

1 STATE OF OKLAHOMA

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

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 1795

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

7 and

8 David of the Senate
9

10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to driver licenses; amending 47 O.S.
12 2011, Sections 6-107.1 and 6-107.2, which relate to
13 notification for cancellation or denial of driving
14 privileges of certain persons; modifying length of
15 time for canceling or denying driving privileges;
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 or nonpayment of attorney fees;
21 amending 47 O.S. 2011, Section 6-205, as last amended
22 by Section 3, Chapter 400, O.S.L. 2019 (47 O.S. Supp.
23 2020, Section 6-205), which relates to mandatory
24 revocation of driving privileges; modifying offenses
requiring immediate revocation of driving privileges;
modifying length of revocation for certain offenses;
allowing the filing of certain petition; providing
details for filing, hearing and the issuance of
orders relating to petition; providing for payment or
nonpayment 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 for which no
driving privileges shall be granted; specifying law
that governs appeals for certain revocations;

1 amending 47 O.S. 2011, Section 6-206, as amended by
2 Section 1, Chapter 189, O.S.L. 2016 (47 O.S. Supp.
3 2020, Section 6-206), which relates to Department of
4 Public Safety authority to suspend licenses;
5 modifying justification for license suspension;
6 allowing for suspension for conviction in another
7 state not to exceed other state's penalty; setting
8 time frame for suspension after certain notice is
9 received; modifying requirements for certain payment
10 plan; amending 47 O.S. 2011, Section 6-212, as last
11 amended by Section 6, Chapter 400, O.S.L. 2019 (47
12 O.S. Supp. 2020, Section 6-212), which relates to
13 fees and conditions for reinstatement; modifying
14 provisions and requirements of agreements for
15 issuance of provisional licenses; making certain
16 exception; providing for eligibility requirements;
17 allowing certain persons with suspended licenses to
18 be eligible for provisional license; authorizing
19 development of certain rules and procedures; and
20 providing an effective date.

21
22
23 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

Section 6-107.1 A. When any district court, municipal court of
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,
the court shall notify the Department of Public Safety on a form

1 prescribed by the Department as provided in Section 6-107.2 of this
2 title.

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

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

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

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

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

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

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

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

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

20 Section 6-107.2 A. The Department of Public Safety shall
21 prepare and distribute a Notification form to be used by the courts,
22 as provided in Section 6-107.1 of this title. In addition to any
23 other authority to cancel or deny driving privileges, the Department
24 of Public Safety shall, upon receipt of such completed Notification

1 form from a court, cancel or deny all driving privileges of the
2 person named in the Notification form without hearing, for a period
3 of time recommended by the court.

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

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

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

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

1 3. The district court may deny the petition~~r~~ or, in its
2 discretion, issue a written Order to the Department to ~~increase or~~
3 decrease the period of cancellation or denial to any period or issue
4 a written Order to vacate the Department's action taken pursuant to
5 this section, in its entirety. The content of the Order shall not
6 grant or purport to grant any driving privileges to the person~~r~~;
7 however, such order Order may direct the Department of Public Safety
8 to do so if the person is otherwise eligible therefor. Unless all
9 persons or agencies the court had reason to believe may have had
10 relevant information related to the court record and departmental
11 action have been given notice of the petition, attorney fees and
12 costs shall not be awarded against any party. In no event shall the
13 Department of Public Safety be liable for attorney fees and costs
14 for suspending, revoking, canceling or denying a driver license
15 based upon reasonable reliance on a notice from a court requiring
16 the revocation, suspension, cancellation or denial of the driver
17 license according to law.

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

21 SECTION 3. AMENDATORY 47 O.S. 2011, Section 6-205, as
22 last amended by Section 3, Chapter 400, O.S.L. 2019 (47 O.S. Supp.
23 2020, Section 6-205), is amended to read as follows:
24

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

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

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

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

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

1 5. Perjury or the making of a false affidavit or statement
2 under oath to the Department under the Uniform Vehicle Code or under
3 any other law relating to the ownership or operation of motor
4 vehicles;

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

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

14 8. ~~A misdemeanor conviction for a violation of Section 1465 of~~
15 ~~Title 21 of the Oklahoma Statutes;~~

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

18 ~~10.~~ 8. Failure to obey a traffic control device as provided in
19 Section 11-202 of this title or a stop sign when such failure
20 results in great bodily injury to any other person; or

21 ~~11.~~ 9. Failure to stop or to remain stopped for school bus
22 loading or unloading of children pursuant to Section 11-705 or 11-
23 705.1 of this title.

24

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

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

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

14 E. The first license revocation under paragraph 7 of subsection
15 A of this section shall be for a period of six (6) months. ~~A second~~
16 ~~or subsequent license revocation under paragraph 7 of subsection A~~
17 ~~of this section shall be for a period of one (1) year.~~ Such periods
18 shall not be modified.

