

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 HOUSE BILL 3693

By: Kannady

4
5
6 AS INTRODUCED

7 An Act relating to driving under the influence;
8 amending 47 O.S. 2011, Section 6-205, as last amended
9 by Section 3, Chapter 400, O.S.L. 2019 (47 O.S. Supp.
10 2019, Section 6-205), which relates to mandatory
11 revocation of driving privileges; modifying reasons
12 for not revoking licenses; amending 47 O.S. 2011,
13 Section 6-205.1, as last amended by Section 4,
14 Chapter 400, O.S.L. 2019 (47 O.S. Supp. 2019, Section
15 6-205.1), which relates to periods of revocation;
16 making exception for certain same-incident offenses;
17 requiring certain current enrollment or completion of
18 program to lengthen revocation; requiring certain
19 period of revocation modification upon request;
20 disallowing certain revocation to run concurrently;
21 amending 47 O.S. 2011, Section 6-211, as amended by
22 Section 5, Chapter 400, O.S.L. 2019 (47 O.S. Supp.
23 2019, Section 6-211), which relates to right to
24 appeal; requiring certain notice be attached to
petition; allowing certain bond execution to stay or
supersede Department order; listing certain
requirements for execution and forfeiture of bond;
requiring certain restoration of driving privileges;
requiring certain suspension extension; providing for
certain appeal; amending 47 O.S. 2011, Section 6-
212.3, as last amended by Section 8, Chapter 400,
O.S.L. 2019 (47 O.S. Supp. 2019, Section 6-212.3),
which relates to ignition interlock devices;
modifying certain time limits for certain
restriction; amending Section 9, Chapter 400, O.S.L.
2019 (47 O.S. Supp. 2019, Section 6-212.5), which
relates to Impaired Driver Accountability Program;
requiring certain agreement to obtain restricted
driver license; allowing for certain withdrawal;
stating certain consequences for withdrawal;
requiring promulgation of certain rules; modifying

1 certain time frame; allowing discretion in certain
2 program extensions; deleting certain fund
3 apportionment; directing deposit of funds; repealing
4 Section 10, Chapter 400, O.S.L. 2019 (47 O.S. Supp.
5 2019, Section 6-212.6), which relates to certain
6 notice for the Impaired Driver Accountability
7 Program; and providing an effective date.

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

9 SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-205, as
10 last amended by Section 3, Chapter 400, O.S.L. 2019 (47 O.S. Supp.
11 2019, Section 6-205), is amended to read as follows:

12 Section 6-205. A. The Department of Public Safety shall
13 immediately revoke the driving privilege of any person, whether
14 adult or juvenile, upon receiving a record of conviction, in any
15 municipal, state or federal court within the United States of any of
16 the following offenses, when such conviction has become final:

17 1. Manslaughter or negligent homicide resulting from the
18 operation of a motor vehicle;

19 2. Driving or being in actual physical control of a motor
20 vehicle while under the influence of alcohol, any other intoxicating
21 substance, or the combined influence of alcohol and any other
22 intoxicating substance, any violation of paragraph 1, 2, 3 or 4 of
23 subsection A of Section 11-902 of this title or any violation of
24 Section 11-906.4 of this title. However, the Department shall not
25 additionally revoke the driving ~~privileges~~ privilege of the person

1 pursuant to this subsection if the driving privilege of the person
2 has been revoked because of a test result or test refusal pursuant
3 to Section 753 or 754 of this title, or the person has successfully
4 completed or is currently participating in the Impaired Driver
5 Accountability Program (IDAP), arising from the same circumstances
6 which resulted in the conviction unless the revocation because of a
7 test result or test refusal is set aside;

8 3. Any felony during the commission of which a motor vehicle is
9 used;

10 4. Failure to stop and render aid as required under the laws of
11 this state in the event of a motor vehicle accident resulting in the
12 death or personal injury of another;

13 5. Perjury or the making of a false affidavit or statement
14 under oath to the Department under the Uniform Vehicle Code or under
15 any other law relating to the ownership or operation of motor
16 vehicles;

