

1 **SENATE FLOOR VERSION**

2 February 27, 2024

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1641

6 By: Weaver

7 An Act relating to the Oklahoma Child Care Facilities
8 Licensing Act; amending 10 O.S. 2021, Section 408,
9 which relates to appeals; authorizing appeals of
10 decisions pertaining to the Restricted Registry;
11 expanding eligibility to appeal certain decisions;
12 directing certain order and relief; updating
13 statutory language; and providing an effective date.

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

15 SECTION 1. AMENDATORY 10 O.S. 2021, Section 408, is
16 amended to read as follows:

17 Section 408. A. Any licensee or applicant aggrieved by the
18 decision of the Department of Human Services under Section 407 of
19 this title or any person aggrieved by a decision of the Department
20 under Section 405.3 of this title may, within ten (10) days after
21 the revocation or denial of the license under Section 407 of this
22 title or recording of the person on the Restricted Registry under
23 Section 405.3 of this title, appeal to the district court of the
24 county in which the child care facility is maintained and operated
by filing with the clerk of the court a verified petition. Notice

1 of such appeal shall be served on the Director of the Department
2 within five (5) days of the date of its filing.

3 B. The licensee ~~or~~, applicant, or person shall, within twenty
4 (20) days of the filing of the appeal, file with the clerk of such
5 court a transcript of the proceedings held pursuant to Section 405.3
6 or 407 of this title. The district court shall thereupon be vested
7 with jurisdiction to review the proceedings of the Department,
8 ~~provided that, if.~~

9 C. 1. If the Department prevails, the judgment of the district
10 court shall be that the decision of the Department be affirmed,~~and~~
11 ~~if.~~

12 2. If the licensee or applicant prevails in an appeal of a
13 decision under Section 407 of this title, ~~the judgment of the court~~
14 ~~shall be that~~ order the revocation to be set aside or the license to
15 be issued or renewed,~~as the case may be.~~

16 3. If a person prevails in an appeal of a decision under
17 Section 405.3 of this title, the court shall order that the person
18 be removed from the Restricted Registry. In addition, the court may
19 award any appropriate relief including but not limited to actual
20 damages, punitive damages, court costs, reasonable attorney fees, or
21 injunctive relief.

22 D. Pending the hearing of the appeal, the action of the
23 Department revoking or denying the license or the granting thereof
24 or recording the person on the Restricted Registry shall be stayed;

1 provided, after the filing of an appeal, the district court, upon
2 application by the Department and after an appropriate hearing, may
3 grant a restraining order to enforce the decision of the Department.

4 SECTION 2. This act shall become effective November 1, 2024.

5 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
6 February 27, 2024 - DO PASS AS AMENDED BY CS
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