

An Act

ENROLLED HOUSE
BILL NO. 1795

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

and

David of the Senate

An Act relating to driver licenses; amending 47 O.S. 2011, Sections 6-107.1 and 6-107.2, which relate to notification for cancellation or denial of driving privileges of certain persons; modifying length of time for canceling or denying driving privileges; deleting language regarding number of notifications that may occur prior to mandatory cancellation or denial of driving privileges; eliminating authority of the court to increase period of cancellation; providing for payment or nonpayment of attorney fees; amending 47 O.S. 2011, Section 6-205, as last amended by Section 3, Chapter 400, O.S.L. 2019 (47 O.S. Supp. 2020, Section 6-205), which relates to mandatory revocation of driving privileges; modifying offenses requiring immediate revocation of driving privileges; modifying length of revocation for certain offenses; 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; 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; setting time frame for suspension after certain notice is received; 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 with suspended licenses to be eligible for provisional license; authorizing development of certain rules and procedures; and providing an effective date.

SUBJECT: Driver licenses

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

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

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

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

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

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

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

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

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

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

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

Section 6-107.2 A. The Department of Public Safety shall prepare and distribute a Notification form to be used by the courts,

as provided in Section 6-107.1 of this title. In addition to any other authority to cancel or deny driving privileges, the Department of Public Safety shall, upon receipt of such completed Notification form from a court, cancel or deny all driving privileges of the person named in the Notification form without hearing, for a period of time recommended by the court.

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

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

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

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

3. The district court may deny the petition, or, in its discretion, issue a written Order to the Department to ~~increase or~~ decrease the period of cancellation or denial to any period or issue a written Order to vacate the Department's action taken pursuant to this section, in its entirety. The content of the Order shall not grant or purport to grant any driving privileges to the person; however, such ~~order~~ Order may direct the Department of Public Safety to do so if the person is otherwise eligible therefor. Unless all persons or agencies the court had reason to believe may have had relevant information related to the court record and departmental action have been given notice of the petition, attorney fees and costs shall not be awarded against any party. In no event shall the Department of Public Safety be liable for attorney fees and costs

for suspending, revoking, canceling or denying a driver license based upon reasonable reliance on a notice from a court requiring the revocation, suspension, cancellation or denial of the driver license according to law.

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

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

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

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

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

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

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

5. Perjury or the making of a false affidavit or statement under oath to the Department under the Uniform Vehicle Code or under

any other law relating to the ownership or operation of motor vehicles;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

such Order may direct the Department of Public Safety to do so if the person is otherwise eligible therefor. The petitioner is responsible for his or her own attorney fees. However, if the petitioner is granted relief for error, then the party that committed the error may be ordered to pay attorney fees and costs. Unless all persons or agencies the court had reason to believe may have had relevant information related to the court record and departmental action have been given notice of the petition, attorney fees and costs shall not be awarded against any party. In no event shall the Department of Public Safety be liable for attorney fees and costs for suspending, revoking, canceling or denying a driver license based upon reasonable reliance on a notice from a court requiring the revocation, suspension, cancellation or denial of the driver license according to law.

SECTION 4. AMENDATORY 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), is amended to read as follows:

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

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

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

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

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

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

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

- a. two or more prior revocations commenced pursuant to paragraph 2 or 6 of subsection A of Section 6-205 of this title or Section 753 or 754 of this title,
- b. a prior revocation commenced pursuant to paragraph 2 or 6 of subsection A of Section 6-205 of this title or Section 753 or 754 of this title, and completion of the Impaired Driver Accountability Program,
- c. the record of the person reflects two or more prior convictions in another jurisdiction which did not result in a revocation of Oklahoma driving privileges, for a violation substantially similar to paragraph 2 of subsection A of Section 6-205 of this title, and

the person was not a resident or a licensee of Oklahoma at the time of the offense resulting in the conviction, or

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

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

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

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

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

- a. a prior revocation commenced pursuant to paragraph 2, 3 or 6 of subsection A of Section 6-205 of this title, or Section 753 or 754 of this title,
- b. a prior revocation commenced pursuant to paragraph 2, 3 or 6 of subsection A of Section 6-205 of this title or Section 753 or 754 of this title, and completion of the Impaired Driver Accountability Program, or
- c. the record of the person reflects a prior conviction in another jurisdiction which did not result in a