17 6. A misdemeanor or felony conviction for unlawfully
18 possessing, distributing, dispensing, manufacturing, trafficking,
19 cultivating, selling, transferring, attempting or conspiring to
20 possess, distribute, dispense, manufacture, traffic, sell, or
21 transfer of a controlled dangerous substance as defined in the
22 Uniform Controlled Dangerous Substances Act while using a motor
23 vehicle;

1 7. Failure to pay for gasoline pumped into a vehicle pursuant
2 to Section 1740 of Title 21 of the Oklahoma Statutes;

3 8. A misdemeanor conviction for a violation of Section 1465 of
4 Title 21 of the Oklahoma Statutes;

5 9. A misdemeanor conviction for a violation of Section 1-229.34
6 of Title 63 of the Oklahoma Statutes;

7 10. Failure to obey a traffic control device as provided in
8 Section 11-202 of this title or a stop sign when such failure
9 results in great bodily injury to any other person; or

10 11. Failure to stop or to remain stopped for school bus loading
11 or unloading ~~of~~ children pursuant to Section 11-705 or 11-705.1 of
12 this title.

13 B. The first license revocation under any provision of this
14 section, except for paragraph 2, 6, 7 or 11 of subsection A of this
15 section, shall be for a period of one (1) year. Such period shall
16 not be modified.

17 C. A license revocation under any provision of this section,
18 except for paragraph 2, 6, or 7 of subsection A of this section,
19 shall be for a period of three (3) years if a prior revocation under
20 this section, except under paragraph 2 of subsection A of this
21 section, commenced within the preceding five-year period as shown by
22 the records of the Department. Such period shall not be modified.

1 D. The period of license revocation under paragraph 2 or 6 of
2 subsection A of this section shall be governed by the provisions of
3 Section 6-205.1 of this title.

4 E. The first license revocation under paragraph 7 of subsection
5 A of this section shall be for a period of six (6) months. A second
6 or subsequent license revocation under paragraph 7 of subsection A
7 of this section shall be for a period of one (1) year. Such periods
8 shall not be modified.

9 F. The first license revocation under paragraph 11 of
10 subsection A of this section shall be for a period of one (1) year.
11 Such period may be modified. Any appeal of the revocation of
12 driving privilege under paragraph 11 of subsection A of this section
13 shall be governed by Section 6-211 of this title; provided, any
14 modification under this subsection shall apply to Class D ~~motor~~
15 ~~vehicles~~ driver licenses only.

16 G. As used in this section, "great bodily injury" means bodily
17 injury which creates a substantial risk of death or which causes
18 serious, permanent disfigurement or protracted loss or impairment of
19 the function of any bodily member or organ.

20 SECTION 2. AMENDATORY 47 O.S. 2011, Section 6-205.1, as
21 last amended by Section 4, Chapter 400, O.S.L. 2019 (47 O.S. Supp.
22 2019, Section 6-205.1), is amended to read as follows:

23 Section 6-205.1 A. The driving privilege of a person who is
24 convicted of any offense as provided in paragraph 2 of subsection A

1 of Section 6-205 of this title, or a person who has refused to
2 submit to a test or tests as provided in Section 753 of this title,
3 or a person whose alcohol concentration is subject to the provisions
4 of Section 754 of this title, unless, as a result of the same
5 incident, the person has successfully completed, or is currently
6 participating in, the Impaired Driver Accountability Program, shall
7 be revoked or denied by the Department of Public Safety for the
8 following period, as applicable:

9 1. The first license revocation pursuant to paragraph 2 of
10 subsection A of Section 6-205 of this title or Section 753 or 754 of
11 this title shall be for a period of one hundred eighty (180) days,
12 or longer if driving privileges are modified pursuant to the
13 provisions of this paragraph, which shall be modified upon request;
14 provided, any modification under this paragraph shall apply to Class
15 D driver licenses only. For any modification, the person shall be
16 required to install an ignition interlock device or devices,
17 pursuant to Section 754.1 of this title. The period of revocation
18 and the period of interlock installation shall run concurrently and
19 each shall be for no less than one hundred eighty (180) days;

