

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL 1795

By: Miller, Talley, Pae,
6 Roberts (Eric) and Townley
7 of the House

8 and

9 David of the Senate

10 COMMITTEE SUBSTITUTE

11 An Act relating to driver licenses; amending 47 O.S.
12 2011, Section 6-206, as amended by Section 1, Chapter
13 189, O.S.L. 2016 (47 O.S. Supp. 2020, Section 6-206),
14 which relates to Department of Public Safety
15 authority to suspend licenses; modifying
16 justification for license suspension; allowing for
17 suspension for conviction in another state not to
18 exceed other state's penalty; granting certain
19 discretion for suspension during certain time frame;
20 modifying requirements for certain payment plan;
21 amending 47 O.S. 2011, Section 6-212, as last amended
22 by Section 6, Chapter 400, O.S.L. 2019 (47 O.S. Supp.
23 2020, Section 6-212), which relates to fees and
24 conditions for reinstatement; modifying provisions
and requirements of agreements for issuance of
provisional licenses; making certain exception;
providing for eligibility requirements; allowing
certain persons to be eligible for provisional
license; authorizing development of certain rules and
procedures; and providing an effective date.

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

1 SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-206, as
2 amended by Section 1, Chapter 189, O.S.L. 2016 (47 O.S. Supp. 2020,
3 Section 6-206), is amended to read as follows:

4 Section 6-206. A. Whenever any person is convicted or pleads
5 guilty in any court having jurisdiction over offenses committed
6 under Section 1-101 et seq. of this title, or any other act or
7 municipal ordinance or act or ordinance of another state regulating
8 the operation of motor vehicles on highways, such court shall make
9 immediate report to the Department of Public Safety setting forth
10 the name of the offender, the number of the driver license and the
11 penalty imposed. Said report shall be submitted by the judge or the
12 clerk of the court upon forms furnished or approved by the
13 Department.

14 B. The Department, upon receipt of said report or upon receipt
15 of a report of a conviction in another state relating to the
16 operation of a motor vehicle, may in its discretion suspend the
17 driving privilege of such person for such period of time as in its
18 judgment is justified ~~from the records of such conviction together~~
19 ~~with the records and reports on file in the Department,~~ subject to
20 the limitations provided in ~~Section 6-208~~ of this title or any other
21 act or municipal ordinance regulating the operation of motor
22 vehicles on highways. Any action taken by the Department shall be
23 in addition to the penalty imposed by the court subject to the
24 limitations outlined by statute.

1 C. The Department, upon receipt of a report of a conviction in
2 another state relating to the operation of a motor vehicle, may in
3 its discretion suspend the driving privilege of such person. Any
4 action taken by the Department shall not exceed the penalty imposed
5 by a court or the Department in this state for a violation
6 substantially similar to the conviction in the other jurisdiction
7 which did not result in a revocation of Oklahoma driving privileges.

8 D. Following receipt of a notice of any nonpayment of fine and
9 costs for a moving traffic violation with a recommendation of
10 suspension of driving privileges of a defendant from any court
11 within this state, as provided for in Section 983 of Title 22 of the
12 Oklahoma Statutes, the Department shall suspend the driving
13 privilege of the named person no earlier than one hundred eighty
14 (180) days after giving notice as provided in Section 2-116 of this
15 title. A person whose license is subject to suspension pursuant to
16 this section may avoid the effective date of the suspension or, if
17 suspended, shall be eligible for reinstatement, if otherwise
18 eligible, upon:

- 19 1. Making application to the Department of Public Safety;
- 20 2. Showing proof of payment of the total amount of the fine and
21 cost or a release from the court or court clerk; and
- 22 3. Submitting the processing and reinstatement fees, as
23 provided for in Section 6-212 of this title.

