



Mary Fallin
Governor

FILED

JUN 08 2017

EXECUTIVE DEPARTMENT
EXECUTIVE ORDER 2017-19

OKLAHOMA SECRETARY
OF STATE

Today I signed into law Senate Bill 643 (Bill), which creates substantial new law known as the "Impaired Driving Elimination Act". The Bill appears to authorize the Oklahoma Department of Public Safety (DPS) in specific circumstances to summarily revoke or destroy a driver's license of an individual without a due process hearing. The Oklahoma Supreme Court has determined that, "one's claim to a driver's license is indeed a protectable property interest that may not be terminated without due process guaranteed by the Fourteenth Amendment."

Therefore, in giving effect to Bill I am requiring the DPS to follow directions consistent with the recent Oklahoma Supreme Court Order in *Nichols v. State, ex. rel. Dept. of Public Safety*, 2017 OK 20. I also direct and order the DPS to grant a hearing on revocation of license in conformity with the due process clause of the Fourteenth Amendment of the United States Constitution, and within the time limits imposed by our Supreme Court. DPS may create an exception to these hearings for any individual that receives a deferred adjudication, a suspended sentence, or a formal conviction under the criminal code.

I, THEREFORE ORDER the Oklahoma State Department of Public Safety to comply with the directions I have given in this Order when instituting Senate Bill 643.

This Executive Order shall be distributed to the Oklahoma Department of Public Safety and to the Secretary of Public Safety, who shall cause the provisions of this Order to be implemented.

IN WITNESS WHEREOF, I have set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 8th day of June, 2017.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA



MARY FALLIN

ATTEST


DAVE LOPEZ, SECRETARY OF STATE

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