20 2. A revocation pursuant to paragraph 2 of subsection A of
21 Section 6-205 of this title or Section 753 or 754 of this title
22 shall be for a period of one (1) year, or longer if driving
23 privileges are modified pursuant to the provisions of this
24

1 paragraph, if within ten (10) years preceding the date of arrest
2 relating thereto, as shown by the records of the Department:

3 a. a prior revocation commenced pursuant to paragraph 2
4 or 6 of subsection A of Section 6-205 of this title,
5 Section 753 or 754 of this title, or current
6 enrollment in, or previous completion of, the Impaired
7 Driver Accountability Program, or

8 b. the record of the person reflects a prior conviction
9 in another jurisdiction which did not result in a
10 revocation of Oklahoma driving privileges, for a
11 violation substantially similar to paragraph 2 of
12 subsection A of Section 6-205 of this title, and the
13 person was not a resident or a licensee of Oklahoma at
14 the time of the offense resulting in the conviction.

15 Such one-year period of revocation ~~may~~ shall be modified upon
16 request; provided, any modification under this paragraph shall apply
17 to Class D driver licenses only. For any modification, the person
18 shall be required to install an ignition interlock device or
19 devices, pursuant to Section 754.1 of this title. The period of
20 revocation and the period of interlock installation shall run
21 concurrently and each shall be for no less than one (1) year; or

22 3. A revocation pursuant to paragraph 2 of subsection A of
23 Section 6-205 of this title or Section 753 or 754 of this title
24 shall be for a period of three (3) years, or longer if driving

1 privileges are modified pursuant to the provisions of this
2 paragraph, if within ten (10) years preceding the date of arrest
3 relating thereto, as shown by the records of the Department:

4 a. two or more prior revocations commenced pursuant to
5 paragraph 2 or 6 of subsection A of Section 6-205 of
6 this title or Section 753 or 754 of this title,

7 ~~b. a prior revocation commenced pursuant to paragraph 2~~
8 ~~or 6 of subsection A of Section 6-205 of this title or~~
9 ~~Section 753 or 754 of this title, and completion two~~
10 ~~or more current enrollments in, or completions of, the~~
11 Impaired Driver Accountability Program,

12 c. the record of the person reflects two or more prior
13 convictions in another jurisdiction which did not
14 result in a revocation of Oklahoma driving privileges,
15 for a violation substantially similar to paragraph 2
16 of subsection A of Section 6-205 of this title, and
17 the person was not a resident or a licensee of
18 Oklahoma at the time of the offense resulting in the
19 conviction, or

20 d. any combination of two or more prior revocations,
21 ~~completion~~ current enrollments in, or completions of,
22 the Impaired Driver Accountability Program, or
23 convictions as described in subparagraphs a, b and c
24 of this paragraph.

1 Such three-year period of revocation shall be modified upon request;
2 provided, any modification under this paragraph shall apply to Class
3 D driver licenses only. For any modification, the person shall be
4 required to install an ignition interlock device or devices,
5 pursuant to Section 754.1 of this title. The period of revocation
6 and the period of interlock installation shall run concurrently and
7 each shall be for no less than three (3) years.

8 The revocation of the driving privilege of any person under this
9 subsection shall not run concurrently with any other withdrawal of
10 driving privilege resulting from a different incident under this
11 section and which requires the driving privilege to be withdrawn for
12 a prescribed amount of time. A denial based on a conviction of any
13 offense as provided in paragraph 2 of subsection A of Section 6-205
14 of this title shall become effective on the first day the convicted
15 person is otherwise eligible to apply for and be granted driving
16 privileges if the person was not eligible to do so at the time of
17 conviction.