1 Provided, however, in cases of ~~extreme and unusual~~ hardship, as
2 determined by the court, or proof of enrollment in a federal or
3 state government assistance program including, but not limited to,
4 Social Security or the Supplemental Nutrition Assistance Program,
5 the person shall be placed on a payment plan by the court, and the
6 court shall send a release to the Department for reinstatement
7 purposes. The court may submit another suspension request pursuant
8 to this section if the person fails to honor the payment plan and it
9 is found that the person is financially able but willfully refuses
10 or neglects to honor the payment plan. In such case, the Department
11 shall again suspend the person's driving privilege for nonpayment of
12 fine and costs for the same moving traffic violation. Upon
13 reinstatement after suspension for nonpayment of fine and costs for
14 a moving traffic violation the Department may remove such record of
15 suspension from the person's driving record and retain an internal
16 record for audit purposes. A court within this state may order the
17 Department to waive any requirement that fines and costs be
18 satisfied by a person prior to that person being eligible for a
19 provisional license provided under Section 6-212 of this title.

20 ~~D.~~ E. Upon the receipt of a record of conviction for eluding or
21 attempting to elude a peace officer, the Department of Public Safety
22 shall suspend the driving privilege of the person:

- 23 1. For the first conviction as indicated on the driving record
24 of the person, for a period of six (6) months;

1 2. For the second conviction as indicated on the driving record
2 of the person, for a period of one (1) year. Such period shall not
3 be modified; and

4 3. For the third or subsequent conviction as indicated on the
5 driving record of the person, for a period of three (3) years. Such
6 period shall not be modified.

7 ~~E.~~ F. Any person whose driving privilege is so suspended under
8 the provisions of this section shall have the right of appeal, as
9 provided in Section 6-211 of this title.

10 SECTION 2. AMENDATORY 47 O.S. 2011, Section 6-212, as
11 last amended by Section 6, Chapter 400, O.S.L. 2019 (47 O.S. Supp.
12 2020, Section 6-212), is amended to read as follows:

13 Section 6-212. A. The Department of Public Safety shall not
14 assess and collect multiple reinstatement fees when reinstating the
15 driving privilege of any person having more than one suspension or
16 revocation affecting the person's driving privilege at the time of
17 reinstatement.

18 B. The Department shall:

19 1. Suspend or revoke a person's driving privilege as delineated
20 within the Oklahoma Statutes; and

21 2. Require any person having more than one suspension or
22 revocation affecting the person's driving privilege to meet the
23 statutory requirements for each action as a condition precedent to
24 the reinstatement of any driving privilege. Provided, however,

1 reinstatement fees shall not be cumulative, and a single
2 reinstatement fee, as provided for in subsection C of this section,
3 shall be paid for all suspensions or revocations as shown by the
4 Department's records at the time of reinstatement.

5 C. Whenever a person's privilege to operate a motor vehicle is
6 suspended or revoked pursuant to any provision as authorized by the
7 Oklahoma Statutes, the license or privilege to operate a motor
8 vehicle shall remain under suspension or revocation and shall not be
9 reinstated until:

10 1. The expiration of each such revocation or suspension order;

11 2. The person has paid to the Department:

12 a. if such privilege is suspended or revoked pursuant to
13 Section 1115.5 of Title 22 of the Oklahoma Statutes or
14 pursuant to any provisions of this title, except as
15 provided in subparagraph b of this paragraph, a
16 processing fee of Twenty-five Dollars (\$25.00) for
17 each such suspension or revocation as shown by the
18 Department's records, or

19 b. (1) if such privilege is suspended or revoked
20 pursuant to the provisions of Section 6-205, 6-
21 205.1, 7-612, 753, 754 or 761 of this title or
22 pursuant to subsection A of Section 7-605 of this
23 title for a conviction for failure to maintain
24 the mandatory motor vehicle insurance required by

1 law or pursuant to subsection B of Section 6-206
2 of this title for a suspension other than for
3 points accumulation, a processing fee of Seventy-
4 five Dollars (\$75.00) for each such suspension or
5 revocation as shown by the Department's records,
6 and a special assessment trauma-care fee of Two
7 Hundred Dollars (\$200.00) to be deposited into
8 the Trauma Care Assistance Revolving Fund created
9 in Section 1-2530.9 of Title 63 of the Oklahoma
10 Statutes, for each suspension or revocation as
11 shown by the records of the Department, and

