

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1795

By: Miller and **Talley**

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to driver licenses; creating the
10 Christopher Hopper Act; amending 47 O.S. 2011,
11 Sections 6-107.1 and 6-107.2, which relate to
12 notification for cancellation or denial of driving
13 privileges of certain persons; making notification of
14 certain order discretionary; modifying length of time
15 for canceling or denying driving privileges;
16 modifying offenses resulting in mandatory revocation;
17 deleting language regarding number of notifications
18 that may occur prior to mandatory cancellation or
19 denial of driving privileges; eliminating authority
20 of the court to increase period of cancellation;
21 providing for payment of attorney fees; amending 47
22 O.S. 2011, Section 6-205, as last amended by Section
23 3, Chapter 400, O.S.L. 2019 (47 O.S. Supp. 2020,
24 Section 6-205), which relates to mandatory revocation
of driving privileges; modifying offenses requiring
immediate revocation of driving privileges; modifying
length of revocation for certain offenses; removing
prohibition against modification; allowing the filing
of certain petition; providing details for filing,
hearing and the issuance of orders relating to
petition; providing for payment of attorney fees;
amending 47 O.S. 2011, Section 6-205.1, as last
amended by Section 4, Chapter 400, O.S.L. 2019 (47
O.S. Supp. 2020, Section 6-205.1), which relates to
periods of revocation; modifying revocation periods
for certain offenses; specifying certain periods of
revocation; amending 47 O.S. 2011, Section 6-206, as
amended by Section 1, Chapter 189, O.S.L. 2016 (47
O.S. Supp. 2020, Section 6-206), which relates to

1 Department of Public Safety authority to suspend
2 licenses; modifying justification for license
3 suspension; allowing for suspension for conviction in
4 another state not to exceed other state's penalty;
5 granting certain discretion for suspension during
6 certain time frame; modifying requirements for
7 certain payment plan; amending 47 O.S. 2011, Section
8 6-212, as last amended by Section 6, Chapter 400,
9 O.S.L. 2019 (47 O.S. Supp. 2020, Section 6-212),
10 which relates to fees and conditions for
11 reinstatement; modifying provisions and requirements
12 of agreements for issuance of provisional licenses;
13 making certain exception; providing for eligibility
14 requirements; allowing certain persons to be eligible
15 for provisional license; authorizing development of
16 certain rules and procedures; providing for
17 noncodification; and providing an effective date.

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

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

21 This act shall be known and may be cited as the "Christopher
22 Hopper Act".

23 SECTION 2. AMENDATORY 47 O.S. 2011, Section 6-107.1, is
24 amended to read as follows:

25 Section 6-107.1 A. When any district court, municipal court of
26 record or any municipal court in a city or town in which the judge
27 is an attorney licensed to practice law in this state has determined
28 that a person under the age of eighteen (18) years has committed any
29 offense described in subsection C of this section, or that a person
30 eighteen (18), nineteen (19), or twenty (20) years of age has

1 committed an offense described in Section 11-906.4 of this title,
2 the court shall notify the Department of Public Safety on a form
3 prescribed by the Department as provided in Section 6-107.2 of this
4 title.

5 B. The notice shall include the name, date of birth, physical
6 description and, if known, the driver license number of the person.
7 The notice ~~shall~~ may contain an order to the Department to cancel or
8 deny driving privileges for a ~~specified period of time, except as~~
9 ~~otherwise provided by law, as follows:~~

10 1. ~~For a period of six (6) months for a first offense;~~

11 2. ~~For a period of one (1) year for a second offense;~~

12 3. ~~For a period of two (2) years for a third or subsequent~~
13 ~~offense; or~~

14 4. ~~In the discretion of the court, until the person attains~~
15 ~~twenty one (21) years of age, if that period of time would be longer~~
16 ~~than the period of time provided in paragraph 1, 2 or 3 of this~~
17 ~~subsection period up to six (6) months for the first offense or up~~
18 ~~to one (1) year for a subsequent offense.~~

19 Provided, however, if the person is less than sixteen (16) years
20 of age at the time of the determination, and the person will be less
21 than sixteen (16) years of age at the end of the period of
22 cancellation or denial, the Department shall extend the period of
23 cancellation or denial to the date the person attains sixteen (16)
24 years of age.

