

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3552

By: Sterling

AS INTRODUCED

An Act relating to motor vehicles; creating the Shelby Johnson and Logan Deardorff Act of 2024; amending 47 O.S. 2021, Section 6-207, as amended by Section 70, Chapter 282, O.S.L. 2022 (47 O.S. Supp. 2023, Section 6-207), which relates to authority to deny application for or cancel license for certain ailments; modifying types of ailments that might impair driving ability; requiring certain diagnosis report; requiring certain immunity from civil liability; requiring report to be admitted into evidence for certain actions; authorizing the promulgation of certain rules; providing for noncodification; and providing an effective date.

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 2024".

SECTION 2. AMENDATORY 47 O.S. 2021, Section 6-207, as amended by Section 70, Chapter 282, O.S.L. 2022 (47 O.S. Supp. 2023, Section 6-207), is amended to read as follows:

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

14 Every physician or surgeon, including doctors of medicine and
15 osteopathy, examining, attending or treating an individual for ~~any~~
16 ~~illness or injury~~ epilepsy, seizures, or momentary lapse of
17 consciousness that would impair the ability of the individual in any
18 manner as to affect the performance of the person to operate a motor
19 vehicle, may make a written report of the diagnosis to Service
20 Oklahoma. Any person who is diagnosed with epilepsy, seizures, or
21 momentary lapse of consciousness that would impair the ability of
22 the individual in any manner as to affect the performance of the
23 person to operate a motor vehicle shall report his or her diagnosis
24 to Service Oklahoma. Service Oklahoma may, in its discretion,

1 suspend or cancel the license of such person for such period of time
2 as in its judgment is justified.

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

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

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

Service Oklahoma is authorized to promulgate rules to effectuate the provisions of this section.

SECTION 3. This act shall become effective November 1, 2024.

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