

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2383

By: Sterling

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5  
6 AS INTRODUCED

7 An Act relating to driver licenses; creating the  
8 Shelby Johnson and Logan Deardorff Act of 2021;  
9 requiring certain written notice; allowing Department  
10 of Public Safety to require certain exams for medical  
11 fitness; allowing Department in conjunction with the  
12 Driver License Medical Advisory Committee to make  
13 certain license determinations based on examination;  
14 allowing for administering of certain examinations;  
15 providing for certain suspension, denial or  
16 revocation for refusal or neglect to take  
17 examination; requiring certain notice by certified  
18 mail; defining term; providing for examination  
19 details and criteria; requiring Department develop  
20 certain form; providing list of individuals who may  
21 submit certain report; detailing certain report  
22 requirements; providing for liability immunity;  
23 providing for confidentiality of reports; requiring  
24 Department maintain certain records; requiring  
production of guidelines for reporting cases;  
requiring publication and availability of certain  
guidelines; requiring compliance with federal  
regulation; 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; repealing 47 O.S. 2011,  
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 2021".

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 this title.  
16 Upon request, an extension of thirty (30) days may be granted to  
17 persons who are required to take said examination.

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

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

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

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

23 1. A physician, physical therapist, occupational therapist,  
24 chiropractic physician, registered nurse, psychologist, social

1 worker, professional counselor, optometrist or an emergency medical  
2 technician licensed in this state;

3 2. A law enforcement officer;

4 3. A member of the person's family within three degrees of  
5 consanguinity, or the person's spouse who has reached the age of  
6 eighteen (18) years, except that no person may report the same  
7 family member more than one time during a period of twelve (12)  
8 months; or

9 4. An individual who wishes to remain anonymous. However,  
10 verbal or telephone reports shall not be sufficient for the  
11 Department to take action.

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

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. All reports made and medical  
6 records reviewed and maintained by the Department pursuant to this  
7 section shall be kept confidential except upon order of a court of  
8 competent jurisdiction or in a review of the Department's actions  
9 pursuant to Section 6-211 of this title.

10 H. The Department shall maintain records and statistics of  
11 reports made about and actions taken against driver licenses  
12 pursuant to this section.

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

23 J. Any person who knowingly violates a confidentiality  
24 provision of this section, knowingly permits or encourages the

1 unauthorized use of a report or files a false report in violation of  
2 this section shall be guilty of a misdemeanor and shall be liable  
3 for damages which proximately result.

4 K. All appeals of license revocations, suspensions, denials and  
5 restrictions pursuant to this section shall be made within thirty  
6 (30) days after the receipt of the notice of revocation, suspension,  
7 denial or restriction pursuant to Section 6-211 of this title.

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

18 M. The Department is authorized to promulgate rules and  
19 procedures to implement the provisions of this section.

20 SECTION 3. REPEALER 47 O.S. 2011, Sections 6-119 and 6-  
21 207, are hereby repealed.

22 SECTION 4. This act shall become effective November 1, 2021.  
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24 58-1-5727 JBH 01/12/21