

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1795

By: Miller

4  
5 AS INTRODUCED

6 An Act relating to driver licenses; amending 47 O.S.  
7 2011, Sections 6-107.1 and 6-107.2, which relate to  
8 notification for cancellation or denial of driving  
9 privileges of certain persons; making notification of  
10 certain order discretionary; modifying length of time  
11 for canceling or denying driving privileges;  
12 modifying offenses resulting in mandatory revocation;  
13 deleting language regarding number of notifications  
14 that may occur prior to mandatory cancellation or  
15 denial of driving privileges; eliminating authority  
16 of the court to increase period of cancellation;  
17 providing for payment of attorney fees; amending 47  
18 O.S. 2011, Section 6-205, as last amended by Section  
19 3, Chapter 400, O.S.L. 2019 (47 O.S. Supp. 2020,  
20 Section 6-205), which relates to mandatory revocation  
21 of driving privileges; modifying offenses requiring  
22 immediate revocation of driving privileges; modifying  
23 length of revocation for certain offenses; removing  
24 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  
Department of Public Safety authority to suspend  
licenses; modifying justification for license  
suspension; allowing for suspension for conviction in  
another state not to exceed other state's penalty;  
granting certain discretion for suspension during  
certain time frame; modifying requirements for  
certain payment plan; amending 47 O.S. 2011, Section

1 6-212, as last amended by Section 6, Chapter 400,  
2 O.S.L. 2019 (47 O.S. Supp. 2020, Section 6-212),  
3 which relates to fees and conditions for  
4 reinstatement; modifying provisions and requirements  
5 of agreements for issuance of provisional licenses;  
6 making certain exception; providing for eligibility  
7 requirements; allowing certain persons to be eligible  
8 for provisional license; authorizing development of  
9 certain rules and procedures; and providing an  
10 effective date.

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

12 SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-107.1, is  
13 amended to read as follows:

14 Section 6-107.1 A. When any district court, municipal court of  
15 record or any municipal court in a city or town in which the judge  
16 is an attorney licensed to practice law in this state has determined  
17 that a person under the age of eighteen (18) years has committed any  
18 offense described in subsection C of this section, or that a person  
19 eighteen (18), nineteen (19), or twenty (20) years of age has  
20 committed an offense described in Section 11-906.4 of this title,  
21 the court shall notify the Department of Public Safety on a form  
22 prescribed by the Department as provided in Section 6-107.2 of this  
23 title.

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

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

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

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

C. In addition to the administrative revocation of driving privileges pursuant to Section 754 of this title, and the mandatory revocation of driving privileges pursuant to Section 6-205.1 of this title, this section applies to any crime, violation, infraction, traffic offense or other offense involving or relating to the possession, use, sale, purchase, transportation, distribution, manufacture, or consumption of beer, alcohol, or any beverage

1 containing alcohol and to any crime, violation, infraction, traffic  
2 offense or other offense involving or relating to the possession,  
3 use, sale, purchase, transportation, distribution, manufacture,  
4 trafficking, cultivation, consumption, ingestion, inhalation,  
5 injection, or absorption of any controlled dangerous substance as  
6 defined by paragraph 8 of Section 2-101 of Title 63 of the Oklahoma  
7 Statutes ~~or any substance which is capable of being ingested,~~  
8 ~~inhaled, injected, or absorbed into the human body and is capable of~~  
9 ~~adversely affecting the central nervous system, vision, hearing, or~~  
10 ~~other sensory or motor functions.~~

11 SECTION 2. AMENDATORY 47 O.S. 2011, Section 6-107.2, is  
12 amended to read as follows:

13 Section 6-107.2 A. The Department of Public Safety shall  
14 prepare and distribute a Notification form to be used by the courts,  
15 as provided in Section 6-107.1 of this title. In addition to any  
16 other authority to cancel or deny driving privileges, the Department  
17 of Public Safety shall, upon receipt of such completed Notification  
18 form from a court, cancel or deny all driving privileges of the  
19 person named in the Notification form without hearing, for a period  
20 of time recommended by the court.

21 B. ~~Upon receipt of a second or subsequent Notification from a~~  
22 ~~court relating to the same person, the Department shall cancel or~~  
23 ~~deny driving privileges of the person for a period of two (2) years~~  
24

1 ~~or until the person attains eighteen (18) years of age, whichever is~~  
2 ~~longer.~~

3 ~~€.~~ Any person whose driving privileges are canceled or denied  
4 pursuant to this section may file a petition for relief based upon  
5 error or hardship.

