

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2383

By: Sterling and **West (Josh)** of
the House

and

Weaver of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to driver licenses; creating the
12 Shelby Johnson and Logan Deardorff Act of 2022;
13 requiring certain written notice; allowing Department
14 of Public Safety to require certain exams for medical
15 fitness; allowing for certain extension; allowing
16 Department to make certain license determinations
17 based on examination; providing for certain
18 suspension, denial, or revocation for refusal or
19 neglect to take examination; requiring certain notice
20 by certified mail; defining term; providing for
21 examination details and criteria; requiring
22 Department develop certain form; providing list of
23 individuals who may submit certain report; detailing
24 certain report requirements; providing penalty for
reporting false information; providing for liability
immunity; providing for confidentiality of reports
and medical records; requiring Department maintain
certain records; requiring the development of forms
and guidelines for reporting cases; requiring
publication and availability of certain guidelines;
requiring compliance with federal law; providing
penalty for violations; providing for appeal and
appeal time frame; allowing for petition for certain
reinstatement of license; requiring certain statement
accompany petition; requiring decision by certain
time; providing for appeal of certain decision;
authorizing the promulgation of certain rules and

1 procedures; repealing 47 O.S. 2021, Sections 6-119
2 and 6-207, which relate to drivers with medical
3 conditions; providing for noncodification; providing
4 for codification; and providing an effective date.

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

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

8 This act shall be known and may be cited as the "Shelby Johnson
9 and Logan Deardorff Act of 2022".

10 SECTION 2. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 6-207.1 of Title 47, unless
12 there is created a duplication in numbering, reads as follows:

13 A. Whenever the Department of Public Safety has good cause to
14 believe that a person is medically unfit to receive or retain his or
15 her driver license, the Department may, after giving written notice
16 of thirty (30) days by certified mail to such person's known
17 address, require the person to submit to an examination as
18 prescribed by the Department in conjunction with the Driver License
19 Medical Advisory Committee, pursuant to Section 6-118 of Title 47 of
20 the Oklahoma Statutes. Upon request, an extension of thirty (30)
21 days may be granted to persons who are required to take said
22 examination.

23 B. Upon conclusion of the examination, the Department may allow
24 the person to retain his or her license, suspend, deny, or revoke

1 the license, or may issue the person a license subject to
2 restrictions as provided in Section 6-113 of Title 47 of the
3 Oklahoma Statutes. If an examination indicates a condition that
4 potentially impairs safe driving, the Department, in addition to
5 action with respect to the license, may require the person to submit
6 to further periodic examinations. The refusal or neglect of the
7 person to submit to a required examination within thirty (30) days
8 after the date of the notice provided for in subsection A of this
9 section shall be grounds for suspension, denial, or revocation of
10 the person's license by the Department or local court as applicable.
11 Notice of any suspension, denial, revocation, or other restriction
12 shall be provided by certified mail. As used in this section, the
13 term "denial" means the act of not licensing a person who is
14 currently suspended, revoked, or otherwise not licensed to operate a
15 motor vehicle. Denial may also include the act of withdrawing a
16 previously issued license.

17 C. The examination provided for in subsection A of this section
18 may include, but may not be limited to, a written test and test of
19 driving skills, vision, highway sign recognition, and, if
20 appropriate, a physical or mental evaluation, or both. The
21 Department may require any or all of the examination criteria
22 pursuant to Section 6-110 of Title 47 of the Oklahoma Statutes as
23 well as medical assessments to be placed on a form to be developed
24 by the Department.

1 D. The Department shall have good cause to believe that a
2 person is potentially unfit to retain or receive a license on the
3 basis of, but not limited to, a report by one of the following
4 individuals:

5 1. A physician, physical therapist, occupational therapist,
6 chiropractic physician, registered nurse, psychologist, social
7 worker, professional counselor, optometrist, or an emergency medical
8 technician licensed in this state;

9 2. A law enforcement officer; or

10 3. The person's spouse or a member of the person's family
11 within the third degree of consanguinity or affinity who has reached
12 the age of eighteen (18) years, except that no person may report the
13 same family member more than one time during a period of twelve (12)
14 months.

15 E. The report shall state that the reporting person reasonably
16 and in good faith believes the driver cannot safely operate a motor
17 vehicle and shall be based on personal observation or physical
18 evidence, which shall be described in the report, or the report
19 shall be based upon an investigation or police report by a law
20 enforcement officer. The report shall be a written declaration in
21 the form prescribed by the Department. Anyone knowingly reporting
22 false information may be found guilty under penalty of perjury.

23 F. A physician, physical therapist, occupational therapist,
24 chiropractic physician, registered nurse, psychologist, social

1 worker, professional counselor, optometrist, or an emergency medical
2 technician licensed in this state may report to the Department any
3 patient diagnosed or assessed as having a disorder or condition that
4 may prevent such person from safely operating a motor vehicle. Such
5 report shall state the diagnosis or assessment and whether the
6 condition is permanent or temporary.

7 G. Any person who makes a report in good faith pursuant to this
8 section shall be immune from any civil liability that otherwise
9 might result from making said report. All reports made and medical
10 records reviewed and maintained by the Department pursuant to this
11 section shall be kept confidential except upon order of a court of
12 competent jurisdiction or in a review of the Department's actions
13 pursuant to Section 6-211 of Title 47 of the Oklahoma Statutes.

14 H. The Department shall maintain records and statistics of any
15 reports made and any actions taken against driver licenses pursuant
16 to this section.

17 I. The Department shall, in consultation with the Driver
18 License Medical Advisory Committee, develop and maintain a
19 standardized form and provide guidelines for the reporting of cases
20 and the examination of drivers pursuant to this section. The
21 guidelines shall be published and made available to the public. The
22 Department shall provide health care providers and law enforcement
23 officers with information about the procedures authorized pursuant
24 to this section. The guidelines and regulations implemented in this

1 section shall comply with the federal Americans with Disabilities
2 Act of 1990.

3 J. Any person who knowingly violates a confidentiality
4 provision of this section, knowingly permits or encourages the
5 unauthorized use of a report, or files a false report in violation
6 of this section may be criminally and civilly liable.

7 K. All appeals of license revocations, suspensions, denials,
8 and restrictions pursuant to this section shall be made within
9 thirty (30) days after the receipt of the notice of revocation,
10 suspension, denial, or restriction pursuant to Section 6-211 of
11 Title 47 of the Oklahoma Statutes.

12 L. Any individual whose condition is temporary in nature as
13 reported shall have the right to petition the Department for total
14 or partial reinstatement of his or her license. Such request shall
15 be made on a form prescribed by the Department and accompanied by a
16 statement from a health care provider with the same or similar
17 license as the health care provider who made the initial report
18 resulting in the restriction or suspension, denial, or revocation of
19 the driver license. Such petition shall be decided by the
20 Department within thirty (30) days of the receipt of the petition.
21 The Department's decision is appealable pursuant to Section 6-211 of
22 Title 47 of the Oklahoma Statutes.

23 M. The Department is authorized to promulgate rules and any
24 necessary procedures to implement the provisions of this section.

1 SECTION 3. REPEALER 47 O.S. 2021, Sections 6-119 and 6-
2 207, are hereby repealed.

3 SECTION 4. This act shall become effective November 1, 2022.
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5 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 03/01/2022 -
6 DO PASS, As Amended and Coauthored.
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