

1 **SENATE FLOOR VERSION**

2 March 1, 2017

3 **AS AMENDED**

4 SENATE BILL NO. 643

5 By: David and Rader

6 **[impaired driving - mandatory revocation of driving**
7 **privilege - reinstatement fees - Impaired Driver**
8 **Accountability Program (IDAP) - administration of**
9 **tests - noncodification - effective date]**

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

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

13 This Act shall be known and may be cited as the "Impaired
14 Driving Elimination Act 2" (IDEA2)

15 SECTION 2. NEW LAW A new section of law not to be
16 codified in the Oklahoma Statutes reads as follows:

17 The purpose of the Impaired Driving Elimination Act and its
18 amendments is to recognize that it is in the best interests of the
19 citizens of the State of Oklahoma to have effective and meaningful
20 administrative monitoring by the Department of Public Safety of
21 impaired driving offenders. An accelerated process to hold these
22 offenders immediately accountable through the restriction of their
23 driving privileges, and the restoration of those driving privileges
24 through compliance criteria developed by the Department of Public

1 Safety, will help ensure the safety of all citizens who utilize the
2 roads, streets and highways of the State of Oklahoma.

3 SECTION 3. AMENDATORY 47 O.S. 2011, Section 2-116, is
4 amended to read as follows:

5 Section 2-116. Whenever the Department of Public Safety is
6 authorized or required to give any notice under ~~this act~~ Section 2-
7 101 et seq. of this title or other law regulating the operation of
8 vehicles, unless a different method of giving such notice is
9 otherwise expressly prescribed, such notice shall be given either by
10 personal delivery thereof to the person to be so notified or by
11 deposit in the United States mail of such notice in an envelope with
12 first class postage prepaid, addressed to such person at the address
13 as shown by the records of the Department. Such notice shall be
14 sent to a legal representative who has entered an appearance for the
15 person in accordance with the rules of the Department. The giving
16 of notice by mail is complete upon the expiration of ten (10) days
17 after such deposit of ~~said~~ the notice. Proof of the giving of
18 notice in either such manner may be made by the certificate of any
19 officer or employee of the Department or affidavit of any person
20 over eighteen (18) years of age, naming the person to whom such
21 notice was given and specifying the ~~time~~ date, place and manner of
22 ~~the giving thereof~~ notice. Failure of the person, or the person's
23 legal representative, to receive notice because of failure to notify
24 the Department of a change in his or her current mailing address, as

1 required by Section 6-116 of this title, or as required by the rules
2 of the Department, shall not be sufficient grounds ~~for the person to~~
3 ~~protest the~~ to invalidate the giving of notice.

4 SECTION 4. AMENDATORY 47 O.S. 2011, Section 6-205, as
5 amended by Section 1, Chapter 279, O.S.L. 2013 (47 O.S. Supp. 2016,
6 Section 6-205), is amended to read as follows:

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

12 1. Manslaughter or negligent homicide resulting from the
13 operation of a motor vehicle;

14 2. Driving or being in actual physical control of a motor
15 vehicle while under the influence of alcohol, any other intoxicating
16 substance, or the combined influence of alcohol and any other
17 intoxicating substance, ~~any violation of paragraph 1, 2, 3 or 4 of~~
18 or any offense in subsection A of Section 11-902 of this title or
19 ~~any violation of~~ offense in Section 11-906.4 of this title.

20 However, the Department shall not additionally revoke the driving
21 privileges of the person pursuant to this subsection if the driving
22 privilege of the person has been revoked because of a test result or
23 test refusal pursuant to Section 753 or 754 of this title arising
24 from the same circumstances which resulted in the conviction unless

1 the revocation because of a test result or test refusal is set
2 aside;

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

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

8 5. Perjury or the making of a false affidavit or statement
9 under oath to the Department under the Uniform Vehicle Code or under
10 any other law relating to the ownership or operation of motor
11 vehicles;

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

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

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

23 9. A misdemeanor conviction for a violation of Section 609 of
24 Title 37 of the Oklahoma Statutes;

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

4 11. Failure to stop or to remain stopped for school bus loading
5 or unloading of children pursuant to Section 11-705 or 11-705.1 of
6 this title.

7 B. ~~The first license revocation under any provision of this~~
8 ~~section, except for paragraph 2, 6, 7 or 11 of subsection A of this~~
9 ~~section, shall be for a period of one (1) year. Such period shall~~
10 ~~not be modified~~ Department may promulgate rules necessary to
11 implement revocations, denials, suspensions and modifications
12 thereof.