6 1. The petition shall be filed in the district court which  
7 notified the Department pursuant to Section 6-107.1 of this title  
8 or, if the Notification originated in a municipal court, the  
9 petition shall be filed in the district court of the county in which  
10 the court is located. A copy of the Notification and a copy of the  
11 Department's action canceling or denying driving privileges pursuant  
12 to this section, shall be attached to the petition.

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

19 3. The district court may deny the petition, or in its  
20 discretion, issue a written Order to the Department to ~~increase or~~  
21 decrease the period of cancellation or denial to any period or issue  
22 a written Order to vacate the Department's action taken pursuant to  
23 this section, in its entirety. The content of the Order shall not  
24 grant or purport to grant any driving privileges to the person 7;

1 however, such order may direct the Department of Public Safety to do  
2 so if the person is otherwise eligible therefor. The petitioner is  
3 responsible for his or her own attorney fees. However, if the  
4 petitioner is granted relief for error, then the party that  
5 committed the error shall cover attorney fees and costs.

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

9 SECTION 3. AMENDATORY 47 O.S. 2011, Section 6-205, as  
10 last amended by Section 3, Chapter 400, O.S.L. 2019 (47 O.S. Supp.  
11 2020, Section 6-205), is amended to read as follows:

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

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

19 2. Driving or being in actual physical control of a motor  
20 vehicle while under the influence of alcohol, any other intoxicating  
21 substance, or the combined influence of alcohol and any other  
22 intoxicating substance, any violation of paragraph 1, 2, 3 ~~or~~, 4 or  
23 5 of subsection A of Section 11-902 of this title or any violation  
24 of Section 11-906.4 of this title. However, the Department shall

1 not additionally revoke the driving privileges of the person  
2 pursuant to this subsection if the driving privilege of the person  
3 has been revoked because of a test result or test refusal pursuant  
4 to Section 753 or 754 of this title arising from the same  
5 circumstances which resulted in the conviction unless the revocation  
6 because of a test result or test refusal is set aside;

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

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

12 5. Perjury or the making of a false affidavit or statement  
13 under oath to the Department under the Uniform Vehicle Code or under  
14 any other law relating to the ownership or operation of motor  
15 vehicles;

16 6. A ~~misdemeanor or~~ felony conviction for unlawfully  
17 ~~possessing,~~ distributing, dispensing, manufacturing, trafficking,  
18 ~~cultivating, selling, transferring,~~ attempting or conspiring to  
19 ~~possess,~~ distribute, dispense, manufacture, or traffic, ~~sell, or~~  
20 ~~transfer of~~ a controlled dangerous substance as defined in the  
21 Uniform Controlled Dangerous Substances Act while ~~using a~~ driving a  
22 motor vehicle;

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

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

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

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

8 11. Failure to stop or to remain stopped for school bus loading  
9 or unloading of children pursuant to Section 11-705 or 11-705.1 of  
10 this title.

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

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

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

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

8 F. The first license revocation under paragraph 11 of  
9 subsection A of this section shall be for a period of one (1) year.  
10 Such period may be modified. Any appeal of the revocation of  
11 driving privilege under paragraph 11 of subsection A of this section  
12 shall be governed by Section 6-211 of this title; provided, any  
13 modification under this subsection shall apply to Class D motor  
14 vehicles only.

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

19 H. Any person whose driving privileges are or have been  
20 canceled or denied pursuant to this section, except for paragraph 1,  
21 2 or 10 of subsection A of this section, may file a petition for  
22 relief based upon error or hardship.

23 1. The petition shall be filed in the district court which  
24 notified the Department. If the Notification originated in a

1 municipal court, the petition shall be filed in the district court  
2 of the county in which the municipal court is located. A copy of  
3 the Notification and a copy of the Department's action canceling or  
4 denying driving privileges pursuant to this section shall be  
5 attached to the petition.

6 2. The district court shall conduct a hearing on the petition  
7 and may determine the matter de novo, without notice to the  
8 Department, and if applicable, without notice to the municipal  
9 court; provided, the district court shall not consider a collateral  
10 attack upon the merits of any conviction or determination which has  
11 become final.

