

1 ENGROSSED HOUSE
2 BILL NO. 3373

By: Sterling of the House
and
Sharp of the Senate

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7 [motor vehicles - creating the Shelby Johnson and
8 Logan Deardorff Act of 2020 - authority to deny
9 application for or cancel license for certain
10 ailments - effective date]
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14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

17 This act shall be known and may be cited as the "Shelby Johnson
18 and Logan Deardorff Act of 2020".

19 SECTION 2. AMENDATORY 47 O.S. 2011, Section 6-207, is
20 amended to read as follows:

21 Section 6-207. A. Whenever the Department of Public Safety is
22 furnished with information or, from the records on file in the
23 Department, it is established that the holder of a driver's license
24 is afflicted with a physical disease with a history of seizures, or

1 mental disease, or momentary lapses of consciousness or any other
2 ailment which may result in temporary loss of control or partial
3 control of a motor vehicle, the Department may, in its discretion,
4 execute an order of cancellation of any driver's license issued to
5 such individual, or, should such information be available at the
6 time of application for a driver's license, the Department may
7 execute an order denying the issuance of said license to any such
8 individual and shall cause any such license that may have been
9 issued to be picked up or to be delivered to the Department of
10 Public Safety as specified for other such orders.

11 B. Every physician or surgeon, including doctors of medicine
12 and osteopathy, examining, attending or treating an individual for
13 ~~any illness or injury~~ epilepsy, seizures or momentary lapse of
14 consciousness that would impair the ability of the individual in any
15 manner as to affect the performance of the person to operate a motor
16 vehicle, may make a written report of the diagnosis to the State
17 Department of Public Safety within one (1) week of diagnosis. Any
18 person who is diagnosed with epilepsy, seizures or momentary loss of
19 consciousness that would impair the ability of the individual in any
20 manner as to affect the performance of the person to operate a motor
21 vehicle shall report his or her diagnosis, within one (1) week, to
22 the Department or be charged with a misdemeanor for failure to
23 report.

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1 C. The Department may, in its discretion, suspend or cancel the
2 license of such person for such period of time as in its judgment is
3 justified.

4 D. In addition thereto, any person or physician or any medical
5 personnel participating in good faith and without negligence or
6 malicious intent in making of a report pursuant to this act shall
7 have the immunity from civil liability from the patient that might
8 otherwise be incurred or imposed. Any such participant shall have
9 the same immunity with respect to participation in any judicial
10 proceeding resulting from such report.

11 E. Provided further that, in any proceeding resulting from a
12 report made pursuant to this act or in any proceeding where such a
13 report or any contents thereof are sought to be introduced in
14 evidence, such report or contents or any other fact or facts related
15 thereto, or the condition of the individual who is the subject of
16 the report shall only be admitted in evidence in actions regarding
17 the revocation, suspension, cancellation or denial of the subject's
18 driver's license ~~and~~ or actions resulting from a motor vehicle
19 collision where the subject of the report was at fault. The report
20 shall not be considered to be a public record provided that the
21 report shall not be excluded on the ground that the matter is or may
22 be the subject of a physician-patient privilege or similar privilege
23 or rule against disclosure.

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1 Any person whose license has been canceled or denied under the
2 provisions of this section shall have the right of appeal from said
3 order, as provided under Section 6-211 of this title.

4 F. The Department shall promulgate rules to effectuate the
5 provisions of this section.

6 SECTION 3. This act shall become effective November 1, 2020.
7 Passed the House of Representatives the 11th day of March, 2020.

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10 Presiding Officer of the House
of Representatives

11 Passed the Senate the ___ day of _____, 2020.

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14 Presiding Officer of the Senate