1 The court shall send a copy of the notice to the person first
2 class, postage prepaid.

3 C. In addition to the administrative revocation of driving
4 privileges pursuant to Section 754 of this title, and the mandatory
5 revocation of driving privileges pursuant to Section 6-205.1 of this
6 title, this section applies to any crime, violation, infraction,
7 traffic offense or other offense involving or relating to the
8 possession, use, sale, purchase, transportation, distribution,
9 manufacture, or consumption of beer, alcohol, or any beverage
10 containing alcohol and to any crime, violation, infraction, traffic
11 offense or other offense involving or relating to the possession,
12 use, sale, purchase, transportation, distribution, manufacture,
13 trafficking, cultivation, consumption, ingestion, inhalation,
14 injection, or absorption of any controlled dangerous substance as
15 defined by paragraph 8 of Section 2-101 of Title 63 of the Oklahoma
16 Statutes ~~or any substance which is capable of being ingested,~~
17 ~~inhaled, injected, or absorbed into the human body and is capable of~~
18 ~~adversely affecting the central nervous system, vision, hearing, or~~
19 ~~other sensory or motor functions.~~

20 SECTION 3. AMENDATORY 47 O.S. 2011, Section 6-107.2, is
21 amended to read as follows:

22 Section 6-107.2 A. The Department of Public Safety shall
23 prepare and distribute a Notification form to be used by the courts,
24 as provided in Section 6-107.1 of this title. In addition to any

1 other authority to cancel or deny driving privileges, the Department
2 of Public Safety shall, upon receipt of such completed Notification
3 form from a court, cancel or deny all driving privileges of the
4 person named in the Notification form without hearing, for a period
5 of time recommended by the court.

6 ~~B. Upon receipt of a second or subsequent Notification from a~~
7 ~~court relating to the same person, the Department shall cancel or~~
8 ~~deny driving privileges of the person for a period of two (2) years~~
9 ~~or until the person attains eighteen (18) years of age, whichever is~~
10 ~~longer.~~

11 ~~C.~~ Any person whose driving privileges are canceled or denied
12 pursuant to this section may file a petition for relief based upon
13 error or hardship.

14 1. The petition shall be filed in the district court which
15 notified the Department pursuant to Section 6-107.1 of this title
16 or, if the Notification originated in a municipal court, the
17 petition shall be filed in the district court of the county in which
18 the court is located. A copy of the Notification and a copy of the
19 Department's action canceling or denying driving privileges pursuant
20 to this section, shall be attached to the petition.

21 2. The district court shall conduct a hearing on the petition
22 and may determine the matter de novo, without notice to the
23 Department, and if applicable, without notice to the municipal
24 court; provided, the district court shall not consider a collateral

1 attack upon the merits of any conviction or determination which has
2 become final.

3 3. The district court may deny the petition, or in its
4 discretion, issue a written Order to the Department to ~~increase or~~
5 decrease the period of cancellation or denial to any period or issue
6 a written Order to vacate the Department's action taken pursuant to
7 this section, in its entirety. The content of the Order shall not
8 grant or purport to grant any driving privileges to the person~~r;~~
9 however, such order may direct the Department of Public Safety to do
10 so if the person is otherwise eligible therefor. The petitioner is
11 responsible for his or her own attorney fees. However, if the
12 petitioner is granted relief for error, then the party that
13 committed the error shall cover attorney fees and costs.

14 ~~D.~~ C. Upon receipt of a written Order from the appropriate
15 court, the Department shall modify or reinstate any driving
16 privileges as provided in the Order.

