

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. 3373

By: Sterling of the House

and

Sharp of the Senate

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10 COMMITTEE SUBSTITUTE

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

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

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

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

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

1 Section 6-207. A. Whenever the Department of Public Safety is
2 furnished with information or, from the records on file in the
3 Department, it is established that the holder of a driver's license
4 is afflicted with a physical disease with a history of seizures, or
5 mental disease, or momentary lapses of consciousness or any other
6 ailment which may result in temporary loss of control or partial
7 control of a motor vehicle, the Department may, in its discretion,
8 execute an order of cancellation of any driver's license issued to
9 such individual, or, should such information be available at the
10 time of application for a driver's license, the Department may
11 execute an order denying the issuance of said license to any such
12 individual and shall cause any such license that may have been
13 issued to be picked up or to be delivered to the Department of
14 Public Safety as specified for other such orders.

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

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

4 D. In addition thereto, any person or physician or any medical
5 personnel participating in good faith and without negligence or
6 malicious intent in making of a report pursuant to this act shall
7 have the immunity from civil liability from the patient that might
8 otherwise be incurred or imposed. Any such participant shall have
9 the same immunity with respect to participation in any judicial
10 proceeding resulting from such report. However, a physician that
11 intentionally violates the provisions of this section shall be
12 charged with a misdemeanor.

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

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

6 F. The Department shall promulgate rules to effectuate the
7 provisions of this section.

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

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10 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/17/2020 -
11 DO PASS, As Amended and Coauthored.

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