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

Such period shall not be modified; or

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

- a. two or more prior revocations commenced pursuant to paragraph 2 or 6 of subsection A of Section 6-205 of this title, or Section 753 or 754 of this title,
- b. a prior revocation commenced pursuant to paragraph 2 or 6 of subsection A of Section 6-205 of this title or Section 753 or 754 of this title, and completion of the Impaired Driver Accountability Program,
- c. the record of the person reflects two or more prior convictions in another jurisdiction which did not result in a revocation of Oklahoma driving privileges, for a violation substantially similar to paragraph 2 or 6 of subsection A of Section 6-205 of this title, and the person was not a resident or licensee of Oklahoma at the time of the offense resulting in the conviction, or
- d. any combination of two or more prior revocations, completion of the Impaired Driver Accountability Program, or convictions as described in subparagraphs a and b or c of this paragraph.

Such period shall not be modified.

The revocation of the driving privilege of any person under this subsection shall not run concurrently with any other withdrawal of driving privilege resulting from a different incident and which requires the driving privilege to be withdrawn for a prescribed amount of time. A denial based on a conviction of any offense as provided in paragraph 6 of subsection A of Section 6-205 of this title shall become effective on the first day the convicted person

is otherwise eligible to apply for and be granted driving privileges if the person was not eligible to do so at the time of the conviction.

C. For the purposes of this section:

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

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

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

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

SECTION 5. AMENDATORY 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), is amended to read as follows:

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

B. The Department, upon receipt of said report or upon receipt of a report of a conviction in another state relating to the

operation of a motor vehicle, may in its discretion suspend the driving privilege of such person for such period of time as in its judgment is justified ~~from the records of such conviction together with the records and reports on file in the Department~~, subject to the limitations provided in ~~Section 6-208~~ of this title or any other act or municipal ordinance regulating the operation of motor vehicles on highways. Any action taken by the Department shall be in addition to the penalty imposed by the court subject to the limitations outlined by statute.

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

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

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

Provided, however, in cases of ~~extreme and unusual~~ hardship, as determined by the court, or proof of enrollment in a federal or state government assistance program, including, but not limited to, Social Security or the Supplemental Nutrition Assistance Program, the person shall be placed on a payment plan by the court, and the court shall send a release to the Department for reinstatement

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

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

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

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

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

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

SECTION 6. AMENDATORY 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), is amended to read as follows:

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

B. The Department shall:

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

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

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

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

2. The person has paid to the Department:

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

b. (1) if such privilege is suspended or revoked pursuant to the provisions of Section 6-205, 6-205.1, 7-612, 753, 754 or 761 of this title or pursuant to subsection A of Section 7-605 of this title for a conviction for failure to maintain the mandatory motor vehicle insurance required by law or pursuant to subsection B of Section 6-206 of this title for a suspension other than for points accumulation, a processing fee of Seventy-five Dollars (\$75.00) for each such suspension or revocation as shown by the Department's records, and a special assessment trauma-care fee of Two Hundred Dollars (\$200.00) to be deposited into the Trauma Care Assistance Revolving Fund created in Section 1-2530.9 of Title 63 of the Oklahoma

Statutes, for each suspension or revocation as shown by the records of the Department, and

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

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

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

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

2. During the scope and course of their employment;

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

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

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

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

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

satisfaction of all outstanding fees, including, but not limited to, provisional license fees, warrant fees, court costs or fees, driver license or commercial driver license reinstatement fees. The Department ~~shall develop rules and procedures to establish such a provisional driver license program and such rules and procedures shall include, but not be limited to, eligibility criteria, proof of insurance, proof of enrollment or employment, and any provisional license fees may suspend or revoke a provisional license pursuant to this section if the person fails to honor the payment plan. The person may re-enroll in the provisional driver license program.~~

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

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

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

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

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

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

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

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

Passed the House of Representatives the 14th day of May, 2021.

Presiding Officer of the House
of Representatives

Passed the Senate the 18th day of May, 2021.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____
day of _____, 20_____, at _____ o'clock _____ M.
By: _____

Approved by the Governor of the State of Oklahoma this _____
day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____
day of _____, 20_____, at _____ o'clock _____ M.
By: _____