18 B. The driving privilege of a person who is convicted of any
19 offense as provided in paragraph 6 of subsection A of Section 6-205
20 of this title shall be revoked or denied by the Department of Public
21 Safety for the following period, as applicable:

22 1. The first license revocation shall be for one hundred eighty
23 (180) days, which shall be modified upon request; provided, for
24 license revocations for a misdemeanor charge of possessing a

1 controlled dangerous substance, the provisions of this paragraph
2 shall apply to any such revocations by the Department on or after
3 January 1, 1993; provided further, any modification under this
4 paragraph shall apply to Class D driver licenses only;

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

8 a. a prior revocation commenced pursuant to paragraph 2
9 or 6 of subsection A of Section 6-205 of this title,
10 or Section 753 or 754 of this title,

11 b. a prior revocation commenced pursuant to paragraph 2
12 or 6 of subsection A of Section 6-205 of this title or
13 Section 753 or 754 of this title, and completion of
14 the Impaired Driver Accountability Program, or

15 c. the record of the person reflects a prior conviction
16 in another jurisdiction which did not result in a
17 revocation of Oklahoma driving privileges, for a
18 violation substantially similar to paragraph 2 or 6 of
19 subsection A of Section 6-205 of this title, and the
20 person was not a resident or a licensee of Oklahoma at
21 the time of the offense resulting in the conviction.

22 Such period shall not be modified; or
23
24

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

- 4 a. two or more prior revocations commenced pursuant to
5 paragraph 2 or 6 of subsection A of Section 6-205 of
6 this title, or Section 753 or 754 of this title,
7 b. a prior revocation commenced pursuant to paragraph 2
8 or 6 of subsection A of Section 6-205 of this title or
9 Section 753 or 754 of this title, and completion of
10 the Impaired Driver Accountability Program,
11 c. the record of the person reflects two or more prior
12 convictions in another jurisdiction which did not
13 result in a revocation of Oklahoma driving privileges,
14 for a violation substantially similar to paragraph 2
15 or 6 of subsection A of Section 6-205 of this title,
16 and the person was not a resident or licensee of
17 Oklahoma at the time of the offense resulting in the
18 conviction, or
19 d. any combination of two or more prior revocations,
20 completion of the Impaired Driver Accountability
21 Program, or convictions as described in subparagraphs
22 a and b or c of this paragraph.

23 Such period shall not be modified.
24

1 The revocation of the driving privilege of any person under this
2 subsection shall not run concurrently with any other withdrawal of
3 driving privilege resulting from a different incident under this
4 subsection and which requires the driving privilege to be withdrawn
5 for a prescribed amount of time. A denial based on a conviction of
6 any offense as provided in paragraph 6 of subsection A of Section 6-
7 205 of this title shall become effective on the first day the
8 convicted person is otherwise eligible to apply for and be granted
9 driving privileges if the person was not eligible to do so at the
10 time of the conviction.

11 C. For the purposes of this section:

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

15 2. The term "revocation" includes a denial of driving
16 privileges by the Department.

17 D. Each period of revocation not subject to modification shall
18 be mandatory and neither the Department nor any court shall grant
19 driving privileges based upon hardship or otherwise for the duration
20 of that period. Each period of revocation, subject to modification
21 as provided for in this section, shall be modified upon request as
22 provided for in Section 754.1 of this title or Section ~~41~~ 11-902a of
23 this ~~act~~ title; provided, any modification under this paragraph
24 shall apply to Class D driver licenses only.

1 E. Any appeal of a revocation or denial of driving privileges
2 shall be governed by Section 6-211 of this title.

3 SECTION 3. AMENDATORY 47 O.S. 2011, Section 6-211, as
4 amended by Section 5, Chapter 400, O.S.L. 2019 (47 O.S. Supp. 2019,
5 Section 6-211), is amended to read as follows:

6 Section 6-211. A. Any person denied driving privileges, or
7 whose driving privilege has been canceled, denied, suspended or
8 revoked by the Department, except where such cancellation, denial,
9 suspension or revocation is mandatory, under the provisions of
10 Section 6-205 of this title, or disqualified by the Department,
11 under the provisions of Section 6-205.2 or 761 of this title, shall
12 have the right of appeal to the district court as hereinafter
13 provided. Proceedings before the district court shall be exempt
14 from the provisions of the Oklahoma Pleading and Discovery codes,
15 except that the appeal shall be by petition, without responsive
16 pleadings. The district court is hereby vested with original
17 jurisdiction to hear the petition.

