

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 57th Legislature (2020)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1298

By: Miller

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to driver licenses; amending 47 O.S.
10 2011, Sections 6-107.1 and 6-107.2, which relate to
11 notification for cancellation or denial of driving
12 privileges of certain persons; modifying offenses
13 requiring notification; modifying number of
14 notifications that may occur prior to mandatory
15 cancellation or denial of driving privileges;
16 eliminating authority of the court to increase period
17 of cancellation; amending 47 O.S. 2011, Section 6-
18 205, as last amended by Section 3, Chapter 400,
19 O.S.L. 2019 (47 O.S. Supp. 2019, Section 6-205),
20 which relates to mandatory revocation of driving
21 privileges; modifying offenses requiring immediate
22 revocation of driving privileges; modifying length of
23 revocation for certain offenses; removing prohibition
24 against modification; allowing the filing of certain
 petition; providing details for filing, hearing and
 the issuance of orders relating to petition; amending
 47 O.S. 2011, Section 6-205.1, as last amended by
 Section 4, Chapter 400, O.S.L. 2019 (47 O.S. Supp.
 2019, Section 6-205.1), which relates to periods of
 revocation; modifying revocation periods for certain
 offenses; specifying certain periods of revocation;
 amending 47 O.S. 2011, Section 6-206, as amended by
 Section 1, Chapter 189, O.S.L. 2016 (47 O.S. Supp.
 2019, Section 6-206), which relates to Department of
 Public Safety authority to suspend licenses;
 modifying justification for license suspension;
 allowing for suspension for conviction in another
 state not to exceed other state's penalty; granting
 certain discretion for suspension during certain time

1 frame; modifying requirements for certain payment
2 plan; amending 47 O.S. 2011, Section 6-212, as last
3 amended by Section 6, Chapter 400, O.S.L. 2019 (47
4 O.S. Supp. 2019, Section 6-212), which relates to
5 fees and conditions for reinstatement; modifying
6 provisions and requirements of agreements for
7 issuance of provisional licenses; and providing an
8 effective date.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-107.1, is
amended to read as follows:

Section 6-107.1 A. When any district court, municipal court of
record or any municipal court in a city or town in which the judge
is an attorney licensed to practice law in this state has determined
that a person under the age of eighteen (18) years has committed any
offense described in subsection C of this section, or that a person
eighteen (18), nineteen (19), or twenty (20) years of age has
committed an offense described in Section 11-906.4 of this title,
the court shall notify the Department of Public Safety on a form
prescribed by the Department as provided in Section 6-107.2 of this
title.

B. The notice shall include the name, date of birth, physical
description and, if known, the driver license number of the person.
The notice shall contain an order to the Department to cancel or
deny driving privileges for a specified period of time, except as
otherwise provided by law, as follows:

1 1. For a period of six (6) months for a first offense;

2 2. For a period of one (1) year for a second offense;

3 3. For a period of two (2) years for a third or subsequent
4 offense; or

5 4. In the discretion of the court, until the person attains
6 twenty-one (21) years of age, if that period of time would be longer
7 than the period of time provided in paragraph 1, 2 or 3 of this
8 subsection.

9 Provided, however, if the person is less than sixteen (16) years
10 of age at the time of the determination, and the person will be less
11 than sixteen (16) years of age at the end of the period of
12 cancellation or denial, the Department shall extend the period of
13 cancellation or denial to the date the person attains sixteen (16)
14 years of age.

15 The court shall send a copy of the notice to the person first
16 class, postage prepaid.

17 C. In addition to the administrative revocation of driving
18 privileges pursuant to Section 754 of this title, and the mandatory
19 revocation of driving privileges pursuant to Section 6-205.1 of this
20 title, this section applies to any ~~crime, violation, infraction,~~
21 ~~traffic offense or other offense involving or relating to the~~
22 ~~possession, use, sale, purchase, transportation, distribution,~~
23 ~~manufacture, or consumption~~ of beer, alcohol, or any beverage
24 containing alcohol and to any crime, violation, infraction, traffic

