

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

COMMITTEE SUBSTITUTE  
FOR

SENATE BILL 1641

By: Weaver

COMMITTEE SUBSTITUTE

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 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 Restricted Registry under  
Section 405.3 of this title, appeal to the district court of the  
county in which the child care facility is maintained and operated

1 by filing with the clerk of the court a verified petition. Notice  
2 of such appeal shall be served on the Director of the Department  
3 within five (5) days of the date of its filing.

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

10 C. 1. If the Department prevails, the judgment of the district  
11 court shall be that the decision of the Department be affirmed,~~and~~  
12 ~~if.~~

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

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

23 D. Pending the hearing of the appeal, the action of the  
24 Department revoking or denying the license or the granting thereof

1 or recording the person on the Restricted Registry shall be stayed;  
2 provided, after the filing of an appeal, the district court, upon  
3 application by the Department and after an appropriate hearing, may  
4 grant a restraining order to enforce the decision of the Department.

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

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