18 B. A person whose driving privilege is denied, canceled,
19 revoked or suspended due to inability to meet standards prescribed
20 by law, or due to an out-of-state conviction or violation, or due to
21 an excessive point accumulation on the traffic record, or for an
22 unlawful license issued, may appeal in the county in which the
23 person resides.

24

1 C. Any person whose driving privilege is canceled, denied,
2 suspended or revoked may appeal to the district court in the county
3 in which the offense was committed upon which the Department based
4 its order.

5 D. A person whose driving privilege is subject to revocation
6 pursuant to Section 753 or 754 of this title may appeal to the
7 district court in the county in which the arrest occurred relating
8 to the test refusal or test result, as shown by the records of the
9 Department.

10 E. The petition shall be filed within thirty (30) days after
11 the notice of revocation, pursuant to Section 753 or 754 of this
12 title, has been served upon the person. The Officer's Affidavit and
13 Notice of Revocation shall be attached to the petition. It shall be
14 the duty of the district court to enter an order setting the matter
15 for hearing not less than fifteen (15) days and not more than thirty
16 (30) days from the date the petition is filed. A certified copy of
17 petition and order for hearing shall be served forthwith by the
18 clerk of the court upon the Commissioner of Public Safety by
19 certified mail at the Department of Public Safety, Oklahoma City,
20 Oklahoma.

21 F. Upon a hearing relating to a revocation or disqualification
22 pursuant to a conviction for an offense enumerated in Section 6-205,
23 6-205.2 or 761 of this title, the court shall not consider the
24 propriety or merits of the revocation or disqualification action,

1 except to correct the identity of the person convicted as shown by
2 records of the Department.

3 G. A petition for modification may be included with the appeal
4 or separately filed at any time, and the district court may, in its
5 discretion, modify the revocation as provided for in Section 755 of
6 this title; provided, any modification under this subsection shall
7 apply to Class D driver licenses only.

8 H. The court shall take testimony and examine the facts and
9 circumstances, including all of the records on file in the office of
10 the Department of Public Safety relative to the offense committed
11 and the driving record of the person, and determine from the facts,
12 circumstances, and records whether or not the petitioner is entitled
13 to driving privileges or shall be subject to the order of denial,
14 cancellation, suspension or revocation issued by the Department. In
15 case the court finds that the order was not justified, the court may
16 sustain the appeal, vacate the order of the Department and direct
17 that driving privileges be restored to the petitioner, if otherwise
18 eligible.

19 I. The testimony of any hearing pursuant to this section shall
20 be taken by the court stenographer and preserved for the purpose of
21 appeal and, in case the Department files notice of appeal from the
22 order of the court as provided herein, the court shall order and
23 direct the court clerk to prepare and furnish a complete transcript
24 of all pleadings and proceedings, together with a complete

1 transcript taken at the hearing at no cost to the Department, except
2 the cost of transcribing.

3 ~~J. An appeal may be taken by the person or by the Department~~
4 ~~from the order or judgment of the district court to the Supreme~~
5 ~~Court of the State of Oklahoma as otherwise provided by law~~ To stay
6 or supersede any order of the Department, the petitioner may execute
7 and file a cash appeal bond in the sum of Two Hundred Fifty Dollars
8 (\$250.00) with the clerk of the court, to be approved by the court
9 clerk. A certified copy of the bond shall be served upon the
10 Commissioner of Public Safety along with the notice of hearing and
11 petition. The bond shall be to the State of Oklahoma and
12 conditioned that the petitioner will prosecute the appeal with due
13 diligence and during pendency of the appeal abide by and not violate
14 any of the laws of this state or any other state in the operation of
15 a motor vehicle, and that the petitioner will abide by and perform
16 the final judgment of the court therein, and in case the appeal is
17 finally denied the appellant will pay all court costs incurred in
18 the appeal in the district court. If the petitioner is convicted of
19 a traffic offense during the pendency of the appeal or fails to
20 prosecute the appeal with due diligence, the bond may be forfeited
21 to the court fund upon application by the Department and after
22 hearing before the court in which the appeal is pending.

