

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 2833

By: Deck

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5
6 AS INTRODUCED

7 An Act relating to driver licenses; amending 22 O.S.
8 2021, Section 983, as amended by Section 5, Chapter
9 350, O.S.L. 2022 (22 O.S. Supp. 2022, Section 983),
10 which relates to imprisonment or recommendation of
11 suspension of driving privileges for failure to pay
12 fines, costs, fees or assessments; removing
13 requirements for suspension of driver licenses for
14 certain nonpayment; amending 47 O.S. 2021, Section 6-
15 206, as amended by Section 69, Chapter 282, O.S.L.
16 2022 (47 O.S. Supp. 2022, Section 6-206), which
17 relates to authority to suspend driver licenses;
18 deleting requirement to suspend driver license for
19 certain nonpayment; and providing an effective date.

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

21 SECTION 1. AMENDATORY 22 O.S. 2021, Section 983, as
22 amended by Section 5, Chapter 350, O.S.L. 2022 (22 O.S. Supp. 2022,
23 Section 983), is amended to read as follows:

24 Section 983. A. 1. Except in cases provided for in Section
983b of this title, when the judgment and sentence of a court,
either in whole or in part, imposes fines, costs, fees, or
assessments upon a defendant, the court at the time of sentencing
shall require the defendant to complete under oath a form

1 promulgated by the Court of Criminal Appeals that provides current
2 information regarding the financial ability of the defendant to pay.

3 2. The information to be required on the form shall include,
4 but not be limited to, the individual and household income and
5 living expenses of the defendant, excluding child support and any
6 monies received from a federal or state government need-based or
7 disability assistance program, the number of dependents, a listing
8 of assets, excluding assets exempt from bankruptcy, child support
9 obligations, health, mental or behavioral health conditions that
10 diminish the ability of the defendant to pay restitution, and
11 additional court-related expenses to be paid by the defendant.

12 3. For purposes of this section, fines, costs, fees, and
13 assessments shall include all financial obligations imposed by the
14 court or required by law to be paid, excluding restitution or
15 payments to be made other than to the court clerk, and shall be
16 referred to as financial obligations.

17 B. 1. The court shall order the defendant to appear
18 immediately after sentencing at the office of the court clerk who
19 shall inform the defendant of the total amount of all financial
20 obligations that have been ordered by the court. If the defendant
21 states to the court clerk that he or she is unable to pay the
22 financial obligations immediately, the court clerk, based on the
23 verified information provided by the defendant, shall establish,
24 subject to approval of the court, a monthly installment plan that

1 will cause the financial obligations to be satisfied within no more
2 than seventy-two (72) months, unless extended by the court.

3 2. The court clerk shall advise the defendant orally and by
4 delivery of a form promulgated by the Court of Criminal Appeals,
5 that:

6 a. it is the obligation of the defendant to keep the
7 court clerk informed of the contact information of the
8 defendant until the financial obligations have been
9 paid. Such information shall include the current
10 mailing and physical addresses of the defendant,
11 telephone or cellular phone number of the defendant,
12 and the email address where the defendant may receive
13 notice from the court,

14 b. if the defendant is unable to pay the financial
15 obligations ordered by the court immediately or in the
16 installments recommended by the court clerk, the
17 defendant may request a cost hearing for the court to
18 determine the ability of the defendant to pay the
19 amount due and to request modification of the
20 installment plan, a reduction in the amount owed, or
21 waiver of payment of the amount owed, and

22 c. upon any subsequent change in circumstances affecting
23 the ability of the defendant to pay, the defendant may
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1 contact the court clerk and request additional cost
2 hearings before the court.

3 3. An order shall be filed in the case with the approval or
4 disapproval by the court of the payment plan. If the court does not
5 approve the payment plan recommended by the court clerk, the court
6 shall enter its order establishing the payment plan. The defendant
7 shall be notified by certified mail or personal service of the order
8 entered by the court and shall be given the opportunity for a cost
9 hearing.

10 4. The district court for each county and all municipal courts
11 shall set a regular time and courtroom for cost hearings.

12 C. If the defendant requests a cost hearing, the court clerk
13 shall set the hearing no later than sixty (60) days after
14 sentencing. In determining the ability of the defendant to pay, the
15 court shall rely on the verified information submitted by the
16 defendant on the form promulgated by the Court of Criminal Appeals
17 and any updates to the information. In addition, the court may make
18 inquiry of the defendant and consider any other evidence or
19 testimony concerning the ability of the defendant to pay.

20 D. 1. If at the initial cost hearing or any subsequent cost
21 hearing, the court determines that the defendant is unable to
22 immediately pay the financial obligations or the required
23 installments, the court may reduce the amount of the installments,
24 extend the payment plan beyond seventy-two (72) months, or waive

1 payment of all or part of the amount owed. The court may include a
2 financial incentive for accelerated payment. Additionally, the
3 court may order community service in lieu of payment. The defendant
4 shall receive credit for no less than two times the amount of the
5 minimum wage specified pursuant to state law for each hour of
6 community service.

7 2. If at any time due to a change in conditions the defendant
8 is unable to pay the financial obligations ordered by the court or
9 any installment, the defendant may request an additional cost
10 hearing.

11 E. If the court determines that a waiver of any of the
12 financial obligations is warranted, the court shall equally apply
13 the same percentage reduction to all fines, costs, fees, and
14 assessments, excluding restitution.

15 F. 1. If a defendant is delinquent in the payment of financial
16 obligations or an installment by more than sixty (60) days, the
17 court clerk shall notify the court which shall, within ten (10) days
18 thereafter, set a cost hearing for the court to determine if the
19 defendant is able to pay. The hearing shall be set on a date that
20 will allow the court clerk to issue a summons fourteen (14) days
21 prior to the cost hearing.