1 offense or other offense involving or relating to the ~~possession,~~
2 ~~use,~~ sale, ~~purchase,~~ ~~transportation,~~ distribution, manufacture, or
3 ~~trafficking,~~ ~~cultivation,~~ ~~consumption,~~ ~~ingestion,~~ ~~inhalation,~~
4 ~~injection,~~ ~~or absorption~~ of any controlled dangerous substance as
5 defined by paragraph 8 of Section 2-101 of Title 63 of the Oklahoma
6 Statutes ~~or any substance which is capable of being ingested,~~
7 ~~inhaled,~~ ~~injected,~~ ~~or absorbed into the human body and is capable of~~
8 ~~adversely affecting the central nervous system, vision, hearing, or~~
9 ~~other sensory or motor functions.~~

10 SECTION 2. AMENDATORY 47 O.S. 2011, Section 6-107.2, is
11 amended to read as follows:

12 Section 6-107.2 A. The Department of Public Safety shall
13 prepare and distribute a Notification form to be used by the courts,
14 as provided in Section 6-107.1 of this title. In addition to any
15 other authority to cancel or deny driving privileges, the Department
16 of Public Safety shall, upon receipt of such completed Notification
17 form from a court, cancel or deny all driving privileges of the
18 person named in the Notification form without hearing, for a period
19 of time recommended by the court.

20 B. Upon receipt of a ~~second~~ third or subsequent Notification
21 from a court relating to the same person, the Department shall
22 cancel or deny driving privileges of the person for a period of two
23 (2) years or until the person attains eighteen (18) years of age,
24 whichever is longer.

1 C. Any person whose driving privileges are canceled or denied
2 pursuant to this section may file a petition for relief based upon
3 error or hardship.

4 1. The petition shall be filed in the district court which
5 notified the Department pursuant to Section 6-107.1 of this title
6 or, if the Notification originated in a municipal court, the
7 petition shall be filed in the district court of the county in which
8 the court is located. A copy of the Notification and a copy of the
9 Department's action canceling or denying driving privileges pursuant
10 to this section, shall be attached to the petition.

11 2. The district court shall conduct a hearing on the petition
12 and may determine the matter de novo, without notice to the
13 Department, and if applicable, without notice to the municipal
14 court; provided, the district court shall not consider a collateral
15 attack upon the merits of any conviction or determination which has
16 become final.

17 3. The district court may deny the petition, or in its
18 discretion, issue a written Order to the Department to ~~increase or~~
19 decrease the period of cancellation or denial to any period or issue
20 a written Order to vacate the Department's action taken pursuant to
21 this section, in its entirety. The content of the Order shall not
22 grant or purport to grant any driving privileges to the person,
23 however such order may direct the Department of Public Safety to do
24 so if the person is otherwise eligible therefor.

1 D. Upon receipt of a written Order from the appropriate court,
2 the Department shall modify or reinstate any driving privileges as
3 provided in the Order.

4 SECTION 3. AMENDATORY 47 O.S. 2011, Section 6-205, as
5 last amended by Section 3, Chapter 400, O.S.L. 2019 (47 O.S. Supp.
6 2019, Section 6-205), is amended to read as follows:

7 Section 6-205. A. The Department of Public Safety shall
8 immediately revoke the driving privilege of any person, whether
9 adult or juvenile, upon receiving a record of conviction, in any
10 municipal, state or federal court within the United States of any of
11 the following offenses, when such conviction has become final:

12 1. Manslaughter or negligent homicide resulting from the
13 operation of a motor vehicle;

14 2. Driving or being in actual physical control of a motor
15 vehicle while under the influence of alcohol, any other intoxicating
16 substance, or the combined influence of alcohol and any other
17 intoxicating substance, any violation of paragraph 1, 2, 3, ~~or 4~~ or
18 5 of subsection A of Section 11-902 of this title or any violation
19 of Section 11-906.4 of this title. However, the Department shall
20 not additionally revoke the driving privileges of the person
21 pursuant to this subsection if the driving privilege of the person
22 has been revoked because of a test result or test refusal pursuant
23 to Section 753 or 754 of this title arising from the same
24