17 SECTION 4. AMENDATORY 47 O.S. 2011, Section 6-205, as
18 last amended by Section 3, Chapter 400, O.S.L. 2019 (47 O.S. Supp.
19 2020, Section 6-205), is amended to read as follows:

20 Section 6-205. A. The Department of Public Safety shall
21 immediately revoke the driving privilege of any person, whether
22 adult or juvenile, upon receiving a record of conviction, in any
23 municipal, state or federal court within the United States of any of
24 the following offenses, when such conviction has become final:

1 1. Manslaughter or negligent homicide resulting from the
2 operation of a motor vehicle;

3 2. Driving or being in actual physical control of a motor
4 vehicle while under the influence of alcohol, any other intoxicating
5 substance, or the combined influence of alcohol and any other
6 intoxicating substance, any violation of paragraph 1, 2, 3 ~~or~~, 4 or
7 5 of subsection A of Section 11-902 of this title or any violation
8 of Section 11-906.4 of this title. However, the Department shall
9 not additionally revoke the driving privileges of the person
10 pursuant to this subsection if the driving privilege of the person
11 has been revoked because of a test result or test refusal pursuant
12 to Section 753 or 754 of this title arising from the same
13 circumstances which resulted in the conviction unless the revocation
14 because of a test result or test refusal is set aside;

15 3. ~~Any felony~~ Driving a motor vehicle during the commission of
16 ~~which a motor vehicle is used~~ a felony;

17 4. Failure to stop and render aid as required under the laws of
18 this state in the event of a motor vehicle accident resulting in the
19 death or personal injury of another;

20 5. Perjury or the making of a false affidavit or statement
21 under oath to the Department under the Uniform Vehicle Code or under
22 any other law relating to the ownership or operation of motor
23 vehicles;

24

1 6. A ~~misdemeanor or~~ felony conviction for unlawfully
2 ~~possessing,~~ distributing, dispensing, manufacturing, trafficking,
3 ~~cultivating, selling, transferring,~~ attempting or conspiring to
4 ~~possess,~~ distribute, dispense, manufacture, or traffic, ~~sell, or~~
5 ~~transfer of~~ a controlled dangerous substance as defined in the
6 Uniform Controlled Dangerous Substances Act while ~~using a~~ driving a
7 motor vehicle;

8 7. Failure to pay for gasoline pumped into a vehicle pursuant
9 to Section 1740 of Title 21 of the Oklahoma Statutes;

10 8. A misdemeanor conviction for a violation of Section 1465 of
11 Title 21 of the Oklahoma Statutes;

12 9. A misdemeanor conviction for a violation of Section 1-229.34
13 of Title 63 of the Oklahoma Statutes;

14 10. Failure to obey a traffic control device as provided in
15 Section 11-202 of this title or a stop sign when such failure
16 results in great bodily injury to any other person; or

17 11. Failure to stop or to remain stopped for school bus loading
18 or unloading of children pursuant to Section 11-705 or 11-705.1 of
19 this title.

20 B. The first license revocation under any provision of this
21 section, except for paragraph 2, 3, 6, 7, 9 or 11 of subsection A of
22 this section, shall be for a period of one (1) year. ~~Such period~~
23 ~~shall not be modified.~~

1 C. A license revocation under any provision of this section,
2 except for paragraph 2, 3, 6, ~~or 7~~ or 9 of subsection A of this
3 section, shall be for a period of three (3) years if a prior
4 revocation under this section, ~~except under paragraph 2 of~~
5 ~~subsection A of this section,~~ commenced within the preceding five-
6 year period as shown by the records of the Department. ~~Such period~~
7 ~~shall not be modified.~~

8 D. The period of license revocation under paragraph 2, 3 or 6
9 of subsection A of this section shall be governed by the provisions
10 of Section 6-205.1 of this title.

11 E. The first license revocation under paragraph 7 or 9 of
12 subsection A of this section shall be for a period of six (6)
13 months. A second or subsequent license revocation under paragraph 7
14 of subsection A of this section shall be for a period of one (1)
15 year if a prior revocation under this section commenced within the
16 preceding five-year period as shown by Department records. ~~Such~~
17 ~~periods shall not be modified.~~

18 F. The first license revocation under paragraph 11 of
19 subsection A of this section shall be for a period of one (1) year.
20 Such period may be modified. Any appeal of the revocation of
21 driving privilege under paragraph 11 of subsection A of this section
22 shall be governed by Section 6-211 of this title; provided, any
23 modification under this subsection shall apply to Class D motor
24 vehicles only.

