

1 ENGROSSED SENATE AMENDMENT  
TO

2 ENGROSSED HOUSE  
3 BILL NO. 1795

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

4 and

5 David of the Senate

6  
7  
8 An Act relating to driver licenses; creating the  
9 Christopher Hopper Act; amending 47 O.S. 2011,  
10 Sections 6-107.1 and 6-107.2, which relate to  
11 notification for cancellation or denial of driving  
12 privileges of certain persons; making notification of  
13 certain order discretionary; modifying length of time  
14 for canceling or denying driving privileges;  
15 modifying offenses resulting in mandatory revocation;  
16 deleting language regarding number of notifications  
17 that may occur prior to mandatory cancellation or  
18 denial of driving privileges; eliminating authority  
19 of the court to increase period of cancellation;  
20 providing for payment of attorney fees; amending 47  
21 O.S. 2011, Section 6-205, as last amended by Section  
22 3, Chapter 400, O.S.L. 2019 (47 O.S. Supp. 2020,  
23 Section 6-205), which relates to mandatory revocation  
24 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  
Department of Public Safety authority to suspend  
licenses; modifying justification for license

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

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AUTHOR: Add the following House Coauthor: Townley

AMENDMENT NO. 1. Page 1, strike the title, enacting clause and  
entire bill and insert

"An Act relating to driver licenses; 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 6-212, as last amended  
by Section 6, Chapter 400, O.S.L. 2019 (47 O.S. Supp.  
2020, Section 6-212), which relates to fees and  
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.

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

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

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

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

1 in addition to the penalty imposed by the court subject to the  
2 limitations outlined by statute.

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

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

- 21 1. Making application to the Department of Public Safety;
- 22 2. Showing proof of payment of the total amount of the fine and  
23 cost or a release from the court or court clerk; and

24

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

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

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

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

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

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

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

12           SECTION 2.           AMENDATORY           47 O.S. 2011, Section 6-212, as  
13 last amended by Section 6, Chapter 400, O.S.L. 2019 (47 O.S. Supp.  
14 2020, Section 6-212), is amended to read as follows:

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

20           B. The Department shall:

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

23           2. Require any person having more than one suspension or  
24 revocation affecting the person's driving privilege to meet the

1 statutory requirements for each action as a condition precedent to  
2 the reinstatement of any driving privilege. Provided, however,  
3 reinstatement fees shall not be cumulative, and a single  
4 reinstatement fee, as provided for in subsection C of this section,  
5 shall be paid for all suspensions or revocations as shown by the  
6 Department's records at the time of reinstatement.

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

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

13 2. The person has paid to the Department:

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

21 b. (1) if such privilege is suspended or revoked  
22 pursuant to the provisions of Section 6-205, 6-  
23 205.1, 7-612, 753, 754 or 761 of this title or  
24 pursuant to subsection A of Section 7-605 of this

1 title for a conviction for failure to maintain  
2 the mandatory motor vehicle insurance required by  
3 law or pursuant to subsection B of Section 6-206  
4 of this title for a suspension other than for  
5 points accumulation, a processing fee of Seventy-  
6 five Dollars (\$75.00) for each such suspension or  
7 revocation as shown by the Department's records,  
8 and a special assessment trauma-care fee of Two  
9 Hundred Dollars (\$200.00) to be deposited into  
10 the Trauma Care Assistance Revolving Fund created  
11 in Section 1-2530.9 of Title 63 of the Oklahoma  
12 Statutes, for each suspension or revocation as  
13 shown by the records of the Department, and  
14 (2) in addition to any other fees required by this  
15 section, if such privilege is suspended or  
16 revoked pursuant to an arrest on or after  
17 November 1, 2008, under the provisions of  
18 paragraph 2 or 6 of subsection A of Section 6-205  
19 of this title or of Section 753, 754 or 761 of  
20 this title, a fee of Fifteen Dollars (\$15.00),  
21 which shall be apportioned pursuant to the  
22 provisions of Section 3-460 of Title 43A of the  
23 Oklahoma Statutes; and  
24



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

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

12 1. Between their place of residence and their place of  
13 employment or potential employment;

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

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

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

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

20 6. Between their place of residence and any court-ordered  
21 treatment program,

22 with the condition that such persons pay a minimum total of ~~Twenty-~~  
23 ~~five Dollars (\$25.00)~~ Five Dollars (\$5.00) per month toward the  
24 satisfaction of ~~all~~ outstanding fees including, but not limited to,

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

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

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

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

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2 BILL NO. 1795

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3 and

4 David of the Senate  
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8 An Act relating to driver licenses; creating the  
9 Christopher Hopper Act; amending 47 O.S. 2011,  
10 Sections 6-107.1 and 6-107.2, which relate to  
11 notification for cancellation or denial of driving  
12 privileges of certain persons; making notification of  
13 certain order discretionary; modifying length of time  
14 for canceling or denying driving privileges;  
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18 denial of driving privileges; eliminating authority  
19 of the court to increase period of cancellation;  
20 providing for payment of attorney fees; amending 47  
21 O.S. 2011, Section 6-205, as last amended by Section  
22 3, Chapter 400, O.S.L. 2019 (47 O.S. Supp. 2020,  
23 Section 6-205), which relates to mandatory revocation  
24 of driving privileges; modifying offenses requiring  
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5 certain payment plan; amending 47 O.S. 2011, Section  
6 6-212, as last amended by Section 6, Chapter 400,  
7 O.S.L. 2019 (47 O.S. Supp. 2020, Section 6-212),  
8 which relates to fees and conditions for  
9 reinstatement; modifying provisions and requirements  
10 of agreements for issuance of provisional licenses;  
11 making certain exception; providing for eligibility  
12 requirements; allowing certain persons to be eligible  
13 for provisional license; authorizing development of  
14 certain rules and procedures; providing for  
15 noncodification; and providing an effective date.

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

17 SECTION 4. NEW LAW A new section of law not to be  
18 codified in the Oklahoma Statutes reads as follows:

19 This act shall be known and may be cited as the "Christopher  
20 Hopper Act".

21 SECTION 5. AMENDATORY 47 O.S. 2011, Section 6-107.1, is  
22 amended to read as follows:

23 Section 6-107.1 A. When any district court, municipal court of  
24 record or any municipal court in a city or town in which the judge  
is an attorney licensed to practice law in this state has determined  
that a person under the age of eighteen (18) years has committed any  
offense described in subsection C of this section, or that a person  
eighteen (18), nineteen (19), or twenty (20) years of age has  
committed an offense described in Section 11-906.4 of this title,

1 the court shall notify the Department of Public Safety on a form  
2 prescribed by the Department as provided in Section 6-107.2 of this  
3 title.

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

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

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

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

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

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

24

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 6. 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 7. 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 8. 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.

23

24

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 9. 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 10.        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,

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

1 Passed the House of Representatives the 9th day of March, 2021.

2  
3 \_\_\_\_\_  
4 Presiding Officer of the House  
of Representatives

5 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2021.

6  
7  
8 \_\_\_\_\_  
9 Presiding Officer of the Senate