1 circumstances which resulted in the conviction unless the revocation
2 because of a test result or test refusal is set aside;

3 3. ~~Any felony~~ Being in actual physical control of a motor
4 vehicle during the commission of ~~which a motor vehicle is used a~~
5 felony;

6 4. Failure to stop and render aid as required under the laws of
7 this state in the event of a motor vehicle accident resulting in the
8 death or personal injury of another;

9 5. Perjury or the making of a false affidavit or statement
10 under oath to the Department under the Uniform Vehicle Code or under
11 any other law relating to the ownership or operation of motor
12 vehicles;

13 6. A ~~misdemeanor or~~ felony conviction for unlawfully
14 ~~possessing, distributing, dispensing, manufacturing, trafficking,~~
15 ~~cultivating, selling, transferring, attempting or conspiring to~~
16 ~~possess, distribute, dispense, manufacture, or traffic, sell, or~~
17 ~~transfer of~~ a controlled dangerous substance as defined in the
18 Uniform Controlled Dangerous Substances Act while ~~using a~~ being in
19 actual physical control of a motor vehicle;

20 7. Failure to pay for gasoline pumped into a vehicle pursuant
21 to Section 1740 of Title 21 of the Oklahoma Statutes;

22 8. A misdemeanor conviction for a violation of Section 1465 of
23 Title 21 of the Oklahoma Statutes;

1 9. A misdemeanor conviction for a violation of Section 1-229.34
2 of Title 63 of the Oklahoma Statutes;

3 10. Failure to obey a traffic control device as provided in
4 Section 11-202 of this title or a stop sign when such failure
5 results in great bodily injury to any other person; or

6 11. Failure to stop or to remain stopped for school bus loading
7 or unloading of children pursuant to Section 11-705 or 11-705.1 of
8 this title.

9 B. The first license revocation under any provision of this
10 section, except for paragraph 2, 3, 6, 7, 9 or 11 of subsection A of
11 this section, shall be for a period of one (1) year. ~~Such period~~
12 ~~shall not be modified.~~

13 C. A license revocation under any provision of this section,
14 except for paragraph 2, 3, 6, ~~or~~ 7 or 9 of subsection A of this
15 section, shall be for a period of three (3) years if a prior
16 revocation under this section, ~~except under paragraph 2 of~~
17 ~~subsection A of this section,~~ commenced within the preceding five-
18 year period as shown by the records of the Department. ~~Such period~~
19 ~~shall not be modified.~~

20 D. The period of license revocation under paragraph 2, 3 or 6
21 of subsection A of this section shall be governed by the provisions
22 of Section 6-205.1 of this title.

23 E. The first license revocation under paragraph 7 or 9 of
24 subsection A of this section shall be for a period of six (6)

1 months. A second or subsequent license revocation under paragraph 7
2 of subsection A of this section shall be for a period of one (1)
3 year if a prior revocation under this section commenced within the
4 preceding five-year period as shown by Department records. ~~Such~~
5 ~~periods shall not be modified.~~

6 F. The first license revocation under paragraph 11 of
7 subsection A of this section shall be for a period of one (1) year.
8 Such period may be modified. Any appeal of the revocation of
9 driving privilege under paragraph 11 of subsection A of this section
10 shall be governed by Section 6-211 of this title; provided, any
11 modification under this subsection shall apply to Class D motor
12 vehicles only.

13 G. As used in this section, "great bodily injury" means bodily
14 injury which creates a substantial risk of death or which causes
15 serious, permanent disfigurement or protracted loss or impairment of
16 the function of any bodily member or organ.

17 H. Any person whose driving privileges are or have been
18 canceled or denied pursuant to this section, except for paragraph 1
19 or 2 of subsection A of this section, may file a petition for relief
20 based upon error or hardship.

21 1. The petition shall be filed in the district court which
22 notified the Department pursuant to Section 6-107.1 of this title
23 or, if the Notification originated in a municipal court, the
24 petition shall be filed in the district court of the county in which

1 the court is located. A copy of the Notification and a copy of the
2 Department's action canceling or denying driving privileges pursuant
3 to this section shall be attached to the petition.

