

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SUBCOMMITTEE RECOMMENDATION
FOR ENGROSSED

SENATE BILL NO. 1641

By: Weaver of the Senate

and

Vancuren of the House

SUBCOMMITTEE RECOMMENDATION

An Act relating to the Oklahoma Child Care Facilities
Licensing Act; amending 10 O.S. 2021, Section 408,
which relates to appeals; authorizing appeals of
decisions pertaining to the Restricted Registry;
expanding eligibility to appeal certain decisions;
directing certain order and relief; updating
statutory language; and providing an effective date.

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

SECTION 1. AMENDATORY 10 O.S. 2021, Section 408, is
amended to read as follows:

Section 408. A. Any licensee or applicant aggrieved by the
decision of the Department of Human Services under Section 407 of
this title or any person on the Restricted Registry aggrieved by a
decision of the Department under Section 405.3 of this title may,
within ten (10) days after the revocation or denial of the license
under Section 407 of this title or recording of the person on the

1 Restricted Registry under Section 405.3 of this title, appeal to the
2 district court of the county in which the child care facility is
3 maintained and operated by filing with the clerk of the court a
4 verified petition. Notice of such appeal shall be served on the
5 Director of the Department within five (5) days of the date of its
6 filing.

7 B. The licensee ~~or~~, applicant, or person on the Restricted
8 Registry shall, within twenty (20) days of the filing of the appeal,
9 file with the clerk of such court a transcript of the proceedings
10 held pursuant to Section 405.3 or 407 of this title. The district
11 court shall thereupon be vested with jurisdiction to review the
12 proceedings of the Department; ~~provided that, if.~~

13 C. 1. If the Department prevails, the judgment of the district
14 court shall be that the decision of the Department be affirmed, ~~and~~
15 ~~if.~~

16 2. If the licensee or applicant prevails in an appeal of a
17 decision under Section 407 of this title, ~~the judgment of the court~~
18 ~~shall be that~~ order the revocation to be set aside or the license to
19 be issued or renewed, ~~as the case may be.~~

20 3. If a person on the Restricted Registry prevails in an appeal
21 of a decision under Section 405.3 of this title, the court shall
22 order that the person be removed from the Restricted Registry. In
23 addition, the court may award any appropriate relief including but
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1 not limited to actual damages, punitive damages, court costs,
2 reasonable attorney fees, or injunctive relief.

3 D. Pending the hearing of the appeal, the action of the
4 Department revoking or denying the license or the granting thereof
5 or recording the person on the Restricted Registry shall be stayed;
6 provided, after the filing of an appeal, the district court, upon
7 application by the Department and after an appropriate hearing, may
8 grant a restraining order to enforce the decision of the Department.

9 SECTION 2. This act shall become effective November 1, 2024.

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