22 2. No less than fourteen (14) days prior to the cost hearing,
23 the court clerk shall issue one summons to the defendant to be
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1 served by United States mail to the mailing address of the defendant
2 on file in the case, substantially as follows:

3 SUMMONS

4 You are ORDERED to appear for a cost hearing at a specified time,
5 place, and date to determine if you are financially able but
6 willfully refuse or neglect to pay the fines, costs, fees, or
7 assessments or an installment due in Case No. _____.

8 You must be present at the hearing.

9 At any time before the date of the cost hearing, you may contact the
10 court clerk and pay the fines, costs, fees, or assessments or any
11 installment due.

12 THIS IS NOT AN ARREST WARRANT. However, if you fail to appear for
13 the cost hearing or to make the payment, the court will issue a
14 WARRANT for "FAILURE TO APPEAR-COST HEARING" and refer the case to a
15 court cost compliance liaison which will cause an additional thirty
16 percent (30%) administrative fee to be added to the amount owed.

17 3. If the defendant fails to appear at the cost hearing or pay
18 the amount due the court shall issue a warrant for FAILURE TO
19 APPEAR-COST HEARING and refer the case to the court cost compliance
20 program as provided in subsection K of this section.

21 4. Municipal courts, in lieu of mailing the summons provided
22 for in this subsection, may give the defendant personal notice at
23 the time of sentencing of a specific date, time, and place, not less
24 than sixty (60) nor more than one hundred twenty (120) days from the

1 date of sentencing to appear for a cost hearing if the fines, costs,
2 fees, and assessments remain unpaid.

3 G. If a defendant is found by a law enforcement officer to have
4 an outstanding warrant for FAILURE TO APPEAR-COST HEARING, the law
5 enforcement officer shall release the defendant and issue a citation
6 to appear pursuant to Section 209 of this title. If the defendant
7 fails to appear at the time and place cited by the law enforcement
8 officer, the court may issue a summons or warrant as provided in
9 Section 209 of this title. The provisions of this subsection shall
10 not apply to a municipal court if the municipal court has previously
11 provided personal service to the defendant of an opportunity for a
12 cost hearing.

13 H. In determining whether the defendant is able to pay
14 delinquent financial obligations or any installments due, the court
15 shall consider the criteria provided in subsection C of this
16 section.

17 I. Any defendant found guilty of an offense in any court of
18 this state may be imprisoned for nonpayment of his or her financial
19 obligations when the court finds after notice and hearing that the
20 defendant is financially able but willfully refuses or neglects to
21 pay the financial obligations owed. A sentence to pay a fine, cost,
22 fee, or assessment may be converted into a jail sentence only after
23 a hearing and a judicial determination, memorialized of record, that
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1 the defendant is able to satisfy the fine, cost, fee, or assessment
2 by payment, but refuses or neglects so to do.

3 ~~J. In addition, the district court or municipal court, within
4 one hundred twenty (120) days from the date upon which the person
5 was originally ordered to make payment, and if the court finds and
6 memorializes into the record that the defendant is financially able
7 but willfully refuses to or neglects to pay the fines, costs, fees,
8 or assessments, or an installment due, may send notice of nonpayment
9 of any court ordered fine and costs for a moving traffic violation
10 to the Department of Public Safety with a recommendation of
11 suspension of driving privileges of the defendant until the total
12 amount of any fine and costs has been paid. Upon receipt of payment
13 of the total amount of the fine and costs for the moving traffic
14 violation, the court shall send notice thereof to the Department, if
15 a nonpayment notice was sent as provided for in this subsection.
16 Notices sent to the Department shall be on forms or by a method
17 approved by the Department.~~

18 ~~K. All counties of the state shall fully utilize and
19 participate in the court cost compliance program. Cases shall be
20 referred to the court cost compliance program not less than thirty
21 (30) days nor more than sixty (60) days after the defendant fails to
22 appear for a cost hearing unless the defendant pays the amount owed
23 on the financial obligation, or an installment due. When the court
24 refers the case, the updated contact information on file shall be~~

1 forwarded to a court cost compliance liaison for collection
2 purposes.

3 ~~H.~~ K. The Court of Criminal Appeals shall implement procedures,
4 forms, and rules consistent with the provisions of this section for
5 methods of establishing payment plans of fines, costs, fees, and
6 assessments by indigents, which procedures, forms, and rules shall
7 be distributed to all district courts and municipal courts by the
8 Administrative Office of the Courts.

9 SECTION 2. AMENDATORY 47 O.S. 2021, Section 6-206, as
10 amended by Section 69, Chapter 282, O.S.L. 2022 (47 O.S. Supp. 2022,
11 Section 6-206), is amended to read as follows:

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

21 B. Service Oklahoma, upon receipt of said report or upon
22 receipt of a report of a conviction in another state relating to the
23 operation of a motor vehicle, may in its discretion suspend the
24 driving privilege of such person for such period of time as in its

1 judgment is justified, subject to the limitations provided in this
2 title or any other act or municipal ordinance regulating the
3 operation of motor vehicles on highways. Any action taken by
4 Service Oklahoma shall be in addition to the penalty imposed by the
5 court subject to the limitations outlined by statute.

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

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

1 ~~1. Making application to Service Oklahoma;~~

2 ~~2. Showing proof of payment of the total amount of the fine and~~
3 ~~cost or a release from the court or court clerk; and~~

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

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

1 ~~E.~~ Upon the receipt of a record of conviction for eluding or
2 attempting to elude a peace officer, Service Oklahoma shall suspend
3 the driving privilege of the person:

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

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

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

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

15 SECTION 3. This act shall become effective November 1, 2023.

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