4 2. The district court shall conduct a hearing on the petition
5 and may determine the matter de novo, without notice to the
6 Department, and if applicable, without notice to the municipal
7 court; provided, the district court shall not consider a collateral
8 attack upon the merits of any conviction or determination which has
9 become final.

10 3. The district court may deny the petition, or in its
11 discretion, issue a written Order to the Department to decrease the
12 period of cancellation or denial to any period or issue a written
13 Order to vacate the Department's action taken pursuant to this
14 section in its entirety. The content of the Order shall not grant
15 or purport to grant any driving privileges to the person, however,
16 such order may direct the Department of Public Safety to do so if
17 the person is otherwise eligible therefor.

18 SECTION 4. AMENDATORY 47 O.S. 2011, Section 6-205.1, as
19 last amended by Section 4, Chapter 400, O.S.L. 2019 (47 O.S. Supp.
20 2019, Section 6-205.1), is amended to read as follows:

21 Section 6-205.1 A. The driving privilege of a person who is
22 convicted of any offense as provided in paragraph 2 of subsection A
23 of Section 6-205 of this title, or a person who has refused to
24 submit to a test or tests as provided in Section 753 of this title,

1 or a person whose alcohol concentration is subject to the provisions
2 of Section 754 of this title, unless the person has successfully
3 completed, or is currently participating in, the Impaired Driver
4 Accountability Program, shall be revoked or denied by the Department
5 of Public Safety for the following period, as applicable:

6 1. The first license revocation pursuant to paragraph 2 of
7 subsection A of Section 6-205 of this title or Section 753 or 754 of
8 this title shall be for a period of one hundred eighty (180) days,
9 or longer if driving privileges are modified pursuant to the
10 provisions of this paragraph, which shall be modified upon request;
11 provided, any modification under this paragraph shall apply to Class
12 D driver licenses only. For any modification, the person shall be
13 required to install an ignition interlock device or devices,
14 pursuant to Section 754.1 of this title. The period of revocation
15 and the period of interlock installation shall run concurrently and
16 each shall be for no less than one hundred eighty (180) days;

17 2. A revocation pursuant to paragraph 2 of subsection A of
18 Section 6-205 of this title or Section 753 or 754 of this title
19 shall be for a period of one (1) year, or longer if driving
20 privileges are modified pursuant to the provisions of this
21 paragraph, if within ten (10) years preceding the date of arrest
22 relating thereto, as shown by the records of the Department:

23 a. a prior revocation commenced pursuant to paragraph 2
24 or 6 of subsection A of Section 6-205 of this title,

1 Section 753 or 754 of this title, or completion of the
2 Impaired Driver Accountability Program, or
3 b. the record of the person reflects a prior conviction
4 in another jurisdiction which did not result in a
5 revocation of Oklahoma driving privileges, for a
6 violation substantially similar to paragraph 2 of
7 subsection A of Section 6-205 of this title, and the
8 person was not a resident or a licensee of Oklahoma at
9 the time of the offense resulting in the conviction.

10 Such one-year period of revocation may be modified upon request;
11 provided, any modification under this paragraph shall apply to Class
12 D driver licenses only. For any modification, the person shall be
13 required to install an ignition interlock device or devices,
14 pursuant to Section 754.1 of this title. The period of revocation
15 and the period of interlock installation shall run concurrently and
16 each shall be for no less than one (1) year; or

17 3. A revocation pursuant to paragraph 2 of subsection A of
18 Section 6-205 of this title or Section 753 or 754 of this title
19 shall be for a period of three (3) years, or longer if driving
20 privileges are modified pursuant to the provisions of this
21 paragraph, if within ten (10) years preceding the date of arrest
22 relating thereto, as shown by the records of the Department:
23
24

