

LICENSE SUSPENSION AND PROVISIONAL DRIVER'S LICENSES FAQ

On Nov. 1, 2023, H.B. 2259 went into effect and changed how and when Oklahoma can suspend a person's driver's license for failure to pay traffic fines or fees.

When can the state suspend my license for failing to pay fines and fees from a traffic violation?

The state can suspend your license for various reasons. Repeated violation of traffic laws, failure to pay traffic tickets, and failure to pay fines and fees to Service Oklahoma can all lead to suspension. But, as of Nov. 1, 2023, if you have been to court on a traffic ticket, the state cannot suspend your license for a failure to pay that ticket (or any fees associated with it) without first giving you a hearing to determine your ability to pay. In other words, if a judge enforced a traffic ticket against you after you attended a hearing on that ticket, the state must assess your ability to pay that ticket before it can suspend your license. If you can show the judge that you cannot afford the ticket, the state cannot suspend your license. Your driver's license can only be suspended for a failure to pay if, after the hearing, the state finds that you have the money to pay but refuse to do so.

NOTE: It's essential that you attend your court date. If you do not attend, the judge can still suspend your license for a failure to appear without ever assessing your ability to pay the accompanying fines and fees.

What can I use to prove that I cannot pay my traffic fines or fees?

Courts will consider the following things when deciding if you can pay:

- Individual and household income;
- Living expenses (food, rent, utilities, etc.);
- Number of dependents;
- Assets (cars, checking accounts, and other pieces of property with value);
- Child support obligations;
- Physical or mental health conditions that impair your ability to make or manage money; and
- Any other factors that relate to your ability to pay.

Courts cannot consider the following income when deciding if you can pay:

- Child support income; or
- Any money from federal, state, or tribal need-based or disability benefits.

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Courts may decide you are unable to pay if you can show:

- You are totally disabled under any federal, state, or tribal government disability program (social security disability, Supplemental Security Income, Tribal disability benefits, etc.);
- You receive any need-based financial support from the federal government. This includes but is not limited to Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), Special Supplemental Nutrition Program for Women, Infants, and Children (WIC);
- You receive any housing support through the state, local, or federal government; or
- Your total income is below 150% of the federal poverty level. Use this [link](#) to calculate whether your income qualifies.

If my license is already revoked or suspended, what are my options?

You can contact Service Oklahoma (the state agency that administers driver's licenses) and begin applying for a provisional driver's license. To do so, find the Service Oklahoma office nearest you and schedule an appointment with a Driver Compliance Hearing Officer. You can find the location nearest you at this [link](#). Click this [link](#) to review the law on provisional driver's licenses.

What is a provisional driver's license?

- A provisional driver's license allows you to drive but restricts the times when you can drive and the places to and from which you can drive. It typically allows you to drive to and from essential places, such as work, school (for you or your child), church, and court-ordered treatments.

Other than scheduling an appointment, what do I need to get a provisional driver's license?

To get your provisional driver's license, you will need:

- Proof of current liability insurance; and
- Proof that you have met all requirements for reinstatement of your driver's license.
 - If you owe court-ordered fines and fees and the state suspended your license for not paying, you must show Service Oklahoma a clearance to receive a provisional license from the court that ordered the fees.
 - You can get these clearances in three ways: (1) get a payment plan for you fines and fees and be current with your payments, (2) have your fines and fees forgiven as the result of an ability to pay hearing where the court found you were unable to pay, or (3) pay you fines and fees in full.

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NOTE: The required proof of current liability insurance, clearance of court-ordered fees, or completion of an ADSAC program can be different at different Service Oklahoma locations. The best approach is to call the Service Oklahoma location ahead of time and ask them how you need to provide proof of these things. Do they need paper copies of proof of insurance? Do you need the original copy of your ADSAC clearance? Call beforehand to clarify these requirements.

Do I need to retake my driver's license test to get a provisional license?

It depends. If you had a driver's license and it was suspended or revoked, it still has an expiration date listed on it. If you have not yet passed that expiration date, you can apply for a provisional license without retaking the driver's test. But if your suspended or revoked license has passed its expiration date, you will have to take the driver's test again to apply for a provisional license. If you have never had a license before, you will also have to take the driver's test to receive a provisional license. Note that retaking your driver's license test involves additional fees.

If I miss one monthly payment for my provisional driver's license, will Service Oklahoma cancel my provisional license?

No. If you miss one payment, Service Oklahoma will not automatically cancel your provisional license. Service Oklahoma will only cancel your provisional license after you have missed your payment for three months in a row.

What happens when I pay off all the fines and fees I owe Service Oklahoma while part of the provisional driver's license program?

Service Oklahoma will reinstate your full driving privileges once you finish paying off the fines and fees you owe Service Oklahoma. In other words, once you finish paying the fines and fees you owe to Service Oklahoma, your provisional license will become a full-fledged driver's license without the restrictions of a provisional license.