

An Act

ENROLLED HOUSE
BILL NO. 3000

By: Worthen of the House

and

Woods of the Senate

An Act relating to driving under the influence; creating the Impaired Driving Prevention Advisory Committee; establishing membership; requiring the Department of Public Safety to provide administrative support; providing time frame for meetings; establishing procedure for electing vice chair; establishing responsibilities and duties of the committee; requiring submission of certain plan; authorizing certain reimbursement; amending 47 O.S. 2021, Section 6-212.5, as amended by Section 5, Chapter 376, O.S.L. 2022 (47 O.S. Supp. 2023, Section 6-212.5), which relates to the Impaired Driver Accountability Program; setting certain date; modifying use and deposit of fees collected; modifying type of certification required for certain medical exemption; removing authorization limiting use of medical exemption; modifying name of responsible entity; authorizing the Board of Tests for Alcohol and Drug Influence to promulgate certain rules; authorizing the charging of certain fees; prohibiting the licensing of certain providers; authorizing Board to prescribe certain standards and conditions; authorizing Board to prescribe and approve certain education and training; requiring Board establish certain standards and qualifications; providing for codification; and providing an effective date.

SUBJECT: Driving under the influence

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-212.7 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Impaired Driving Prevention Advisory Committee. The Committee shall be comprised of:

1. The Commissioner of Public Safety, or a designee, who shall act as the Chair;

2. The Chief of the Oklahoma Highway Patrol, or a designee;

3. A member appointed by the District Attorneys Council;

4. A member appointed by the Administrative Office of the Courts;

5. The Director of the Department of Mental Health and Substance Abuse Services, or a designee;

6. The Director of the Oklahoma State Bureau of Investigation, or a designee;

7. The Director of the Board of Tests for Alcohol and Drug Influence, or a designee;

8. The Director of the Oklahoma Highway Safety Office, or a designee;

9. The President of the Oklahoma Association of Chiefs of Police, or a designee;

10. The President of the Oklahoma Sheriff's Association, or a designee;

11. The Chief Executive Officer of Service Oklahoma, or a designee;

12. A member of the Board of Directors of Safety Advocacy For Empowerment (SAFE);

13. A representative designated by a victim advocacy group to be selected by the Commissioner of Public Safety;

14. A member of the Oklahoma House of Representatives appointed by the Speaker of the Oklahoma House of Representatives; and

15. A member of the Oklahoma State Senate appointed by the President Pro Tempore of the Oklahoma State Senate.

B. The Department of Public Safety shall provide administrative support necessary for the Committee to accomplish the goals and objectives assigned by this section.

C. The Committee shall meet at the direction of the chair, and shall meet not less than once a year, but not more than four times a year. A vice chair shall be elected by the Committee from among its members. The vice chair shall act as chair of the Committee in the absence of the chair.

D. The Committee is authorized to collect, analyze, and interpret relevant crash data on impaired driving and associated traffic crashes. In addition, the Committee is authorized to review, evaluate, and monitor the impaired driving system of this state and provide a network of communication and cooperation among the various stakeholders to coordinate and integrate efforts and resources to reduce the incidence and severity of impaired driving crashes.

E. The Committee shall annually complete a statewide strategic plan to reduce the incidents of impaired driving and impaired driving crashes. The plan shall be submitted no later than December 31 of each year to the Governor, the President Pro Tempore of the Oklahoma State Senate, and the Speaker of the Oklahoma House of Representatives.

F. Members of the Committee who are otherwise employed by a state agency or political subdivision shall serve without additional compensation. Members of the Committee who are otherwise employed by a state agency or political subdivision shall be entitled to reimbursement for any actual and necessary traveling expenses in accordance with the State Travel Reimbursement Act from the employing agency.

SECTION 2. AMENDATORY 47 O.S. 2021, Section 6-205.1, as last amended by Section 19, Chapter 310, O.S.L. 2023 (47 O.S. Supp. 2023, Section 6-205.1), is amended to read as follows:

Section 6-205.1 A. The driving privilege of a person who is convicted of any offense as provided in paragraph 2 of subsection A of Section 6-205 of this title, or a person who has refused to submit to a test or tests as provided in Section 753 of this title, or a person whose alcohol concentration is subject to the provisions of Section 754 of this title, except as provided by subsection F of Section 6-212.5 of this title, shall be revoked or denied by Service Oklahoma for the following period, as applicable:

1. The first license revocation pursuant to paragraph 2 of subsection A of Section 6-205 of this title or Section 753 or 754 of this title, within ten (10) years preceding the date of arrest relating thereto, shall be for a period of no less than one hundred eighty (180) days and until the person completes the Impaired Driver Accountability Program in accordance with the rules of the Board of Tests for Alcohol and Drug Influence. ~~The period of revocation and the Impaired Driver Accountability Program shall run concurrently and each shall be for no less than one hundred eighty (180) days;~~

2. A revocation pursuant to paragraph 2 of subsection A of Section 6-205 of this title or Section 753 or 754 of this title shall be for a period of no less than one (1) year and until the person completes the Impaired Driver Accountability Program in accordance with the rules of the Board of Tests for Alcohol and Drug Influence, if within ten (10) years preceding the date of arrest relating thereto, as shown by the records of Service Oklahoma:

- a. a prior revocation commenced pursuant to paragraph 2 or 6 of subsection A of Section 6-205 of this title or Section 753 or 754 of this title or current enrollment in or previous completion of the Impaired Driver Accountability Program, or
- b. the record of the person reflects a prior conviction in another jurisdiction which did not result in a revocation of Oklahoma driving privileges, for a violation substantially similar to paragraph 2 of subsection A of Section 6-205 of this title, and the person was not a resident or a licensee of Oklahoma at the time of the offense resulting in the conviction.

~~The period of revocation and the Impaired Driver Accountability Program shall run concurrently and each shall be for no less than one (1) year;~~

3. A revocation pursuant to paragraph 2 of subsection A of Section 6-205 of this title or Section 753 or 754 of this title shall be for a period of no less than two (2) years and until the person completes the Impaired Driver Accountability Program in accordance with the rules of the Board of Tests for Alcohol and Drug Influence, if within ten (10) years preceding the date of arrest relating thereto, as shown by the records of Service Oklahoma:

- a. two or more prior revocations commenced pursuant to paragraph 2 or 6 of subsection A of Section 6-205 of this title or Section 753 or 754 of this title,
- b. two or more current enrollments in or previous completions of the Impaired Driver Accountability Program,
- c. the record of the person reflects two or more prior convictions in another jurisdiction which did not result in a revocation of Oklahoma driving privileges, for a violation substantially similar to paragraph 2 of subsection A of Section 6-205 of this title, and the person was not a resident or a licensee of Oklahoma at the time of the offense resulting in the conviction, or
- d. any combination of two or more prior revocations, current enrollments in or previous completions of the Impaired Driver Accountability Program, or convictions as described in subparagraphs a, b, and c of this paragraph.

~~The period of revocation and the Impaired Driver Accountability Program shall run concurrently and each shall be for no less than two (2) years; or~~

4. The revocation of the driving privilege of any person under Section 6-205, 6-205.1, 753, or 754 of this title shall not run concurrently with any other revocation of driving privilege under Section 6-205, 6-205.1, 753, or 754 of this title resulting from a different incident.

B. The driving privilege of a person who is convicted of any offense as provided in paragraph 3 or 6 of subsection A of Section 6-205 of this title shall be revoked or denied by Service Oklahoma for the following period, as applicable:

1. The first license revocation shall be for one hundred eighty (180) days, which shall be modified upon request; provided, any modification under this paragraph shall apply to Class D driver licenses only;

2. A revocation shall be for a period of one (1) year if within ten (10) years preceding the date of arrest relating thereto, as shown by the records of Service Oklahoma:

- a. a prior revocation commenced pursuant to paragraph 2, 3, or 6 of subsection A of Section 6-205 of this title, or Section 753 or 754 of this title,
- b. a prior revocation commenced pursuant to paragraph 2, 3, or 6 of subsection A of Section 6-205 of this title or Section 753 or 754 of this title, or current enrollment in or previous completion of the Impaired Driver Accountability Program, or
- c. the record of the person reflects a prior conviction in another jurisdiction which did not result in a revocation of Oklahoma driving privileges, for a violation substantially similar to paragraph 2, 3, or 6 of subsection A of Section 6-205 of this title, and the person was not a resident or a licensee of Oklahoma at the time of the offense resulting in the conviction.