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

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

9 ~~F.~~ G. 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 only.

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

20 I. As used in this section, "conviction" means:

21 1. A non-vacated adjudication of guilt;

22 2. A determination that a person has violated or failed to
23 comply with this section in any court or by the Department of Public
24 Safety following an administrative hearing;

1 3. A non-vacated forfeiture of bail or collateral deposited to
2 ensure a person's appearance in court;

3 4. A plea of guilty or nolo contendere accepted by the court
4 that results in any sentence, including a deferred or suspended
5 sentence;

6 5. The payment of any fine or court costs;

7 6. A violation of a condition of release without bail
8 regardless of whether the penalty is rebated, suspended or probated;
9 or

10 7. A juvenile delinquency adjudication or deferred adjudication
11 by a court or any notification from a court pursuant to Section 6-
12 107.1 of this title.

13 SECTION 5. AMENDATORY 47 O.S. 2011, Section 6-205.1, as
14 amended by Section 1, Chapter 393, O.S.L. 2013 (47 O.S. Supp. 2016,
15 Section 6-205.1), is amended to read as follows:

16 Section 6-205.1. A. The driving privilege of a person who is
17 convicted of any offense as provided in paragraph 2 of subsection A
18 of Section 6-205 of this title, or a person who has refused to
19 submit to a test or tests as provided in Section 753 of this title,
20 or a person whose alcohol concentration is subject to the provisions
21 of Section 754 of this title, unless the person has successfully
22 completed the Impaired Driver Accountability Program (IDAP) in
23 accordance with paragraph E of Section 6-212 of this title, for the
24 grounds that gave rise to the revocation, shall be revoked or denied

1 by the Department of Public Safety for the following period, as
2 applicable:

3 1. The first license revocation pursuant to paragraph 2 of
4 subsection A of Section 6-205 of this title or to Section 753 or 754
5 of this title shall be for ~~one hundred eighty (180) days~~ a minimum
6 period of one (1) year, which ~~may~~ shall be modified; provided, any
7 modification under this paragraph shall apply to Class D motor
8 vehicles only. Modification requires the issuance of an ignition
9 interlock restricted license, and the continuous installation of an
10 ignition interlock device or devices pursuant to Section 754.1 of
11 this title for a period of not less than one (1) year immediately
12 preceding reinstatement of the license. For the last sixty (60)
13 days of the modification period the person must not receive any
14 verified ignition interlock violations as determined by the Board of
15 Tests for Alcohol and Drug Influence. If the Department receives
16 any verified ignition interlock violations within the last sixty
17 (60) days of the modification period, the modification period shall
18 be extended until such time the person completes a violation free
19 sixty (60) day period;

20 2. A revocation pursuant to paragraph 2 of subsection A of
21 Section 6-205 of this title, or to Section 753 or 754 of this title
22 shall be for a minimum period of ~~one (1) year or longer if driving~~
23 ~~privileges are modified pursuant to the provisions of this paragraph~~
24 eighteen (18) months which shall be modified, if within ten (10)

1 years preceding the date of arrest relating thereto, as shown by the
2 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 or to Section 753 or 754 of this title, or previous
6 completion of the Impaired Driving Accountability
7 Program pursuant to Section 6-212 of this title, 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~~ eighteen (18) month period of revocation ~~may~~ shall be
16 modified; provided, any modification under this paragraph shall
17 apply to Class D motor vehicles only. ~~For any modification, the~~
18 ~~person shall be required to install~~ Every modification shall require
19 the installation of an ignition interlock device or devices,
20 pursuant to Section 754.1 of this title. ~~The period of revocation~~
21 ~~and the period of interlock installation shall run concurrently and~~
22 ~~each shall be for no less than one (1) year~~ for a continuous period
23 of not less than eighteen (18) months immediately preceding
24 reinstatement of the license. For the last sixty (60) days of the

1 modification period the person must not receive any verified
2 ignition interlock violations as determined by the Board of Tests
3 for Alcohol and Drug Influence. If the Department receives any
4 verified ignition interlock violations within the last sixty (60)
5 days of the modification period, the modification period shall be
6 extended until such time the person completes a violation free sixty
7 (60) day period; or