23 K. After filing and approval of the appeal bond and the
24 furnishing thereof to the Department as hereby provided, the

1 Department shall restore driving privileges to the person if
2 otherwise eligible, and the person shall be permitted to operate a
3 motor vehicle pending the appeal, under terms and conditions as
4 prescribed in the bond which shall include the installation of an
5 ignition interlock device on every motor vehicle operated by the
6 person, pursuant to Section 754.1 or 755 of this title; provided,
7 however, if the order of the Department is sustained in final
8 judgment, the court shall, in such final judgment, enter an order
9 extending the period of suspension or revocation for such time as
10 the petitioner was permitted to operate motor vehicles under the
11 provisions of the appeal bond, and the court shall also in such
12 final judgment direct and require the immediate surrender of any
13 driver license to the Department.

14 L. An appeal may be taken by the person or by the Department
15 from the order or judgment of the district court to the Supreme
16 Court of the State of Oklahoma as otherwise provided by law.

17 SECTION 4. AMENDATORY 47 O.S. 2011, Section 6-212.3, as
18 last amended by Section 8, Chapter 400, O.S.L. 2019 (47 O.S. Supp.
19 2019, Section 6-212.3), is amended to read as follows:

20 Section 6-212.3 A. Whenever the installation of an ignition
21 interlock device is allowed or required by law, the Department shall
22 require the device to be installed upon any vehicle owned or leased,
23 as reflected on the vehicle registration, by an employer of the
24 person for use by the person, except when the employer requests the

1 ignition interlock device not be installed. The request shall be in
2 writing and notarized on the official letterhead of the employer and
3 provided by the employer to the Department; provided, a request
4 shall not be accepted by the Department under the following
5 circumstances:

6 1. When the person is self-employed or owns part or all of the
7 company or corporation, or exercises control over some part of the
8 business which owns or leases the vehicle;

9 2. When the person is employed by a relative who is within the
10 first degree of consanguinity or who resides in the same household;
11 or

12 3. When the person has had a prior revocation pursuant to
13 paragraph 2 of subsection A of Section 6-205 of this title or
14 Section 753 or 754 of this title.

15 The person shall comply with all provisions of law and rule
16 regarding ignition interlock devices.

17 B. 1. Upon request and eligibility, the Department shall issue
18 a restricted driver license to the person, upon payment of a
19 restricted driver license fee of Fifty Dollars (\$50.00) and all
20 other appropriate fees by the person. The restricted driver license
21 and the driving record of the person shall indicate by an
22 appropriate restriction that the person is only authorized to
23 operate a vehicle upon which an approved and properly functioning
24 ignition interlock device is installed. If the person is operating

1 a motor vehicle owned or leased by an employer who has not given
2 permission for an ignition interlock device to be installed, the
3 employer shall provide the person with a letter, on official
4 letterhead of the employer, which the person shall carry in his or
5 her immediate possession at all times when operating a motor vehicle
6 and shall display for examination and inspection upon demand of a
7 peace officer.

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

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

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

21 D. Installation of an ignition interlock device pursuant to any
22 court order, Impaired Driver Accountability Program or other
23 diversionary program shall be credited towards any requirement for
24 the installation of an ignition interlock device pursuant to any

1 court order, Impaired Driver Accountability Program or other
2 diversionary program arising out of the same incident.

