurance is presented to the Department. Provided, if the person is not an owner of any motor vehicle or if the motor vehicle in which the person has an ownership interest has been repossessed, or if the person proves by sworn affidavit or otherwise to the satisfaction of the Department that the request of the Department to provide proof of insurance was not received, proof of insurance and payment of the reinstatement fee shall not be required for reinstatement of the ~~driver's license~~ person's driving privilege.

B. Any person whose ~~driver's license~~ driving privilege and registration have been suspended pursuant to the provisions of subsection A of this section shall submit ~~such driver's~~ his driver license and license plate to the Department within thirty (30) days from the date of such suspension. Any owner failing to submit the ~~suspended driver~~ 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~~ fees provided for in Section 6-212 of this title.

C. Whenever any person's ~~driver's license~~ driving privilege 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~~ driving privilege 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~~ person's driver license or license plate.

E. No person who has been issued a ~~driver's driver~~ 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 whose driving privilege or motor vehicle registration has been suspended to forthwith surrender such ~~suspended driver's driver~~ 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 driver~~ license or license plate after being informed by a peace officer or representative of the Department of Public Safety that the ~~same~~ driving privilege or motor vehicle registration of such person 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 driver~~ 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 driver~~ 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 driver~~ 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 this act performed in good faith.

SECTION 11. 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 license~~ driving privilege 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~~ driving privilege in the state which issued the license as provided by the Nonresident Violator Compact.

If the ~~driver's license~~ driving privilege 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~~ such 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~~ driving privilege 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~~ privilege 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)~~ the fees, as provided for in Section 6-212 of Title 47 of the Oklahoma Statutes. The ~~fee~~ fees 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~~ driving privilege 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~~ fee and a 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~~ driving privilege 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 12. REPEALER 47 O.S. 1991, Sections 6-212.1 and 7-610, are hereby repealed.

SECTION 13. Sections 3, 4 and 7 of this act shall become effective July 1, 1994.

SECTION 14. Sections 1, 2, 5, 6 and 8 through 12 of this act shall become effective April 1, 1995.

SECTION 15. 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 9th day of May, 1994.

President of the Senate

Passed the House of Representatives the 12th day of May, 1994.

Speaker of the House of Representatives