8 3. A revocation pursuant to paragraph 2 of subsection A of
9 Section 6-205 of this title, or to Section 753 or 754 of this title
10 shall be for a minimum period of three (3) years or longer ~~if~~
11 ~~driving privileges are~~ which shall be modified pursuant to the
12 provisions of this paragraph if within ten (10) years preceding the
13 date of arrest relating thereto, as shown by the records of the
14 Department:

15 a. two or more prior revocations commenced pursuant to
16 paragraph 2 or 6 of subsection A of Section 6-205 of
17 this title, or to Section 753 or 754 of this title, or
18 previous completion(s) of the Impaired Driving
19 Accountability Program pursuant to Section 6-212 of
20 this title,

21 b. the record of the person reflects two or more prior
22 convictions in another jurisdiction which did not
23 result in a revocation of Oklahoma driving privileges,
24 for a violation substantially similar to paragraph 2

1 of subsection A of Section 6-205 of this title, and
2 the person was not a resident or a licensee of
3 Oklahoma at the time of the offense resulting in the
4 conviction, or

- 5 c. any combination of two or more prior revocations, or
6 previous completions of the Impaired Driving
7 Accountability Program, or convictions as described in
8 subparagraphs a and b of this paragraph.

9 Such three-year period of revocation ~~may~~ shall be modified;
10 provided, any modification under this paragraph shall apply to Class
11 D motor vehicles only. ~~For any modification, the person shall be~~
12 ~~required to install~~ Modification requires the issuance of a ignition
13 interlock restricted license, and the continuous installation of an
14 ignition interlock device or devices, pursuant to Section 754.1 of
15 this title. The period of revocation and the period of interlock
16 installation shall run concurrently and each shall be for no less
17 than three (3) years for a period of not less than three (3) years
18 immediately preceding reinstatement of the license. For the last
19 sixty (60) days of the modification period the person must not
20 receive any verified ignition interlock violations as determined by
21 the Board of Tests for Alcohol and Drug Influence. If the
22 Department receives any verified ignition interlock violations
23 within the last sixty (60) days of the modification period, the

1 modification period shall be extended until such time the person
2 completes a violation free sixty (60) day period.

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

7 1. The first license revocation shall be for one hundred eighty
8 (180) days, which may be modified; provided, for license revocations
9 for a misdemeanor charge of possessing a controlled dangerous
10 substance, the provisions of this paragraph shall apply to any such
11 revocations by the Department on or after January 1, 1993; provided
12 further, any modification under this paragraph shall apply to Class
13 D motor vehicles only;

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

- 17 a. a prior revocation commenced pursuant to paragraph 2
18 or 6 of subsection A of Section 6-205 of this title,
19 or under Section 753 or 754 of this title, or
20 b. the record of the person reflects a prior conviction
21 in another jurisdiction which did not result in a
22 revocation of Oklahoma driving privileges, for a
23 violation substantially similar to paragraph 2 or 6 of
24 subsection A of Section 6-205 of this title, and the

1 person was not a resident or a licensee of Oklahoma at
2 the time of the offense resulting in the conviction.

3 Such period shall not be modified; or

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

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

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

18 c. any combination of two or more prior revocations as
19 described in subparagraphs a and b or this paragraph.

20 Such period shall not be modified.

21 The revocation of the driving privilege of any person under this
22 subsection shall not run concurrently with any other withdrawal of
23 driving privilege resulting from a different incident and which
24 requires the driving privilege to be withdrawn for a prescribed

1 amount of time. A denial based on a conviction of any offense as
2 provided in paragraph 6 of subsection A of Section 6-205 of this
3 title shall become effective on the first day the convicted person
4 is otherwise eligible to apply for and be granted driving privilege
5 if the person was not eligible to do so at the time of the
6 conviction.

7 C. For the purposes of this subsection:

8 1. The term "conviction" includes:

- 9 a. a juvenile delinquency adjudication or deferred
10 adjudication by a court or any notification from a
11 court pursuant to Section 6-107.1 of this title; ~~and,~~
12 b. a non-vacated adjudication of guilt,
13 c. a determination that the person has violated or failed
14 to comply with this section in any court or by the
15 Department of Public Safety following an
16 administrative determination,
17 d. a non-vacated forfeiture of bail or collateral
18 deposited to ensure a person's appearance in court,
19 e. a plea of guilty or nolo contendere accepted by the
20 court resulting in any sentence to include a deferred
21 sentence,
22 f. the payment of any fine or costs, or
23
24

1 g. a violation of a condition of release without bail,
2 regardless of whether or not the penalty is rebated,
3 suspended or probated; and

4 2. The term "revocation" includes a denial of driving
5 privileges by the Department.

