

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3373

By: Sterling

4  
5 AS INTRODUCED

6 An Act relating to motor vehicles; creating the  
7 Shelby Johnson and Logan Deardorf Act of 2020;  
8 amending 47 O.S. 2011, Section 6-207; requiring  
9 individuals to report certain information;  
10 authorizing the establishment of certain telephone  
11 hotline; providing for certain penalties; allowing  
12 report to be used in certain actions; requiring  
13 certain appointment of doctor; 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 Deardorf 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 to the Department within one (1)  
17 week of diagnosis.

18 C. Every person with knowledge of an individual afflicted with  
19 any illness or injury that would impair the ability of that  
20 individual in any manner as to affect the performance of the  
21 individual to operate a motor vehicle shall inform the Department of  
22 the individual and his or her condition by making a written report  
23 or telephone call to the Department.

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1        D. 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. The Department is authorized to establish a telephone  
4 hotline to receive information on such licenses or applicants.

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

15        F. Provided further that, in any proceeding resulting from a  
16 report made pursuant to this act or in any proceeding where such a  
17 report or any contents thereof are sought to be introduced in  
18 evidence, such report or contents or any other fact or facts related  
19 thereto, or the condition of the individual who is the subject of  
20 the report shall only be admitted in evidence in actions regarding  
21 the revocation, suspension, cancellation or denial of the subject's  
22 driver's license ~~and~~ or actions resulting from a motor vehicle  
23 collision where the subject of the report was at fault. The report  
24 shall not be considered to be a public record provided that the

1 report shall not be excluded on the ground that the matter is or may  
2 be the subject of a physician-patient privilege or similar privilege  
3 or rule against disclosure.

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

7 G. The Department shall appoint an independent physician or  
8 qualified medical personnel to review medical records on a case-by-  
9 case basis. The Department shall promulgate rules to effectuate the  
10 provisions of this section.

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

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