12 3. The district court may deny the petition or, in its  
13 discretion, issue a written Order to the Department to decrease the  
14 period of cancellation or denial to any period or issue a written  
15 Order to vacate the Department's action taken pursuant to this  
16 section in its entirety. The content of the Order shall not grant  
17 or purport to grant any driving privileges to the person; however,  
18 such order may direct the Department of Public Safety to do so if  
19 the person is otherwise eligible therefor. The petitioner is  
20 responsible for his or her own attorney fees. However, if the  
21 petitioner is granted relief for error, then the party that  
22 committed the error shall cover attorney fees and costs.

1 SECTION 4. AMENDATORY 47 O.S. 2011, Section 6-205.1, as  
2 last amended by Section 4, Chapter 400, O.S.L. 2019 (47 O.S. Supp.  
3 2020, Section 6-205.1), is amended to read as follows:

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

13 1. The first license revocation pursuant to paragraph 2 of  
14 subsection A of Section 6-205 of this title or Section 753 or 754 of  
15 this title shall be for a period of one hundred eighty (180) days,  
16 or longer if driving privileges are modified pursuant to the  
17 provisions of this paragraph, which shall be modified upon request;  
18 provided, any modification under this paragraph shall apply to Class  
19 D driver licenses only. For any modification, the person shall be  
20 required to install an ignition interlock device or devices,  
21 pursuant to Section 754.1 of this title. The period of revocation  
22 and the period of interlock installation shall run concurrently and  
23 each shall be for no less than one hundred eighty (180) days;

24

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

7           a. a prior revocation commenced pursuant to paragraph 2  
8           or 6 of subsection A of Section 6-205 of this title,  
9           Section 753 or 754 of this title, or completion of the  
10           Impaired Driver Accountability Program, or

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

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

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

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

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

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

22          d. any combination of two or more prior revocations,  
23 completion of the Impaired Driver Accountability  
24

1           Program, or convictions as described in subparagraphs  
2           a, b and c of this paragraph.

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

10         B. The driving privilege of a person who is convicted of any  
11 offense as provided in paragraph 3 or 6 of subsection A of Section  
12 6-205 of this title shall be revoked or denied by the Department of  
13 Public Safety for the following period, as applicable:

14         1. The first license revocation shall be for one hundred eighty  
15 (180) days, which shall be modified upon request; provided, ~~for~~  
16 ~~license revocations for a misdemeanor charge of possessing a~~  
17 ~~controlled dangerous substance, the provisions of this paragraph~~  
18 ~~shall apply to any such revocations by the Department on or after~~  
19 ~~January 1, 1993; provided further,~~ any modification under this  
20 paragraph shall apply to Class D driver licenses only;

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

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

16 Such period shall not be modified; or

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

- 20 a. two or more prior revocations commenced pursuant to  
21 paragraph 2 or 6 of subsection A of Section 6-205 of  
22 this title, or Section 753 or 754 of this title,  
23 b. a prior revocation commenced pursuant to paragraph 2  
24 or 6 of subsection A of Section 6-205 of this title or

1 Section 753 or 754 of this title, and completion of  
2 the Impaired Driver Accountability Program,

3 c. the record of the person reflects two or more prior  
4 convictions in another jurisdiction which did not  
5 result in a revocation of Oklahoma driving privileges,  
6 for a violation substantially similar to paragraph 2  
7 or 6 of subsection A of Section 6-205 of this title,  
8 and the person was not a resident or licensee of  
9 Oklahoma at the time of the offense resulting in the  
10 conviction, or

11 d. any combination of two or more prior revocations,  
12 completion of the Impaired Driver Accountability  
13 Program, or convictions as described in subparagraphs  
14 a and b or c of this paragraph.

15 Such period shall not be modified.

16 The revocation of the driving privilege of any person under this  
17 subsection shall not run concurrently with any other withdrawal of  
18 driving privilege resulting from a different incident and which  
19 requires the driving privilege to be withdrawn for a prescribed  
20 amount of time. A denial based on a conviction of any offense as  
21 provided in paragraph 6 of subsection A of Section 6-205 of this  
22 title shall become effective on the first day the convicted person  
23 is otherwise eligible to apply for and be granted driving privileges  
24

1 if the person was not eligible to do so at the time of the  
2 conviction.

3 C. For the purposes of this section:

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

7 2. The term "revocation" includes a denial of driving  
8 privileges by the Department.

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

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

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

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

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

22 C. The Department, upon receipt of a report of a conviction in  
23 another state relating to the operation of a motor vehicle, may in  
24 its discretion suspend the driving privilege of such person. Any

1 action taken by the Department shall not exceed the penalty imposed  
2 by a court or the Department in the State of Oklahoma for a  
3 violation substantially similar to the conviction in the other  
4 jurisdiction which did not result in a revocation of Oklahoma  
5 driving privileges.