6 D. Each period of revocation not subject to modification shall
7 be mandatory and neither the Department nor any court ~~shall~~ may
8 grant driving privileges ~~based upon hardship or otherwise~~ for the
9 duration of that period. Each period of revocation, subject to
10 modification as provided for in this section, ~~may~~ shall be modified
11 as provided for in Section 754.1 or 755 of this title; provided, any
12 modification under this paragraph shall apply to Class D motor
13 vehicles only.

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

16 SECTION 6. AMENDATORY 47 O.S. 2011, Section 6-212, as
17 last amended by Section 3, Chapter 97, O.S.L. 2015 (47 O.S. Supp.
18 2016, Section 6-212), is amended to read as follows:

19 Section 6-212. A. The Department of Public Safety shall not
20 assess and collect multiple reinstatement fees when reinstating the
21 driving privilege of any person having more than one suspension or
22 revocation affecting the person's driving privilege at the time of
23 reinstatement.

24 B. The Department shall:

1 1. Suspend or revoke a person's driving privilege ~~for each~~
2 ~~basis~~ as delineated within the Oklahoma Statutes; and

3 2. Require any person having more than one suspension or
4 revocation affecting the person's driving privilege to meet the
5 statutory requirements for each action as a condition precedent to
6 the reinstatement of any driving privilege. Provided, however,
7 reinstatement fees shall not be cumulative, and a single
8 reinstatement fee, as provided for in subsection C of this section,
9 shall be paid for all suspensions or revocations as shown by the
10 Department's records at the time of reinstatement.

11 C. Whenever a person's privilege to operate a motor vehicle is
12 suspended or revoked pursuant to any provision as authorized by the
13 Oklahoma Statutes, the license or privilege to operate a motor
14 vehicle shall remain under suspension or revocation and shall not be
15 reinstated until:

16 1. The expiration of each such revocation or suspension order;

17 2. The person has paid to the Department:

18 a. if such privilege is suspended or revoked pursuant to
19 Section 1115.5 of Title 22 of the Oklahoma Statutes or
20 pursuant to any provisions of this title, except as
21 provided in subparagraph b of this paragraph, a
22 processing fee of Twenty-five Dollars (\$25.00) for
23 each such suspension or revocation as shown by the
24 Department's records, or

- 1 b. (1) if such privilege is suspended or revoked
2 pursuant to the provisions of Section 6-205, 6-
3 205.1, 7-612, 753, 754 or 761 of this title or
4 pursuant to subsection A of Section 7-605 of this
5 title for a conviction for failure to maintain
6 the mandatory motor vehicle insurance required by
7 law or pursuant to subsection B of Section 6-206
8 of this title for a suspension other than for
9 points accumulation, a processing fee of Seventy-
10 five Dollars (\$75.00) for each such suspension or
11 revocation as shown by the Department's records,
12 and a special assessment trauma-care fee of Two
13 Hundred Dollars (\$200.00) to be deposited into
14 the Trauma Care Assistance Revolving Fund created
15 in Section 1-2530.9 of Title 63 of the Oklahoma
16 Statutes, for each suspension or revocation as
17 shown by the records of the Department, and
18 (2) in addition to any other fees required by this
19 section, if such privilege is suspended or
20 revoked pursuant to an arrest on or after
21 November 1, 2008, under the provisions of
22 paragraph 2 or 6 of subsection A of Section 6-205
23 of this title or of Section 753, 754, or 761 of
24 this title, a fee of Fifteen Dollars (\$15.00),

1 which shall be apportioned pursuant to the
2 provisions of Section 3-460 of Title 43A of the
3 Oklahoma Statutes; and

4 3. The person has paid to the Department a single reinstatement
5 fee of:

6 a. beginning on August 26, 2011, through June 30, 2013,
7 Fifty Dollars (\$50.00), of which Twenty-five Dollars
8 (\$25.00) shall be deposited by the Commissioner to the
9 credit of the Department of Public Safety Revolving
10 Fund and, in addition to other purposes authorized by
11 law, the expenditures from that fund of monies derived
12 from the Twenty-five Dollars (\$25.00) pursuant to this
13 subparagraph shall be used to fund any Oklahoma
14 Highway Patrol Trooper Academy provided by the
15 Department. Any remaining funds shall be used for
16 operational expenses of the Oklahoma Highway Patrol,
17 and

18 b. beginning on July 1, 2013, and any year thereafter,
19 Twenty-five Dollars (\$25.00).