12 (2) in addition to any other fees required by this
13 section, if such privilege is suspended or
14 revoked pursuant to an arrest on or after
15 November 1, 2008, under the provisions of
16 paragraph 2 or 6 of subsection A of Section 6-205
17 of this title or of Section 753, 754 or 761 of
18 this title, a fee of Fifteen Dollars (\$15.00),
19 which shall be apportioned pursuant to the
20 provisions of Section 3-460 of Title 43A of the
21 Oklahoma Statutes; and

22 3. The person has paid to the Department a single reinstatement
23 fee of, beginning on July 1, 2013, and any year thereafter, Twenty-
24 five Dollars (\$25.00).

1 D. The Department of Public Safety is hereby authorized to
2 enter into agreements with persons whose license to operate a motor
3 vehicle or commercial motor vehicle has been suspended or revoked,
4 for issuance of a provisional license ~~that~~ subject to any
5 restrictions imposed by law or a court order. The provisional
6 license would allow such persons to drive from 6:00 a.m. to 11:59
7 p.m. Driving privileges for a provisional license are limited from
8 12:00 a.m. to 5:59 a.m. to driving:

- 9 1. Between their place of residence and their place of
10 employment or potential employment;
 - 11 2. During the scope and course of their employment;
 - 12 3. Between their place of residence and a college, university
13 or technology center;
 - 14 4. Between their place of residence and their child's school or
15 day care provider;
 - 16 5. Between their place of residence and a place of worship; or
 - 17 6. Between their place of residence and any court-ordered
18 treatment program,
- 19 with the condition that such persons pay a minimum total of ~~Twenty-~~
20 ~~five Dollars (\$25.00)~~ Five Dollars (\$5.00) per month toward the
21 satisfaction of ~~all~~ outstanding fees including, but not limited to,
22 provisional license fees, warrant fees, court costs or fees, driver
23 license or commercial driver license reinstatement fees. The
24 Department ~~shall develop rules and procedures to establish such a~~

1 ~~provisional driver license program and such rules and procedures~~
2 ~~shall include, but not be limited to, eligibility criteria, proof of~~
3 ~~insurance, proof of enrollment or employment, and any provisional~~
4 ~~license fees~~ may suspend or revoke a provisional license pursuant to
5 this section if the person fails to honor the payment plan. The
6 person may re-enroll in the provisional driver license program.

7 E. Any violation of law by the person holding the provisional
8 license that would result in the suspension or revocation of a
9 driver license, except for the failure to pay fines, fees or other
10 financial obligations if the person is participating in a payment
11 plan, shall result in the revocation of the provisional license ~~and~~
12 ~~such person shall be ineligible for future application for a~~
13 ~~provisional driver license.~~

14 ~~E.~~ F. Eligibility for a provisional license shall not take into
15 consideration any outstanding fines and fees owed including, but not
16 limited to, warrant fees, court costs or fees, driver license or
17 commercial driver license reinstatement fees.

18 G. A person with a suspended driver license shall not have to
19 take a driver license test to be eligible for a provisional license;
20 provided, the suspended license has not expired.

21 H. The Department shall develop rules and procedures necessary
22 to implement the provisions of this section except as otherwise
23 provided by this title.

24 I. Effective July 1, 2002, and for each fiscal year thereafter:

1 1. Two Hundred Fifty Thousand Dollars (\$250,000.00) of all
2 monies collected each month pursuant to this section shall be
3 apportioned as provided in Section 1104 of this title, except as
4 otherwise provided in this section; and

5 2. Except as otherwise provided in this section, all other
6 monies collected in excess of Two Hundred Fifty Thousand Dollars
7 (\$250,000.00) each month shall be deposited in the General Revenue
8 Fund.

9 SECTION 3. This act shall become effective November 1, 2021.

10

11 58-1-2034 BG 4/5/2022 2:38:25 PM

12

13

14

15

16

17

18

19

20

21

22

23

24