- a. two or more prior revocations commenced pursuant to paragraph 2 or 6 of subsection A of Section 6-205 of this title or Section 753 or 754 of this title,
- b. a prior revocation commenced pursuant to paragraph 2 or 6 of subsection A of Section 6-205 of this title or Section 753 or 754 of this title, and completion of the Impaired Driver Accountability Program,
- c. the record of the person reflects two or more prior convictions in another jurisdiction which did not result in a revocation of Oklahoma driving privileges, for a violation substantially similar to paragraph 2 of subsection A of Section 6-205 of this title, and the person was not a resident or a licensee of Oklahoma at the time of the offense resulting in the conviction, or
- d. any combination of two or more prior revocations, completion of the Impaired Driver Accountability Program, or convictions as described in subparagraphs a, b and c of this paragraph.

Such three-year period of revocation shall be modified upon request; provided, any modification under this paragraph shall apply to Class D driver licenses only. For any modification, the person shall be required to install an ignition interlock device or devices, pursuant to Section 754.1 of this title. The period of revocation

1 and the period of interlock installation shall run concurrently and
2 each shall be for no less than three (3) years.

3 B. The driving privilege of a person who is convicted of any
4 offense as provided in paragraph 3 or 6 of subsection A of Section
5 6-205 of this title shall be revoked or denied by the Department of
6 Public Safety for the following period, as applicable:

7 1. The first license revocation shall be for one hundred eighty
8 (180) days, which shall be modified upon request; provided, ~~for~~
9 ~~license revocations for a misdemeanor charge of possessing a~~
10 ~~controlled dangerous substance, the provisions of this paragraph~~
11 ~~shall apply to any such revocations by the Department on or after~~
12 ~~January 1, 1993; provided further,~~ any modification under this
13 paragraph shall apply to Class D driver licenses only;

14 2. A revocation shall be for a period of one (1) year if within
15 ten (10) years preceding the date of arrest relating thereto, as
16 shown by the records of the Department:

17 a. a prior revocation commenced pursuant to paragraph 2, 1
18 3 or 6 of subsection A of Section 6-205 of this title,
19 or Section 753 or 754 of this title,

20 b. a prior revocation commenced pursuant to paragraph 2, 1
21 3 or 6 of subsection A of Section 6-205 of this title
22 or Section 753 or 754 of this title, and completion of
23 the Impaired Driver Accountability Program, or
24

1 c. the record of the person reflects a prior conviction
2 in another jurisdiction which did not result in a
3 revocation of Oklahoma driving privileges, for a
4 violation substantially similar to paragraph 2, 3 or 6
5 of subsection A of Section 6-205 of this title, and
6 the person was not a resident or a licensee of
7 Oklahoma at the time of the offense resulting in the
8 conviction.

9 Such period shall not be modified; or

10 3. A revocation shall be for a period of three (3) years if
11 within ten (10) years preceding the date of arrest relating thereto,
12 as shown by the records of the Department:

13 a. two or more prior revocations commenced pursuant to
14 paragraph 2 or 6 of subsection A of Section 6-205 of
15 this title, or Section 753 or 754 of this title,

16 b. a prior revocation commenced pursuant to paragraph 2
17 or 6 of subsection A of Section 6-205 of this title or
18 Section 753 or 754 of this title, and completion of
19 the Impaired Driver Accountability Program,

20 c. the record of the person reflects two or more prior
21 convictions in another jurisdiction which did not
22 result in a revocation of Oklahoma driving privileges,
23 for a violation substantially similar to paragraph 2
24 or 6 of subsection A of Section 6-205 of this title,

1 and the person was not a resident or licensee of
2 Oklahoma at the time of the offense resulting in the
3 conviction, or

4 d. any combination of two or more prior revocations,
5 completion of the Impaired Driver Accountability
6 Program, or convictions as described in subparagraphs
7 a and b or c of this paragraph.

8 Such period shall not be modified.

9 The revocation of the driving privilege of any person under this
10 subsection shall not run concurrently with any other withdrawal of
11 driving privilege resulting from a different incident and which
12 requires the driving privilege to be withdrawn for a prescribed
13 amount of time. A denial based on a conviction of any offense as
14 provided in paragraph 6 of subsection A of Section 6-205 of this
15 title shall become effective on the first day the convicted person
16 is otherwise eligible to apply for and be granted driving privileges
17 if the person was not eligible to do so at the time of the
18 conviction.