20 D. The Department of Public Safety is hereby authorized to
21 enter into agreements with persons whose license to operate a motor
22 vehicle or commercial motor vehicle has been suspended or revoked,
23 except as to those suspensions, revocations, cancellations or
24 denials made pursuant to paragraph 1 or 2 of subsection A of Section

1 6-205 of this title or to Section 753 or 754 of this title, for
2 issuance of provisional licenses that would allow such persons to
3 drive:

- 4 1. Between their place of residence and their place of
5 employment or potential employment;
- 6 2. During the scope and course of their employment;
- 7 3. Between their place of residence and a college, university
8 or technology center;
- 9 4. Between their place of residence and their child's school or
10 day care provider;
- 11 5. Between their place of residence and a place of worship; or
- 12 6. Between their place of residence and any court-ordered
13 treatment program,

14 with the condition that such persons pay a minimum of Twenty-five
15 Dollars (\$25.00) per month toward the satisfaction of all
16 outstanding driver license or commercial driver license
17 reinstatement fees. The Department shall develop rules and
18 procedures to establish such a provisional driver license program
19 and such rules and procedures shall include, but not be limited to,
20 eligibility criteria, proof of insurance, proof of enrollment or
21 employment, and any provisional license fees. Any violation of law
22 by the person holding the provisional license that would result in
23 the suspension or revocation of a driver license shall result in the
24

1 revocation of the provisional license and such person shall be
2 ineligible for future application for a provisional driver license.

3 E. No later than June 30, 2018, the Department shall establish
4 the Impaired Driver Accountability Program at the Department of
5 Public Safety. Fees collected by the Department for admission into
6 the program shall be deposited in the Department of Public Safety
7 Restricted Revolving Fund for support of the program. The
8 Department shall promulgate rules necessary to implement the
9 Impaired Driver Accountability Program. The rules shall include,
10 but not be limited to:

11 1. Eligibility requirements; and

12 2. Potential consequences for violations of the program rules.

13 F. The Department may, upon receipt of the documentation
14 necessary for a revocation under paragraph 2, 6, 7 or 11 of
15 subsection A of Section 6-205.1 or Section 753 or 754 of this title,
16 enter into an IDAP program agreement with the person if:

17 1. The Department receives the request for IDAP participation
18 pursuant to this section within ten (10) calendar days of date of
19 notice pursuant to Section 2-116 of this title on the form provided
20 by the Department;

21 2. The Department receives the ADSAC assessment of the
22 individual reflecting a treatment category of I or II within forty-
23 five (45) days of the date of notice pursuant to Section 2-116 of
24 this title;

1 3. The Department receives payment of the Two Hundred Dollars
2 (\$200.00) program administration fee within forty-five (45) days of
3 the date of notice pursuant to Section 2-116 of this title;

4 4. The Department receives the proof of installation of an
5 ignition interlock device approved in accordance with the rules of
6 the Board of Tests for Alcohol and Drug Influence within forty-five
7 (45) days of the date of notice pursuant to Section 2-116 of this
8 title; and

9 5. The Department receives proof of the person's driving
10 privileges, including but not limited to out-of-state driver
11 licenses and licenses obtained at any time before or after entry
12 into the program within forty-five (45) days of the date of notice
13 pursuant to Section 2-116 of this title.

14 G. For the last sixty (60) days of the IDAP program the person
15 must not receive any verified ignition violations as determined by
16 the Board of Tests for Alcohol and Drug Influence. If the
17 Department receives any verified ignition interlock violations
18 within the last sixty (60) days of the IDAP program period, the
19 program period shall be extended until such a time the person
20 completes a violation free sixty (60) day period.

21 1. Upon successful completion of the program, the driving
22 record of the person will be updated to indicate their completion of
23 the program without revocation; and

24 2. No reinstatement fee will be charged to the person.

1 H. Only first offenders are eligible for participation in the
2 IDAP program. For purposes of this section, "first offender" means
3 a person who has never been convicted of, or had their driving
4 privileges revoked or denied by the Department for an offense listed
5 in paragraph 2 of subsection A of Section 6-205 of this title, or
6 who have previously completed the IDAP program. The program length
7 shall be a minimum of one hundred eighty (180) days;

8 I. Completion of the program is contingent upon the person's
9 compliance with the rules of the Department.

10 J. In the event a person is not eligible for participation in
11 the Impaired Driver Accountability Program, a timely request for
12 admission shall constitute a request for hearing to the Department.
13 The person will be notified in writing of the determination of
14 ineligibility for the program. The determination of the Department
15 regarding eligibility is not appealable.