1 G. As used in this section, "great bodily injury" means bodily
2 injury which creates a substantial risk of death or which causes
3 serious, permanent disfigurement or protracted loss or impairment of
4 the function of any bodily member or organ.

5 H. Any person whose driving privileges are or have been
6 canceled or denied pursuant to this section, except for paragraph 1,
7 2 or 10 of subsection A of this section, may file a petition for
8 relief based upon error or hardship.

9 1. The petition shall be filed in the district court which
10 notified the Department. If the Notification originated in a
11 municipal court, the petition shall be filed in the district court
12 of the county in which the municipal court is located. A copy of
13 the Notification and a copy of the Department's action canceling or
14 denying driving privileges pursuant to this section shall be
15 attached to the petition.

16 2. The district court shall conduct a hearing on the petition
17 and may determine the matter de novo, without notice to the
18 Department and, if applicable, without notice to the municipal
19 court; provided, the district court shall not consider a collateral
20 attack upon the merits of any conviction or determination which has
21 become final.

22 3. The district court may deny the petition or, in its
23 discretion, issue a written Order to the Department to decrease the
24 period of cancellation or denial to any period or issue a written

1 Order to vacate the Department's action taken pursuant to this
2 section in its entirety. The content of the Order shall not grant
3 or purport to grant any driving privileges to the person; however,
4 such order may direct the Department of Public Safety to do so if
5 the person is otherwise eligible therefor. The petitioner is
6 responsible for his or her own attorney fees. However, if the
7 petitioner is granted relief for error, then the party that
8 committed the error shall cover attorney fees and costs.

9 SECTION 5. AMENDATORY 47 O.S. 2011, Section 6-205.1, as
10 last amended by Section 4, Chapter 400, O.S.L. 2019 (47 O.S. Supp.
11 2020, Section 6-205.1), is amended to read as follows:

12 Section 6-205.1 A. The driving privilege of a person who is
13 convicted of any offense as provided in paragraph 2 of subsection A
14 of Section 6-205 of this title, or a person who has refused to
15 submit to a test or tests as provided in Section 753 of this title,
16 or a person whose alcohol concentration is subject to the provisions
17 of Section 754 of this title, unless the person has successfully
18 completed, or is currently participating in, the Impaired Driver
19 Accountability Program, shall be revoked or denied by the Department
20 of Public Safety for the following period, as applicable:

21 1. The first license revocation pursuant to paragraph 2 of
22 subsection A of Section 6-205 of this title or Section 753 or 754 of
23 this title shall be for a period of one hundred eighty (180) days,
24 or longer if driving privileges are modified pursuant to the

1 provisions of this paragraph, which shall be modified upon request;
2 provided, any modification under this paragraph shall apply to Class
3 D driver licenses only. For any modification, the person shall be
4 required to install an ignition interlock device or devices,
5 pursuant to Section 754.1 of this title. The period of revocation
6 and the period of interlock installation shall run concurrently and
7 each shall be for no less than one hundred eighty (180) days;

8 2. A revocation pursuant to paragraph 2 of subsection A of
9 Section 6-205 of this title or Section 753 or 754 of this title
10 shall be for a period of one (1) year, or longer if driving
11 privileges are modified pursuant to the provisions of this
12 paragraph, if within ten (10) years preceding the date of arrest
13 relating thereto, as shown by the records of the Department:

14 a. a prior revocation commenced pursuant to paragraph 2
15 or 6 of subsection A of Section 6-205 of this title,
16 Section 753 or 754 of this title, or completion of the
17 Impaired Driver Accountability Program, or

18 b. the record of the person reflects a prior conviction
19 in another jurisdiction which did not result in a
20 revocation of Oklahoma driving privileges, for a
21 violation substantially similar to paragraph 2 of
22 subsection A of Section 6-205 of this title, and the
23 person was not a resident or a licensee of Oklahoma at
24 the time of the offense resulting in the conviction.