19 C. For the purposes of this section:

20 1. The term "conviction" includes a juvenile delinquency
21 adjudication by a court or any notification from a court pursuant to
22 Section 6-107.1 of this title; and

23 2. The term "revocation" includes a denial of driving
24 privileges by the Department.

1 D. Each period of revocation in subsection A of this section
2 not subject to modification shall be mandatory and neither the
3 Department nor any court shall grant driving privileges based upon
4 hardship or otherwise for the duration of that period. Each period
5 of revocation, subject to modification as provided for in this
6 section, shall be modified upon request as provided for in ~~Section~~
7 Sections 754.1, of this title or Section 11 of this act 11-902a or
8 subsection H of Section 6-205 of this title; provided, any
9 modification under this paragraph shall apply to Class D driver
10 licenses only.

11 E. Any appeal of a revocation or denial of driving privileges
12 in subsection A of this section shall be governed by Section 6-211
13 of this title.

14 SECTION 5. AMENDATORY 47 O.S. 2011, Section 6-206, as
15 amended by Section 1, Chapter 189, O.S.L. 2016 (47 O.S. Supp. 2019,
16 Section 6-206), is amended to read as follows:

17 Section 6-206. A. Whenever any person is convicted or pleads
18 guilty in any court having jurisdiction over offenses committed
19 under Section 1-101 et seq. of this title, or any other act or
20 municipal ordinance or act or ordinance of another state regulating
21 the operation of motor vehicles on highways, such court shall make
22 immediate report to the Department of Public Safety setting forth
23 the name of the offender, the number of the driver license and the
24 penalty imposed. Said report shall be submitted by the judge or the

1 clerk of the court upon forms furnished or approved by the
2 Department.

3 B. The Department, upon receipt of said report or upon receipt
4 of a report of a conviction in another state relating to the
5 operation of a motor vehicle, may in its discretion suspend the
6 driving privilege of such person for such period of time as in its
7 judgment is justified ~~from the records of such conviction together~~
8 ~~with the records and reports on file in the Department,~~ subject to
9 the limitations provided in ~~Section 6-208 of this title,~~ or any
10 other act or municipal ordinance regulating the operation of motor
11 vehicles on highways. ~~Any action taken by the Department shall be~~
12 ~~in addition to the penalty imposed by the court.~~

13 C. The Department, upon receipt of a report of a conviction in
14 another state relating to the operation of a motor vehicle, may in
15 its discretion, suspend the driving privilege of such persons. Any
16 action taken by the Department shall not exceed the penalty imposed
17 by a court or the Department in the state of Oklahoma for a
18 violation substantially similar to the conviction in the other
19 jurisdiction which did not result in a revocation of Oklahoma
20 driving privileges.

21 D. Following receipt of a notice of any nonpayment of fine and
22 costs for a moving traffic violation with a recommendation of
23 suspension of driving privileges of a defendant from any court
24 within this state, as provided for in Section 983 of Title 22 of the

1 Oklahoma Statutes, the Department ~~shall~~ may suspend the driving
2 privilege of the named person no earlier than one hundred eighty
3 (180) days after giving notice as provided in Section 2-116 of this
4 title. A person whose license is subject to suspension pursuant to
5 this section may avoid the effective date of the suspension or, if
6 suspended, shall be eligible for reinstatement, if otherwise
7 eligible, upon:

- 8 1. Making application to the Department of Public Safety;
- 9 2. Showing proof of payment of the total amount of the fine and
10 cost or a release from the court or court clerk; and
- 11 3. Submitting the processing and reinstatement fees, as
12 provided for in Section 6-212 of this title.