19 F. The first license revocation under paragraph ~~11~~ 9 of
20 subsection A of this section shall be for a period of one (1) year.
21 Such period may be modified. Any appeal of the revocation of
22 driving privilege under paragraph ~~11~~ 9 of subsection A of this
23 section shall be governed by Section 6-211 of this title; provided,
24

1 any modification under this subsection shall apply to Class D motor
2 vehicles only.

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

7 H. Any person whose driving privileges are or have been
8 canceled or denied pursuant to this section, except for paragraph 1,
9 2 or 8 of subsection A of this section, may file a petition for
10 relief based upon error or hardship.

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

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

24

1 3. The district court may deny the petition or, in its
2 discretion, issue a written Order to the Department to decrease the
3 period of cancellation or denial to any period or issue a written
4 Order to vacate the Department's action taken pursuant to this
5 section, in its entirety. The content of the Order shall not grant
6 or purport to grant any driving privileges to the person; however,
7 such order may direct the Department of Public Safety to do so if
8 the person is otherwise eligible therefor. The petitioner is
9 responsible for his or her own attorney fees. However, if the
10 petitioner is granted relief for error, then the party that
11 committed the error may be ordered to pay attorney fees and costs.
12 Unless all persons or agencies the court had reason to believe may
13 have had relevant information related to the court record and
14 departmental action have been given notice of the petition, attorney
15 fees and costs shall not be awarded against any party. In no event
16 shall the Department of Public Safety be liable for attorney fees
17 and costs for suspending, revoking, canceling or denying a driver
18 license based upon reasonable reliance on a notice from a court
19 requiring the revocation, suspension, cancellation or denial of the
20 driver license according to law.

21 SECTION 4. AMENDATORY 47 O.S. 2011, Section 6-205.1, as
22 last amended by Section 4, Chapter 400, O.S.L. 2019 (47 O.S. Supp.
23 2020, Section 6-205.1), is amended to read as follows:
24

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

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

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

1 paragraph, if within ten (10) years preceding the date of arrest
2 relating thereto, as shown by the records of the Department:

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

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

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

21 3. A revocation pursuant to paragraph 2 of subsection A of
22 Section 6-205 of this title or Section 753 or 754 of this title
23 shall be for a period of three (3) years, or longer if driving
24 privileges are modified pursuant to the provisions of this

1 paragraph, if within ten (10) years preceding the date of arrest
2 relating thereto, as shown by the records of the Department:

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

22 Such three-year period of revocation shall be modified upon request;
23 provided, any modification under this paragraph shall apply to Class
24 D driver licenses only. For any modification, the person shall be

1 required to install an ignition interlock device or devices,
2 pursuant to Section 754.1 of this title. The period of revocation
3 and the period of interlock installation shall run concurrently and
4 each shall be for no less than three (3) years.

5 B. The driving privilege of a person who is convicted of any
6 offense as provided in paragraph 3 or 6 of subsection A of Section
7 6-205 of this title shall be revoked or denied by the Department of
8 Public Safety for the following period, as applicable:

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

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

- 19 a. a prior revocation commenced pursuant to paragraph 2, l
20 3 or 6 of subsection A of Section 6-205 of this title,
21 or Section 753 or 754 of this title,
- 22 b. a prior revocation commenced pursuant to paragraph 2, l
23 3 or 6 of subsection A of Section 6-205 of this title

24

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

11 Such period shall not be modified; or

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

- 15 a. two or more prior revocations commenced pursuant to
16 paragraph 2 or 6 of subsection A of Section 6-205 of
17 this title, or Section 753 or 754 of this title,
18 b. a prior revocation commenced pursuant to paragraph 2
19 or 6 of subsection A of Section 6-205 of this title or
20 Section 753 or 754 of this title, and completion of
21 the Impaired Driver Accountability Program,
22 c. the record of the person reflects two or more prior
23 convictions in another jurisdiction which did not
24 result in a revocation of Oklahoma driving privileges,

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

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

10 Such period shall not be modified.

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

21 C. For the purposes of this section:

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

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

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

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

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

19 Section 6-206. A. Whenever any person is convicted or pleads
20 guilty in any court having jurisdiction over offenses committed
21 under Section 1-101 et seq. of this title, or any other act or
22 municipal ordinance or act or ordinance of another state regulating
23 the operation of motor vehicles on highways, such court shall make
24 immediate report to the Department of Public Safety setting forth

1 the name of the offender, the number of the driver license and the
2 penalty imposed. Said report shall be submitted by the judge or the
3 clerk of the court upon forms furnished or approved by the
4 Department.

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

16 C. The Department, upon receipt of a report of a conviction in
17 another state relating to the operation of a motor vehicle, may in
18 its discretion suspend the driving privilege of such person. Any
19 action taken by the Department shall not exceed the penalty imposed
20 by a court or the Department in the State of Oklahoma for a
21 violation substantially similar to the conviction in the other
22 jurisdiction which did not result in a revocation of Oklahoma
23 driving privileges.