1 Such one-year period of revocation may be modified upon request;
2 provided, any modification under this paragraph shall apply to Class
3 D driver licenses only. For any modification, the person shall be
4 required to install an ignition interlock device or devices,
5 pursuant to Section 754.1 of this title. The period of revocation
6 and the period of interlock installation shall run concurrently and
7 each shall be for no less than one (1) year; or

8 3. A revocation pursuant to paragraph 2 of subsection A of
9 Section 6-205 of this title or Section 753 or 754 of this title
10 shall be for a period of three (3) years, or longer if driving
11 privileges are modified pursuant to the provisions of this
12 paragraph, if within ten (10) years preceding the date of arrest
13 relating thereto, as shown by the records of the Department:

14 a. two or more prior revocations commenced pursuant to
15 paragraph 2 or 6 of subsection A of Section 6-205 of
16 this title or Section 753 or 754 of this title,

17 b. a prior revocation commenced pursuant to paragraph 2
18 or 6 of subsection A of Section 6-205 of this title or
19 Section 753 or 754 of this title, and completion of
20 the Impaired Driver Accountability Program,

21 c. the record of the person reflects two or more prior
22 convictions in another jurisdiction which did not
23 result in a revocation of Oklahoma driving privileges,
24 for a violation substantially similar to paragraph 2

1 of subsection A of Section 6-205 of this title, and
2 the person was not a resident or a licensee of
3 Oklahoma at the time of the offense resulting in the
4 conviction, or

- 5 d. any combination of two or more prior revocations,
6 completion of the Impaired Driver Accountability
7 Program, or convictions as described in subparagraphs
8 a, b and c of this paragraph.

9 Such three-year period of revocation shall be modified upon request;
10 provided, any modification under this paragraph shall apply to Class
11 D driver licenses only. For any modification, the person shall be
12 required to install an ignition interlock device or devices,
13 pursuant to Section 754.1 of this title. The period of revocation
14 and the period of interlock installation shall run concurrently and
15 each shall be for no less than three (3) years.

16 B. The driving privilege of a person who is convicted of any
17 offense as provided in paragraph 3 or 6 of subsection A of Section
18 6-205 of this title shall be revoked or denied by the Department of
19 Public Safety for the following period, as applicable:

- 20 1. The first license revocation shall be for one hundred eighty
21 (180) days, which shall be modified upon request; provided, ~~for~~
22 ~~license revocations for a misdemeanor charge of possessing a~~
23 ~~controlled dangerous substance, the provisions of this paragraph~~
24 ~~shall apply to any such revocations by the Department on or after~~

1 ~~January 1, 1993; provided further,~~ any modification under this
2 paragraph shall apply to Class D driver licenses only;

3 2. A revocation shall be for a period of one (1) year if within
4 ten (10) years preceding the date of arrest relating thereto, as
5 shown by the records of the Department:

6 a. a prior revocation commenced pursuant to paragraph 2, 1
7 3 or 6 of subsection A of Section 6-205 of this title,
8 or Section 753 or 754 of this title,

9 b. a prior revocation commenced pursuant to paragraph 2, 1
10 3 or 6 of subsection A of Section 6-205 of this title
11 or Section 753 or 754 of this title, and completion of
12 the Impaired Driver Accountability Program, or

13 c. the record of the person reflects a prior conviction
14 in another jurisdiction which did not result in a
15 revocation of Oklahoma driving privileges, for a
16 violation substantially similar to paragraph 2, 1 3 or 6
17 of subsection A of Section 6-205 of this title, and
18 the person was not a resident or a licensee of
19 Oklahoma at the time of the offense resulting in the
20 conviction.