13 Provided, however, in cases of ~~extreme and unusual~~ hardship, as
14 determined by the court or proof of enrollment in a federal or state
15 government assistance program, including, but not limited to Social
16 Security or the Supplemental Nutrition Assistance Program, the
17 person shall be placed on a payment plan by the court, and the court
18 shall send a release to the Department for reinstatement purposes.
19 The court may submit another suspension request pursuant to this
20 section if the person fails to honor the payment plan and it is
21 found that the person is financially able but willfully refuses or
22 neglects to honor the payment plan. In such case, the Department
23 shall again suspend the person's driving privilege for nonpayment of
24 fine and costs for the same moving traffic violation. Upon

1 reinstatement after suspension for nonpayment of fine and costs for
2 a moving traffic violation the Department may remove such record of
3 suspension from the person's driving record and retain an internal
4 record for audit purposes. A court within this state may order the
5 Department to waive any requirement that fines and costs be
6 satisfied by a person prior to that person being eligible for a
7 provisional license provided under Section 6-212 of this title.

8 ~~D.~~ E. Upon the receipt of a record of conviction for eluding or
9 attempting to elude a peace officer, the Department of Public Safety
10 shall suspend the driving privilege of the person:

11 1. For the first conviction as indicated on the driving record
12 of the person, for a period of six (6) months;

13 2. For the second conviction as indicated on the driving record
14 of the person, for a period of one (1) year. Such period shall not
15 be modified; and

16 3. For the third or subsequent conviction as indicated on the
17 driving record of the person, for a period of three (3) years. Such
18 period shall not be modified.

19 ~~E.~~ F. Any person whose driving privilege is so suspended under
20 the provisions of this section shall have the right of appeal, as
21 provided in Section 6-211 of this title.

22 SECTION 6. AMENDATORY 47 O.S. 2011, Section 6-212, as
23 last amended by Section 6, Chapter 400, O.S.L. 2019 (47 O.S. Supp.
24 2019, Section 6-212), is amended to read as follows:

1 Section 6-212. A. The Department of Public Safety shall not
2 assess and collect multiple reinstatement fees when reinstating the
3 driving privilege of any person having more than one suspension or
4 revocation affecting the person's driving privilege at the time of
5 reinstatement.

6 B. The Department shall:

7 1. Suspend or revoke a person's driving privilege as delineated
8 within the Oklahoma Statutes; and

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

17 C. Whenever a person's privilege to operate a motor vehicle is
18 suspended or revoked pursuant to any provision as authorized by the
19 Oklahoma Statutes, the license or privilege to operate a motor
20 vehicle shall remain under suspension or revocation and shall not be
21 reinstated until:

22 1. The expiration of each such revocation or suspension order;

23 2. The person has paid to the Department:
24

- 1 a. if such privilege is suspended or revoked pursuant to
2 Section 1115.5 of Title 22 of the Oklahoma Statutes or
3 pursuant to any provisions of this title, except as
4 provided in subparagraph b of this paragraph, a
5 processing fee of Twenty-five Dollars (\$25.00) for
6 each such suspension or revocation as shown by the
7 Department's records, or
- 8 b. (1) if such privilege is suspended or revoked
9 pursuant to the provisions of Section 6-205, 6-
10 205.1, 7-612, 753, 754 or 761 of this title or
11 pursuant to subsection A of Section 7-605 of this
12 title for a conviction for failure to maintain
13 the mandatory motor vehicle insurance required by
14 law or pursuant to subsection B of Section 6-206
15 of this title for a suspension other than for
16 points accumulation, a processing fee of Seventy-
17 five Dollars (\$75.00) for each such suspension or
18 revocation as shown by the Department's records,
19 and a special assessment trauma-care fee of Two
20 Hundred Dollars (\$200.00) to be deposited into
21 the Trauma Care Assistance Revolving Fund created
22 in Section 1-2530.9 of Title 63 of the Oklahoma
23 Statutes, for each suspension or revocation as
24 shown by the records of the Department, and

1 (2) in addition to any other fees required by this
2 section, if such privilege is suspended or
3 revoked pursuant to an arrest on or after
4 November 1, 2008, under the provisions of
5 paragraph 2 or 6 of subsection A of Section 6-205
6 of this title or of Section 753, 754 or 761 of
7 this title, a fee of Fifteen Dollars (\$15.00),
8 which shall be apportioned pursuant to the
9 provisions of Section 3-460 of Title 43A of the
10 Oklahoma Statutes; and

11 3. The person has paid to the Department a single reinstatement
12 fee of, beginning on July 1, 2013, and any year thereafter, Twenty-
13 five Dollars (\$25.00).

