

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 COMMITTEE SUBSTITUTE
4 FOR

HOUSE BILL NO. 3373

By: Sterling

6 COMMITTEE SUBSTITUTE

7 An Act relating to motor vehicles; creating the
8 Shelby Johnson and Logan Deardorff Act of 2020;
9 amending 47 O.S. 2011, Section 6-207, which relates
10 to authority to deny application for or cancel
11 license for certain ailments; requiring certain
12 notification; providing for certain penalty; allowing
13 report to be used in certain actions; requiring the
14 promulgation of rules; providing for noncodification;
15 and providing an effective date.

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

17 SECTION 1. NEW LAW A new section of law not to be
18 codified in the Oklahoma Statutes reads as follows:

19 This act shall be known and may be cited as the "Shelby Johnson
20 and Logan Deardorff Act of 2020".

21 SECTION 2. AMENDATORY 47 O.S. 2011, Section 6-207, is
22 amended to read as follows:

23 Section 6-207. A. Whenever the Department of Public Safety is
24 furnished with information or, from the records on file in the
Department, it is established that the holder of a driver's license
is afflicted with a physical disease with a history of seizures, or
mental disease, or momentary lapses of consciousness or any other

1 ailment which may result in temporary loss of control or partial
2 control of a motor vehicle, the Department may, in its discretion,
3 execute an order of cancellation of any driver's license issued to
4 such individual, or, should such information be available at the
5 time of application for a driver's license, the Department may
6 execute an order denying the issuance of said license to any such
7 individual and shall cause any such license that may have been
8 issued to be picked up or to be delivered to the Department of
9 Public Safety as specified for other such orders.

10 B. Every physician or surgeon, including doctors of medicine
11 and osteopathy, examining, attending or treating an individual for
12 any illness or injury that would impair the ability of the
13 individual in any manner as to affect the performance of the person
14 to operate a motor vehicle, ~~may make~~ shall inform the Department of
15 the diagnosis by submitting a written report of the diagnosis to the
16 ~~State Department of Public Safety~~ notification to the Department
17 within one (1) week of diagnosis.

18 C. The Department may, in its discretion, suspend or cancel the
19 license of such person for such period of time as in its judgment is
20 justified.

21 D. In addition thereto, any person or physician or any medical
22 personnel participating in good faith and without negligence or
23 malicious intent in making of a report pursuant to this act shall
24 have the immunity from civil liability from the patient that might

1 otherwise be incurred or imposed. Any such participant shall have
2 the same immunity with respect to participation in any judicial
3 proceeding resulting from such report. However, a physician that
4 intentionally violates the provisions of this section shall be
5 charged with a misdemeanor.

6 E. Provided further that, in any proceeding resulting from a
7 report made pursuant to this act or in any proceeding where such a
8 report or any contents thereof are sought to be introduced in
9 evidence, such report or contents or any other fact or facts related
10 thereto, or the condition of the individual who is the subject of
11 the report shall only be admitted in evidence in actions regarding
12 the revocation, suspension, cancellation or denial of the subject's
13 driver's license ~~and~~ or actions resulting from a motor vehicle
14 collision where the subject of the report was at fault. The report
15 shall not be considered to be a public record provided that the
16 report shall not be excluded on the ground that the matter is or may
17 be the subject of a physician-patient privilege or similar privilege
18 or rule against disclosure.

19 Any person whose license has been canceled or denied under the
20 provisions of this section shall have the right of appeal from said
21 order, as provided under Section 6-211 of this title.

22 F. The Department shall promulgate rules to effectuate the
23 provisions of this section.

SECTION 3. This act shall become effective November 1, 2020.

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