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

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

12 G. Pursuant to Section 6-205.1 of this title, the Department
13 shall extend the period of ignition interlock of the person for a
14 report from the Board of Tests for Alcohol and Drug Influence of a
15 reportable violation by the person as defined in the rules of the
16 Board of Tests for Alcohol and Drug Influence. A restriction
17 imposed under this section or Section 6-205.1 of this title shall
18 remain in effect until the Department receives a declaration from
19 the Board of Tests for Alcohol and Drug Influence, in a form
20 provided or approved by the Department, certifying that there have
21 been no reportable violations in the ~~one hundred eighty (180)~~ sixty
22 (60) consecutive days prior to the date of release, for a one-
23 hundred-eighty-day modification, or one hundred twenty (120)
24 consecutive days prior to the date of release, for a one-year

1 modification, or three hundred sixty-five (365) consecutive days
2 prior to the date of release, for a three-year modification. The
3 Department shall send notice in accordance with Section 2-116 of
4 this title prior to extending the period of ignition interlock.
5 Upon request, made within fifteen (15) days of completion of the
6 notice, the person shall have the right to an informal hearing
7 before the Department prior to any extension of the period of
8 ignition interlock. The hearing shall be limited to the issues of
9 the validity of the ignition interlock violation and the identity of
10 the person committing the violation. Should the release date of the
11 person occur after the Department has received the informal hearing
12 request but before the informal hearing, the period of ignition
13 interlock of the person shall be extended pending the final judgment
14 of the Department.

15 H. The Department shall promulgate rules necessary to implement
16 and administer the provisions of this section.

17 SECTION 5. AMENDATORY Section 9, Chapter 400, O.S.L.
18 2019 (47 O.S. Supp. 2019, Section 6-212.5), is amended to read as
19 follows:

20 Section 6-212.5 A. The Department of Public Safety shall
21 establish the Impaired Driver Accountability Program (IDAP) at the
22 Department of Public Safety. Fees collected by the Department for
23 admission into the program shall be deposited in the Department of
24 Public Safety Restricted Revolving Fund for support of the program.

1 The Department shall promulgate rules necessary to administer the
2 program.

3 B. The Department may enter into an IDAP agreement with the
4 person if:

5 1. The Department receives the request for IDAP participation
6 within thirty (30) calendar days from the date that notice was given
7 pursuant to Section ~~10~~ 6-212.6 of this ~~act~~ title;

8 2. The Department receives payment of the program
9 administration fee of Two Hundred Dollars (\$200.00) within forty-
10 five (45) days of the date notice was given pursuant to Section ~~10~~
11 6-212.6 of this ~~act~~ title;

12 3. The Department receives an ignition interlock device
13 installation verification issued in accordance with the rules of the
14 Board of Tests for Alcohol and Drug Influence within forty-five (45)
15 days from the date notice was given pursuant to Section ~~10~~ 6-212.6
16 of this ~~act~~ title; ~~and~~

17 4. The person is not otherwise ineligible for driving
18 privileges in Oklahoma on the date the person enters into the IDAP
19 agreement; and

20 5. The person shall obtain the restricted driver license.

21 C. Upon successful completion of the program, the records of
22 the Department will be updated to indicate completion of the program
23 by the person without revocation. No reinstatement fee will be
24 charged to the person.

1 D. 1. A participant may, upon written request, voluntarily
2 withdraw from the IDAP. The driving privilege of a person who
3 voluntarily withdraws from the IDAP shall be immediately revoked.
4 The Department shall not credit the person's time participating in
5 the IDAP toward the required revocation period. The IDAP fees shall
6 not be refundable.

7 2. The Department shall promulgate rules to revoke participants
8 who have demonstrated a failure to comply with the IDAP agreement or
9 have failed to actively participate in the IDAP. The IDAP fees
10 shall not be refundable.