21 Such period shall not be modified; or

22 3. A revocation shall be for a period of three (3) years if
23 within ten (10) years preceding the date of arrest relating thereto,
24 as shown by the records of the Department:

- 1 a. two or more prior revocations commenced pursuant to
2 paragraph 2 or 6 of subsection A of Section 6-205 of
3 this title, or Section 753 or 754 of this title,
4 b. a prior revocation commenced pursuant to paragraph 2
5 or 6 of subsection A of Section 6-205 of this title or
6 Section 753 or 754 of this title, and completion of
7 the Impaired Driver Accountability Program,
8 c. the record of the person reflects two or more prior
9 convictions in another jurisdiction which did not
10 result in a revocation of Oklahoma driving privileges,
11 for a violation substantially similar to paragraph 2
12 or 6 of subsection A of Section 6-205 of this title,
13 and the person was not a resident or licensee of
14 Oklahoma at the time of the offense resulting in the
15 conviction, or
16 d. any combination of two or more prior revocations,
17 completion of the Impaired Driver Accountability
18 Program, or convictions as described in subparagraphs
19 a and b or c of this paragraph.

20 Such period shall not be modified.

21 The revocation of the driving privilege of any person under this
22 subsection shall not run concurrently with any other withdrawal of
23 driving privilege resulting from a different incident and which
24 requires the driving privilege to be withdrawn for a prescribed

1 amount of time. A denial based on a conviction of any offense as
2 provided in paragraph 6 of subsection A of Section 6-205 of this
3 title shall become effective on the first day the convicted person
4 is otherwise eligible to apply for and be granted driving privileges
5 if the person was not eligible to do so at the time of the
6 conviction.

7 C. For the purposes of this section:

8 1. The term "conviction" includes a juvenile delinquency
9 adjudication by a court or any notification from a court pursuant to
10 Section 6-107.1 of this title; and

11 2. The term "revocation" includes a denial of driving
12 privileges by the Department.

13 D. Each period of revocation in subsection A of this section
14 not subject to modification shall be mandatory and neither the
15 Department nor any court shall grant driving privileges based upon
16 hardship or otherwise for the duration of that period. Each period
17 of revocation, subject to modification as provided for in this
18 section, shall be modified upon request as provided for in ~~Section~~
19 Sections 754.1 of this title or Section 11 of this act, 11-902a or
20 subsection H of Section 6-205 of this title; provided, any
21 modification under this paragraph shall apply to Class D driver
22 licenses only.

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1 E. Any appeal of a revocation or denial of driving privileges
2 in subsection A of this section shall be governed by Section 6-211
3 of this title.

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

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

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

1 vehicles on highways. Any action taken by the Department shall be
2 in addition to the penalty imposed by the court subject to the
3 limitations outlined by statute.

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

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

- 23 1. Making application to the Department of Public Safety;
- 24

1 2. Showing proof of payment of the total amount of the fine and
2 cost or a release from the court or court clerk; and

3 3. Submitting the processing and reinstatement fees, as
4 provided for in Section 6-212 of this title.

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

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

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

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

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

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

15 SECTION 7. AMENDATORY 47 O.S. 2011, Section 6-212, as
16 last amended by Section 6, Chapter 400, O.S.L. 2019 (47 O.S. Supp.
17 2020, Section 6-212), is amended to read as follows:

18 Section 6-212. A. The Department of Public Safety shall not
19 assess and collect multiple reinstatement fees when reinstating the
20 driving privilege of any person having more than one suspension or
21 revocation affecting the person's driving privilege at the time of
22 reinstatement.

23 B. The Department shall:
24

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

3 2. Require any person having more than one suspension or
4 revocation affecting the person's driving privilege to meet the
5 statutory requirements for each action as a condition precedent to
6 the reinstatement of any driving privilege. Provided, however,
7 reinstatement fees shall not be cumulative, and a single
8 reinstatement fee, as provided for in subsection C of this section,
9 shall be paid for all suspensions or revocations as shown by the
10 Department's records at the time of reinstatement.

