

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

HOUSE BILL 2266

By: Sterling

AS INTRODUCED

An Act relating to driver licenses; creating the Shelby Johnson and Logan Deardorff Act of 2023; requiring certain written notice; allowing Department of Public Safety to require certain exams for medical fitness; allowing for certain extension; allowing Department to make certain license determinations based on examination; providing for certain suspension, denial, or revocation for refusal or neglect to take examination; requiring certain notice by certified mail; defining term; providing for examination details and criteria; requiring Department develop certain form; providing list of individuals who may submit certain report; detailing certain report requirements; providing penalty for reporting false information; providing for liability immunity; requiring Department maintain certain records; requiring the development of forms and guidelines for reporting cases; requiring publication and availability of certain guidelines; requiring compliance with federal law; providing penalty for violations; providing for appeal and appeal time frame; allowing for petition for certain reinstatement of license; requiring certain statement accompany petition; requiring decision by certain time; providing for appeal of certain decision; authorizing the promulgation of certain rules and procedures; repealing 47 O.S. 2021, Sections 6-119 and 6-207, which relate to drivers with medical conditions; providing for noncodification; providing for codification; and providing an effective date.

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

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

4 This act shall be known and may be cited as the "Shelby Johnson
5 and Logan Deardorff Act of 2023".

6 SECTION 2. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 6-207.1 of Title 47, unless
8 there is created a duplication in numbering, reads as follows:

9 A. Whenever the Department of Public Safety has good cause to
10 believe that a person is medically unfit to receive or retain his or
11 her driver license, the Department may, after giving written notice
12 of thirty (30) days by certified mail to such person's known
13 address, require the person to submit to an examination as
14 prescribed by the Department in conjunction with the Driver License
15 Medical Advisory Committee, pursuant to Section 6-118 of Title 47 of
16 the Oklahoma Statutes. Upon request, an extension of thirty (30)
17 days may be granted to persons who are required to take said
18 examination.

19 B. Upon conclusion of the examination, the Department may allow
20 the person to retain his or her license, suspend, deny, or revoke
21 the license, or may issue the person a license subject to
22 restrictions as provided in Section 6-113 of Title 47 of the
23 Oklahoma Statutes. If an examination indicates a condition that
24 potentially impairs safe driving, the Department, in addition to

1 action with respect to the license, may require the person to submit
2 to further periodic examinations. The refusal or neglect of the
3 person to submit to a required examination within thirty (30) days
4 after the date of the notice provided for in subsection A of this
5 section shall be grounds for suspension, denial, or revocation of
6 the person's license by the Department or local court as applicable.
7 Notice of any suspension, denial, revocation, or other restriction
8 shall be provided by certified mail. As used in this section, the
9 term "denial" means the act of not licensing a person who is
10 currently suspended, revoked, or otherwise not licensed to operate a
11 motor vehicle. Denial may also include the act of withdrawing a
12 previously issued license.

13 C. The examination provided for in subsection A of this section
14 may include, but may not be limited to, a written test and test of
15 driving skills, vision, highway sign recognition, and, if
16 appropriate, a physical or mental evaluation, or both. The
17 Department may require any or all of the examination criteria
18 pursuant to Section 6-110 of Title 47 of the Oklahoma Statutes as
19 well as medical assessments to be placed on a form to be developed
20 by the Department.

21 D. The Department shall have good cause to believe that a
22 person is potentially unfit to retain or receive a license on the
23 basis of, but not limited to, a report by one of the following
24 individuals:

1 1. A physician, physical therapist, occupational therapist,
2 chiropractic physician, registered nurse, psychologist, social
3 worker, professional counselor, optometrist, or an emergency medical
4 technician licensed in this state;

5 2. A law enforcement officer; or

6 3. The person's spouse or a member of the person's family
7 within the third degree of consanguinity or affinity who has reached
8 the age of eighteen (18) years, except that no person may report the
9 same family member more than one time during a period of twelve (12)
10 months.

11 E. The report shall state that the reporting person reasonably
12 and in good faith believes the driver cannot safely operate a motor
13 vehicle and shall be based on personal observation or physical
14 evidence, which shall be described in the report, or the report
15 shall be based upon an investigation or police report by a law
16 enforcement officer. The report shall be a written declaration in
17 the form prescribed by the Department. Anyone knowingly reporting
18 false information may be found guilty under penalty of perjury.

19 F. A physician, physical therapist, occupational therapist,
20 chiropractic physician, registered nurse, psychologist, social
21 worker, professional counselor, optometrist, or an emergency medical
22 technician licensed in this state may report to the Department any
23 patient diagnosed or assessed as having a disorder or condition that
24 may prevent such person from safely operating a motor vehicle. Such

1 report shall state the diagnosis or assessment and whether the
2 condition is permanent or temporary.

3 G. Any person who makes a report in good faith pursuant to this
4 section shall be immune from any civil liability that otherwise
5 might result from making said report.

6 H. The Department shall maintain records and statistics of any
7 reports made and any actions taken against driver licenses pursuant
8 to this section.

9 I. The Department shall, in consultation with the Driver
10 License Medical Advisory Committee, develop and maintain a
11 standardized form and provide guidelines for the reporting of cases
12 and the examination of drivers pursuant to this section. The
13 guidelines shall be published and made available to the public. The
14 Department shall provide health care providers and law enforcement
15 officers with information about the procedures authorized pursuant
16 to this section. The guidelines and regulations implemented in this
17 section shall comply with the federal Americans with Disabilities
18 Act of 1990.

19 J. Any person who knowingly violates a confidentiality
20 provision of this section, knowingly permits or encourages the
21 unauthorized use of a report, or files a false report in violation
22 of this section may be criminally and civilly liable.

23 K. All appeals of license revocations, suspensions, denials,
24 and restrictions pursuant to this section shall be made within

1 thirty (30) days after the receipt of the notice of revocation,
2 suspension, denial, or restriction pursuant to Section 6-211 of
3 Title 47 of the Oklahoma Statutes.

4 L. Any individual whose condition is temporary in nature as
5 reported shall have the right to petition the Department for total
6 or partial reinstatement of his or her license. Such request shall
7 be made on a form prescribed by the Department and accompanied by a
8 statement from a health care provider with the same or similar
9 license as the health care provider who made the initial report
10 resulting in the restriction or suspension, denial, or revocation of
11 the driver license. Such petition shall be decided by the
12 Department within thirty (30) days of the receipt of the petition.
13 The Department's decision is appealable pursuant to Section 6-211 of
14 Title 47 of the Oklahoma Statutes.

15 M. The Department is authorized to promulgate rules and any
16 necessary procedures to implement the provisions of this section.

17 SECTION 3. REPEALER 47 O.S. 2021, Sections 6-119 and 6-
18 207, are hereby repealed.

19 SECTION 4. This act shall become effective November 1, 2023.

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