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

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

22 Provided, however, in cases of ~~extreme and unusual~~ hardship, as  
23 determined by the court, or proof of enrollment in a federal or  
24 state government assistance program, including, but not limited to,

1 Social Security or the Supplemental Nutrition Assistance Program,  
2 the person shall be placed on a payment plan by the court, and the  
3 court shall send a release to the Department for reinstatement  
4 purposes. The court may submit another suspension request pursuant  
5 to this section if the person fails to honor the payment plan and it  
6 is found that the person is financially able but willfully refuses  
7 or neglects to honor the payment plan. In such case, the Department  
8 shall again suspend the person's driving privilege for nonpayment of  
9 fine and costs for the same moving traffic violation. Upon  
10 reinstatement after suspension for nonpayment of fine and costs for  
11 a moving traffic violation the Department may remove such record of  
12 suspension from the person's driving record and retain an internal  
13 record for audit purposes. A court within this state may order the  
14 Department to waive any requirement that fines and costs be  
15 satisfied by a person prior to that person being eligible for a  
16 provisional license provided under Section 6-212 of this title.

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

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

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

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

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

7           SECTION 6.           AMENDATORY           47 O.S. 2011, Section 6-212, as  
8 last amended by Section 6, Chapter 400, O.S.L. 2019 (47 O.S. Supp.  
9 2020, Section 6-212), is amended to read as follows:

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

15           B. The Department shall:

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

18           2. Require any person having more than one suspension or  
19 revocation affecting the person's driving privilege to meet the  
20 statutory requirements for each action as a condition precedent to  
21 the reinstatement of any driving privilege. Provided, however,  
22 reinstatement fees shall not be cumulative, and a single  
23 reinstatement fee, as provided for in subsection C of this section,  
24

1 shall be paid for all suspensions or revocations as shown by the  
2 Department's records at the time of reinstatement.

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

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

9 2. The person has paid to the Department:

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

17 b. (1) if such privilege is suspended or revoked  
18 pursuant to the provisions of Section 6-205, 6-  
19 205.1, 7-612, 753, 754 or 761 of this title or  
20 pursuant to subsection A of Section 7-605 of this  
21 title for a conviction for failure to maintain  
22 the mandatory motor vehicle insurance required by  
23 law or pursuant to subsection B of Section 6-206  
24 of this title for a suspension other than for

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

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

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

23 D. The Department of Public Safety is hereby authorized to  
24 enter into agreements with persons whose license to operate a motor

1 vehicle or commercial motor vehicle has been suspended or revoked,  
2 for issuance of a provisional license that would allow such persons  
3 to drive unrestricted from 6:00 a.m. to 11:59 p.m. Driving  
4 privileges for a provisional license are restricted from 12:00 a.m.  
5 to 5:59 a.m. to driving:

- 6 1. Between their place of residence and their place of  
7 employment or potential employment;
- 8 2. During the scope and course of their employment;
- 9 3. Between their place of residence and a college, university  
10 or technology center;
- 11 4. Between their place of residence and their child's school or  
12 day care provider;
- 13 5. Between their place of residence and a place of worship; or
- 14 6. Between their place of residence and any court-ordered  
15 treatment program,

16 with the condition that such persons pay a minimum total of ~~Twenty-~~  
17 ~~five Dollars (\$25.00)~~ Five Dollars (\$5.00) per month toward the  
18 satisfaction of ~~all~~ outstanding fees, including, but not limited to,  
19 provisional license fees, warrant fees, court costs or fees, driver  
20 license or commercial driver license reinstatement fees. ~~The~~  
21 ~~Department shall develop rules and procedures to establish such a~~  
22 ~~provisional driver license program and such rules and procedures~~  
23 ~~shall include, but not be limited to, eligibility criteria, proof of~~  
24 ~~insurance, proof of enrollment or employment, and any provisional~~

1 ~~license fees.~~ The Department may suspend or revoke a provisional  
2 license pursuant to this section if the person fails to honor the  
3 payment plan. The person may re-enroll in the provisional driver  
4 license program.

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

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

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

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

22 ~~E.~~ I. Effective July 1, 2002, and for each fiscal year  
23 thereafter:  
24

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 7. This act shall become effective November 1, 2021.

10

11           58-1-5889           JBH           01/19/21

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