11 E. The program length shall be:

12 1. A minimum of six (6) months for a person subject to
13 revocation pursuant to paragraph 1 of subsection A of Section 6-
14 205.1 of ~~Title 47 of the Oklahoma Statutes~~ this title. A
15 restriction imposed under this section shall remain in effect until
16 the Department receives a declaration from the Board of Tests for
17 Alcohol and Drug Influence, in a form provided or approved by the
18 Department, certifying that there have been no reportable violations
19 in the sixty (60) consecutive days prior to the date of release. If
20 the Department receives notice of any ignition interlock reportable
21 violations during the sixty (60) consecutive days prior to release,
22 as determined by the Board of Tests for Alcohol and Drug Influence,
23 the program period shall be extended for a period of sixty (60)
24 days. The Department may determine the number and type of verified

1 ignition interlock device violations that result in program
2 extensions;

3 2. A minimum of twelve (12) months for a person subject to
4 revocation pursuant to paragraph 2 of subsection A of Section 6-
5 205.1 of ~~Title 47 of the Oklahoma Statutes~~ this title. A
6 restriction imposed under this section shall remain in effect until
7 the Department receives a declaration from the Board of Tests for
8 Alcohol and Drug Influence, in a form provided or approved by the
9 Department, certifying that there have been no reportable violations
10 in the one hundred twenty (120) consecutive days prior to the date
11 of release. If the Department receives notice of any ignition
12 interlock reportable violations during the one hundred twenty (120)
13 consecutive days prior to release, as determined by the Board of
14 Tests for Alcohol and Drug Influence, the program period shall be
15 extended for a period of one hundred twenty (120) days. The
16 Department may determine the number and type of verified ignition
17 interlock device violations that result in program extensions; or

18 3. A minimum of thirty-six (36) months for a person subject to
19 revocation pursuant to paragraph 3 of subsection A of Section 6-
20 205.1 of ~~Title 47 of the Oklahoma Statutes~~ this title. A
21 restriction imposed under this section shall remain in effect until
22 the Department receives a declaration from the Board of Tests for
23 Alcohol and Drug Influence, in a form provided or approved by the
24 Department, certifying that there have been no reportable violations

1 in the one (1) year prior to the date of release. If the Department
2 receives notice of any ignition interlock reportable violations
3 during the one (1) year prior to release, as determined by the Board
4 of Tests for Alcohol and Drug Influence, the program period shall be
5 extended for a period of one (1) year. The Department may determine
6 the number and type of verified ignition interlock device violations
7 that result in program extensions.

8 ~~E.~~ F. Prior to an extension of the program period, the
9 Department shall send notice of the extension in accordance with
10 Section 2-116 of ~~Title 47 of the Oklahoma Statutes~~ this title. Upon
11 request, which shall be made within fifteen (15) days of receipt of
12 the notice, the person shall have the right to an informal hearing
13 before the Department prior to any extension of the program. The
14 hearing shall be limited to the issues of the validity of the
15 ignition interlock reportable violation and the identity of the
16 person committing the violation. Should the release date of the
17 person occur after the Department has received the informal hearing
18 request but before the informal hearing, the period of ignition
19 interlock of the person shall be extended pending the final judgment
20 of the Department.

21 ~~F.~~ G. Effective July 1, 2020, and for each fiscal year
22 thereafter:

23 1. Two Hundred Fifty Thousand Dollars (\$250,000.00) of all
24 monies collected each month pursuant to this section shall be

1 ~~apportioned as provided in Section 1104 of Title 47 of the Oklahoma~~
2 ~~Statutes, except as otherwise provided in this section~~ deposited in
3 the Department of Public Safety Restricted Revolving Fund for the
4 administration of the IDAP; and

5 2. Except as otherwise provided in this section, all other
6 monies collected in excess of Two Hundred Fifty Thousand Dollars
7 (\$250,000.00) each month shall be deposited in the General Revenue
8 Fund.

9 SECTION 6. REPEALER Section 10, Chapter 400, O.S.L.
10 2019 (47 O.S. Supp. 2019, Section 6-212.6), is hereby repealed.

11 SECTION 7. This act shall become effective November 1, 2020.

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13 57-2-9628 JBH 01/15/20
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