14 D. The Department of Public Safety is hereby authorized to
15 enter into agreements with persons whose license to operate a motor
16 vehicle or commercial motor vehicle has been suspended or revoked,
17 for issuance of a provisional license that would allow such persons
18 to drive:

19 1. Between their place of residence and their place of
20 employment or potential employment from 12:00 a.m. to 6:00 a.m.;

21 2. During the scope and course of their employment from 12:00
22 a.m. to 6:00 a.m.;

23 3. Between their place of residence and a college, university
24 or technology center from 12:00 a.m. to 6:00 a.m.;

1 4. Between their place of residence and their child's school or
2 day care provider from 12:00 a.m. to 6:00 a.m.;

3 5. Between their place of residence and a place of worship from
4 12:00 a.m. to 6:00 a.m.; ~~or~~

5 6. Between their place of residence and any court-ordered
6 treatment program from 12:00 a.m. to 6:00 a.m.; or

7 7. Unrestricted from 6:00 a.m. to 12:00 a.m.,

8 with the condition that such persons pay a minimum total of Twenty-

9 five Dollars (\$25.00) per month toward the satisfaction of ~~all~~

10 outstanding fees including, but not limited to provisional license

11 fees, warrant fees, court costs or fees, driver license or

12 commercial driver license reinstatement fees. ~~The Department shall~~

13 ~~develop rules and procedures to establish such a provisional driver~~

14 ~~license program and such rules and procedures shall include, but not~~

15 ~~be limited to, eligibility criteria, proof of insurance, proof of~~

16 ~~enrollment or employment, and any provisional license fees.~~ The

17 Department may suspend or revoke a provisional license pursuant to

18 this section if the person fails to honor the payment plan and it is

19 found that the person is financially able but willfully refuses or

20 neglects to honor the payment plan. Any person who can demonstrate

21 enrollment in a federal or state assistance program including but

22 not limited to Social Security or the Supplemental Nutritional

23 Assistance Program shall be granted a modified payment plan upon

24 request that takes into account their ability to pay.

1 E. Any violation of law by the person holding the provisional
2 license that would result in the suspension or revocation of a
3 driver license, except for the failure to pay fines, fees or other
4 financial obligations, shall result in the revocation of the
5 provisional license and such person shall be ineligible for future
6 application for a provisional driver license.

7 F. Eligibility for a provisional license shall not take into
8 consideration any outstanding fines and fees owed including but not
9 limited to warrant fees, court costs or fees, driver license or
10 commercial driver license reinstatement fees.

11 G. Any person who can demonstrate enrollment in a federal or
12 state assistance program including but not limited to Social
13 Security or the Supplemental Nutritional Assistance Program shall
14 have all fees associated with enrolling in the provisional license
15 program waived.

16 H. A person with suspended driver license shall not have to
17 take a driver license test to be eligible for a provisional license;
18 provided, the suspended license has not expired.

19 I. The Department shall develop rules and procedures necessary
20 to implement the provisions of this section except as otherwise
21 provided by this title.

22 ~~E.~~ J. Effective July 1, 2002, and for each fiscal year
23 thereafter:
24

1 1. Two Hundred Fifty Thousand Dollars (\$250,000.00) of all
2 monies collected each month pursuant to this section shall be
3 apportioned as provided in Section 1104 of this title, except as
4 otherwise provided in this section; and

5 2. Except as otherwise provided in this section, all other
6 monies collected in excess of Two Hundred Fifty Thousand Dollars
7 (\$250,000.00) each month shall be deposited in the General Revenue
8 Fund.

9 SECTION 7. This act shall become effective November 1, 2020.

10
11 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/20/2020 -
12 DO PASS, As Amended.