Such period shall not be modified; or

3. A revocation shall be for a period of three (3) years if within ten (10) years preceding the date of arrest relating thereto, as shown by the records of Service Oklahoma:

- a. two or more prior revocations commenced pursuant to paragraph 2 or 6 of subsection A of Section 6-205 of this title, or Section 753 or 754 of this title,
- b. two or more prior revocations commenced pursuant to paragraph 2 or 6 of subsection A of Section 6-205 of this title or Section 753 or 754 of this title, or two or more current enrollments in or previous completions of the Impaired Driver Accountability Program,

- c. the record of the person reflects two or more prior convictions in another jurisdiction which did not result in a revocation of Oklahoma driving privileges, for a violation substantially similar to paragraph 2 or 6 of subsection A of Section 6-205 of this title, and the person was not a resident or licensee of Oklahoma at the time of the offense resulting in the conviction, or
- d. any combination of two or more prior revocations, current enrollments in or previous completions of the Impaired Driver Accountability Program, or convictions as described in subparagraphs a and b or c of this paragraph.

Such period shall not be modified.

The revocation of the driving privilege of any person under this subsection shall not run concurrently with any other withdrawal of driving privilege resulting from a different incident and which requires the driving privilege to be withdrawn for a prescribed amount of time. A denial based on a conviction of any offense as provided in paragraph 6 of subsection A of Section 6-205 of this title shall become effective on the first day the convicted person is otherwise eligible to apply for and be granted driving privileges if the person was not eligible to do so at the time of the conviction.

C. For the purposes of this section:

1. The term "conviction" includes a juvenile delinquency adjudication by a court or any notification from a court pursuant to Section 6-107.1 of this title; and

2. The term "revocation" includes a denial of driving privileges by Service Oklahoma.

D. Each period of revocation in subsection A of this section shall be mandatory and neither Service Oklahoma nor any court shall grant driving privileges based upon hardship or otherwise for the duration of that period, except under the Impaired Driver Accountability Program in accordance with the rules of the Board of Tests for Alcohol and Drug Influence.

E. Any appeal of a revocation or denial of driving privileges in subsection A of this section shall be governed by Section 6-211 of this title.

SECTION 3. AMENDATORY 47 O.S. 2021, Section 6-212.3, as amended by Section 4, Chapter 376, O.S.L. 2022 (47 O.S. Supp. 2023, Section 6-212.3), is amended to read as follows:

Section 6-212.3 A. 1. Whenever the installation of an ignition interlock device is allowed or required by law, the person shall pay a restricted driver license fee of Fifty Dollars (\$50.00). The restricted driver license and the driving record of the person shall indicate by an appropriate restriction that the person is only authorized to operate a vehicle upon which an approved and properly functioning ignition interlock device is installed.

2. The restricted driver license fee authorized by this section shall be remitted to the State Treasurer to be credited to the ~~Department of Public Safety Restricted Service Oklahoma~~ Revolving Fund. All monies accruing to the credit of the ~~Department of Public Safety Restricted Service Oklahoma~~ Revolving Fund from the restricted driver license fees shall be budgeted and expended solely for the purpose of administering the provisions of this section.

3. The installation of an ignition interlock device, as required by this section, shall not be construed to authorize the person to drive unless the person is otherwise eligible to drive.

B. Installation of an ignition interlock device shall run concurrently with a court order, if any, for installation of an ignition interlock device pursuant to the same conviction.

C. Installation of an ignition interlock device pursuant to participation in the Impaired Driver Accountability Program shall be credited towards any requirement for the installation of an ignition interlock device pursuant to any court order requiring the installation of an ignition interlock device arising out of the same incident.

D. The person shall be required to have installed an ignition interlock device approved by the Board of Tests for Alcohol and Drug Influence, at his or her own expense, and comply with all provisions of law regarding ignition interlock devices.

E. The ignition interlock device manufacturer shall report violations, if any, in accordance with the rules of the Board of Tests for Alcohol and Drug Influence for each ignition interlock device installed pursuant to this section and Section 6-205.1 of this title.

F. ~~The Department~~ Service Oklahoma shall promulgate rules necessary to implement and administer the provisions of this section.

SECTION 4. AMENDATORY 47 O.S. 2021, Section 6-212.5, as amended by Section 5, Chapter 376, O.S.L. 2022 (47 O.S. Supp. 2023, Section 6-212.5), is amended to read as follows:

Section 6-212.5 A. The Impaired Driver Accountability Program (IDAP) established by the Department of Public Safety is hereby transferred to the Board of Tests for Alcohol and Drug Influence for impaired driving arrests occurring on or after November 1, 2022. The Board of Tests for Alcohol and Drug Influence shall charge an administrative fee of One Hundred Fifty Dollars (\$150.00) to each person entered into IDAP. One Hundred Dollars (\$100.00) of each administrative fee shall be deposited in the General Revenue Fund of the State Treasury. Twenty-five Dollars (\$25.00) of each administrative fee shall be deposited in the Department of Public Safety Restricted Revolving Fund. Twenty-five Dollars (\$25.00) of each administrative fee shall be deposited in the Board of Tests for Alcohol and Drug Influence Revolving Fund. The Board of Tests for Alcohol and Drug Influence shall promulgate rules necessary to administer the program ~~and such rules as are necessary relating to ignition interlock devices and the providers of such devices, including fees.~~ The IDAP rules shall require, at a minimum:

1. Installation of an approved ignition interlock device for the periods set forth in Section 6-205.1 of this title;
2. A description of ignition interlock violations;
3. A description of criteria to determine acceptable participation in the program;
4. Required violation free periods of no less than ninety (90) days at the end of each program to demonstrate compliance by the participant;

5. Criteria for medical exemptions from ignition interlock requirements for persons submitting a ~~physician's~~ pulmonologist's certification indicating the person has a documented medical condition preventing the person from providing a breath sample of at least one and two-tenths (1.2) liters. Medical exemptions shall not be construed to grant the person driving privileges during the revocation. ~~Medical exemptions under this paragraph are only authorized for revocations imposed in accordance with paragraph 1 of subsection A of Section 6-205.1 of this title;~~

6. Criteria for granting employer exceptions to ignition interlock requirements in vehicles owned or leased by the employer. Employer exceptions under this paragraph shall not be construed to relieve the person from completing the Impaired Driver Accountability Program. Employer exceptions under this paragraph are only authorized for revocations imposed in accordance with paragraph 1 of subsection A of Section 6-205.1 of this title; and

7. Criteria for granting affordability accommodations to persons on public assistance programs or whose family income is at or below one hundred fifty percent (150%) of the federal poverty level.

B. Upon successful completion of the program, in accordance with the rules of the Board of Tests for Alcohol and Drug Influence, the person will be provided a completion certificate. Upon presentation of the IDAP completion certificate and documentation required by Section 6-212.2 of this title and payment of the required statutory fees, ~~the Department~~ Service Oklahoma will reinstate the driving privileges of the person, if otherwise eligible.

C. The Board is authorized to promulgate rules necessary to regulate ignition interlock devices and the providers of such devices, which shall be subject to suspension or revocation in accordance with the rules promulgated by the Board. The Board is authorized to charge appropriate fees for operations incidental to its required duties and responsibilities. No interlock provider utilizing a lease, clause, or contractual agreement that authorizes the provider to impound, physically immobilize, or seize a vehicle for outstanding debts or arrears may be licensed by the Board.

D. The Board is authorized to prescribe uniform standards and conditions for, and to approve satisfactory methods, procedures,

techniques, devices, equipment, and records for ignition interlock device performance and data.

E. The Board is authorized to prescribe and approve the requisite education and training for the performance of ignition interlock services. The Board shall establish standards and ascertain the qualifications and competence of individuals who provide ignition interlock services and to issue permits to such individuals and service centers which shall be subject to suspension or revocation in accordance with the rules promulgated by the Board.

F. The driving record of a person subject to revocation under the provisions of Section 753 or 754 of this title contained in paragraph 1 of subsection A of Section 6-205.1 of this title, excluding those subject to revocation under the provisions of paragraph 2 of subsection A of Section 6-205 of this title who enrolls in IDAP in accordance with this paragraph shall be updated to indicate completion of IDAP without revocation, provided the following requirements are satisfied:

1. At the time of the arrest, the person was a holder of a Class D driver license and was not driving or in actual physical control of a commercial motor vehicle;

2. The Board of Tests for Alcohol and Drug Influence receives the request for IDAP participation and payment of the program administration fee as set forth in this section within thirty (30) calendar days from the date of the arrest;

3. The person is otherwise eligible for driving privileges in Oklahoma on the date he or she enrolls in IDAP;

4. The person provides proof of enrollment in IDAP to Service Oklahoma and obtains a restricted driver license pursuant to Section 6-212.3 of this title prior to the revocation taking effect;

5. The person provides proof of completion of IDAP to Service Oklahoma;

6. The person has complied with the reinstatement requirements set forth in Section 6-212 of this title, including the payment of any necessary fees;

7. The person provides proof of completion of the alcohol and drug assessment and evaluation required by Section 6-212.2 of this title; and

8. The person enrolling in IDAP in accordance to the provisions of this subsection shall waive the right to file an appeal pursuant to Section 6-211 of this title regarding the arrest related to the IDAP enrollment.

SECTION 5. This act shall become effective November 1, 2024.

Passed the House of Representatives the 30th day of April, 2024.

Presiding Officer of the House
of Representatives

Passed the Senate the 24th day of April, 2024.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____