11 C. Whenever a person's privilege to operate a motor vehicle is
12 suspended or revoked pursuant to any provision as authorized by the
13 Oklahoma Statutes, the license or privilege to operate a motor
14 vehicle shall remain under suspension or revocation and shall not be
15 reinstated until:

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

17 2. The person has paid to the Department:

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

- 1 b. (1) if such privilege is suspended or revoked
2 pursuant to the provisions of Section 6-205, 6-
3 205.1, 7-612, 753, 754 or 761 of this title or
4 pursuant to subsection A of Section 7-605 of this
5 title for a conviction for failure to maintain
6 the mandatory motor vehicle insurance required by
7 law or pursuant to subsection B of Section 6-206
8 of this title for a suspension other than for
9 points accumulation, a processing fee of Seventy-
10 five Dollars (\$75.00) for each such suspension or
11 revocation as shown by the Department's records,
12 and a special assessment trauma-care fee of Two
13 Hundred Dollars (\$200.00) to be deposited into
14 the Trauma Care Assistance Revolving Fund created
15 in Section 1-2530.9 of Title 63 of the Oklahoma
16 Statutes, for each suspension or revocation as
17 shown by the records of the Department, and
18 (2) in addition to any other fees required by this
19 section, if such privilege is suspended or
20 revoked pursuant to an arrest on or after
21 November 1, 2008, under the provisions of
22 paragraph 2 or 6 of subsection A of Section 6-205
23 of this title or of Section 753, 754 or 761 of
24 this title, a fee of Fifteen Dollars (\$15.00),

1 which shall be apportioned pursuant to the
2 provisions of Section 3-460 of Title 43A of the
3 Oklahoma Statutes; and

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

7 D. The Department of Public Safety is hereby authorized to
8 enter into agreements with persons whose license to operate a motor
9 vehicle or commercial motor vehicle has been suspended or revoked,
10 for issuance of a provisional license that would allow such persons
11 to drive unrestricted from 6:00 a.m. to 11:59 p.m. Driving
12 privileges for a provisional license are restricted from 12:00 a.m.
13 to 5:59 a.m. to driving:

14 1. Between their place of residence and their place of
15 employment or potential employment;

16 2. During the scope and course of their employment;

17 3. Between their place of residence and a college, university
18 or technology center;

19 4. Between their place of residence and their child's school or
20 day care provider;

21 5. Between their place of residence and a place of worship; or

22 6. Between their place of residence and any court-ordered
23 treatment program,
24

1 with the condition that such persons pay a minimum total of ~~Twenty-~~
2 ~~five Dollars (\$25.00)~~ Five Dollars (\$5.00) per month toward the
3 satisfaction of ~~all~~ outstanding fees, including, but not limited to,
4 provisional license fees, warrant fees, court costs or fees, driver
5 license or commercial driver license reinstatement fees. The
6 Department ~~shall develop rules and procedures to establish such a~~
7 ~~provisional driver license program and such rules and procedures~~
8 ~~shall include, but not be limited to, eligibility criteria, proof of~~
9 ~~insurance, proof of enrollment or employment, and any provisional~~
10 ~~license fees~~ may suspend or revoke a provisional license pursuant to
11 this section if the person fails to honor the payment plan. The
12 person may re-enroll in the provisional driver license program.

13 E. Any violation of law by the person holding the provisional
14 license that would result in the suspension or revocation of a
15 driver license, except for the failure to pay fines, fees or other
16 financial obligations if the person is participating in a payment
17 plan, shall result in the revocation of the provisional license ~~and~~
18 ~~such person shall be ineligible for future application for a~~
19 ~~provisional driver license.~~

20 E. F. Eligibility for a provisional license shall not take into
21 consideration any outstanding fines and fees owed, including, but
22 not limited to, warrant fees, court costs or fees, driver license or
23 commercial driver license reinstatement fees.

24

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

4 H. The Department shall develop rules and procedures necessary
5 to implement the provisions of this section except as otherwise
6 provided by this title.

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

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

12 2. Except as otherwise provided in this section, all other
13 monies collected in excess of Two Hundred Fifty Thousand Dollars
14 (\$250,000.00) each month shall be deposited in the General Revenue
15 Fund.

16 SECTION 8. This act shall become effective November 1, 2021.

17
18 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/09/2021 -
19 DO PASS, As Amended and Coauthored.