24

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

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

17 Provided, however, in cases of ~~extreme and unusual~~ hardship, as
18 determined by the court, or proof of enrollment in a federal or
19 state government assistance program, including, but not limited to,
20 Social Security or the Supplemental Nutrition Assistance Program,
21 the person shall be placed on a payment plan by the court, and the
22 court shall send a release to the Department for reinstatement
23 purposes. The court may submit another suspension request pursuant
24 to this section if the person fails to honor the payment plan and it

1 is found that the person is financially able but willfully refuses
2 or neglects to honor the payment plan. In such case, the Department
3 shall again suspend the person's driving privilege for nonpayment of
4 fine and costs for the same moving traffic violation. Upon
5 reinstatement after suspension for nonpayment of fine and costs for
6 a moving traffic violation the Department may remove such record of
7 suspension from the person's driving record and retain an internal
8 record for audit purposes. A court within this state may order the
9 Department to waive any requirement that fines and costs be
10 satisfied by a person prior to that person being eligible for a
11 provisional license provided under Section 6-212 of this title.

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

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

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

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

23

24

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

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

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

12 B. The Department shall:

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

15 2. Require any person having more than one suspension or
16 revocation affecting the person's driving privilege to meet the
17 statutory requirements for each action as a condition precedent to
18 the reinstatement of any driving privilege. Provided, however,
19 reinstatement fees shall not be cumulative, and a single
20 reinstatement fee, as provided for in subsection C of this section,
21 shall be paid for all suspensions or revocations as shown by the
22 Department's records at the time of reinstatement.

23 C. Whenever a person's privilege to operate a motor vehicle is
24 suspended or revoked pursuant to any provision as authorized by the

1 Oklahoma Statutes, the license or privilege to operate a motor
2 vehicle shall remain under suspension or revocation and shall not be
3 reinstated until:

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

5 2. The person has paid to the Department:

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

13 b. (1) if such privilege is suspended or revoked
14 pursuant to the provisions of Section 6-205, 6-
15 205.1, 7-612, 753, 754 or 761 of this title or
16 pursuant to subsection A of Section 7-605 of this
17 title for a conviction for failure to maintain
18 the mandatory motor vehicle insurance required by
19 law or pursuant to subsection B of Section 6-206
20 of this title for a suspension other than for
21 points accumulation, a processing fee of Seventy-
22 five Dollars (\$75.00) for each such suspension or
23 revocation as shown by the Department's records,
24 and a special assessment trauma-care fee of Two

1 Hundred Dollars (\$200.00) to be deposited into
2 the Trauma Care Assistance Revolving Fund created
3 in Section 1-2530.9 of Title 63 of the Oklahoma
4 Statutes, for each suspension or revocation as
5 shown by the records of the Department, and
6 (2) in addition to any other fees required by this
7 section, if such privilege is suspended or
8 revoked pursuant to an arrest on or after
9 November 1, 2008, under the provisions of
10 paragraph 2 or 6 of subsection A of Section 6-205
11 of this title or of Section 753, 754 or 761 of
12 this title, a fee of Fifteen Dollars (\$15.00),
13 which shall be apportioned pursuant to the
14 provisions of Section 3-460 of Title 43A of the
15 Oklahoma Statutes; and

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

19 D. The Department of Public Safety is hereby authorized to
20 enter into agreements with persons whose license to operate a motor
21 vehicle or commercial motor vehicle has been suspended or revoked,
22 for issuance of a provisional license ~~that~~ subject to any
23 restrictions imposed by law or a court order. The provisional
24 license would allow such persons to drive from 6:00 a.m. to 11:59

1 p.m. Driving privileges for a provisional license are limited from
2 12:00 a.m. to 5:59 a.m. to driving:

3 1. Between their place of residence and their place of
4 employment or potential employment;

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

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

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

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

11 6. Between their place of residence and any court-ordered
12 treatment program,

13 with the condition that such persons pay a minimum total of ~~Twenty-~~
14 ~~five Dollars (\$25.00)~~ Five Dollars (\$5.00) per month toward the

15 satisfaction of ~~all~~ outstanding fees, including, but not limited to,
16 provisional license fees, warrant fees, court costs or fees, driver

17 license or commercial driver license reinstatement fees. The

18 Department ~~shall develop rules and procedures to establish such a~~
19 ~~provisional driver license program and such rules and procedures~~

20 ~~shall include, but not be limited to, eligibility criteria, proof of~~
21 ~~insurance, proof of enrollment or employment, and any provisional~~

22 license fees may suspend or revoke a provisional license pursuant to

23 this section if the person fails to honor the payment plan. The

24 person may re-enroll in the provisional driver license program.

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

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

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

15 H. The Department shall develop rules and procedures necessary
16 to implement the provisions of this section except as otherwise
17 provided by this title.

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

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

23 2. Except as otherwise provided in this section, all other
24 monies collected in excess of Two Hundred Fifty Thousand Dollars

1 (\$250,000.00) each month shall be deposited in the General Revenue
2 Fund.

3 SECTION 7. This act shall become effective November 1, 2021.
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5 58-1-8236 JBH 05/06/21
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