16 K. Effective July 1, 2002, and for each fiscal year thereafter:

17 1. Two Hundred Fifty Thousand Dollars (\$250,000.00) of all
18 monies collected each month pursuant to this section shall be
19 apportioned as provided in Section 1104 of this title, except as
20 otherwise provided in this section; and

21 2. Except as otherwise provided in this section, all other
22 monies collected in excess of Two Hundred Fifty Thousand Dollars
23 (\$250,000.00) each month shall be deposited in the General Revenue
24 Fund.

1 SECTION 7. AMENDATORY 47 O.S. 2011, Section 6-212.3, as
2 last amended by Section 2, Chapter 393, O.S.L. 2013 (47 O.S. Supp.
3 2016, Section 6-212.3), is amended to read as follows:

4 Section 6-212.3. A. ~~Whenever the records of the Department of~~
5 ~~Public Safety reflect the revocation of the driving privilege of a~~
6 ~~person as provided in subsection A of Section 6-205.1 of this title,~~
7 ~~the Department shall require the installation of an ignition~~
8 ~~interlock device, at the expense of the person, as provided in~~
9 ~~subsection D of this section, after the mandatory period of~~
10 ~~revocation, as prescribed by Section 6-205.1 of this title, for the~~
11 ~~following period, as applicable:~~

12 ~~1. For a first revocation and if the person refused to submit~~
13 ~~to a test or tests, or had a blood or breath alcohol concentration~~
14 ~~of fifteen hundredths (0.15) or more, for a period of one and one-~~
15 ~~half (1 1/2) years following the mandatory period of revocation or~~
16 ~~until the driving privileges of the person are reinstated, whichever~~
17 ~~is longer;~~

18 ~~2. For a second revocation, for a period of four (4) years~~
19 ~~following the mandatory period of revocation or until the driving~~
20 ~~privileges of the person are reinstated, whichever is longer; or~~

21 ~~3. For a third or subsequent revocation, for a period of five~~
22 ~~(5) years following the mandatory period of revocation or until the~~
23 ~~driving privileges of the person are reinstated, whichever is~~
24 ~~longer.~~

1 ~~B. Whenever the records of the Department of Public Safety~~
2 ~~reflect a person is classified as an excessive user of alcohol or of~~
3 ~~a combination of alcohol and any other intoxicating substance, and~~
4 ~~inimical to public safety, in accordance with rules promulgated by~~
5 ~~the Department, the person shall, upon request for reinstatement of~~
6 ~~driving privileges from revocation or suspension based upon the~~
7 ~~conviction or the status as an excessive user, provide proof of~~
8 ~~installation of an ignition interlock device approved by the Board~~
9 ~~of Tests for Alcohol and Drug Influence, at the expense of the~~
10 ~~person, as provided in subsection D of this section.~~

11 ~~C. The Whenever the installation of an ignition interlock~~
12 ~~device is allowed or required by law, the Department shall require,~~
13 ~~as a condition of reinstatement, the device to be installed upon any~~
14 ~~vehicle owned or leased, as reflected on the vehicle registration,~~
15 ~~by an employer of the person for use by the person, except when the~~
16 ~~employer requests the ignition interlock device not be installed.~~
17 ~~The request shall be in writing and notarized on the official~~
18 ~~letterhead of the employer and provided by the person to the~~
19 ~~Department; provided, a request shall not be accepted by the~~
20 ~~Department under the following circumstances:~~

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

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

3 ~~or~~

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

7 4. When the person has a previous revocation pursuant to
8 paragraph 2 of subsection A of Section 6-205 or Section 753 or 754
9 of this title, or a previous completion of the Impaired Driver
10 Accountability Program as a result of an arrest for a violation of
11 Section 11-902 or Section 11-902a of this title which occurred in a
12 vehicle owned or leased by the person's employer.

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

15 B. The Department of Public Safety may revoke, suspend or
16 restrict the driving privileges of the person upon receipt of a
17 report of a verified ignition interlock violation as defined by the
18 Board of Tests for Alcohol and Drug Influence.

19 ~~D. 1. The requirements of subsection A or B, as applicable, of~~
20 ~~this section shall be a prerequisite and condition for reinstatement~~
21 ~~of driving privileges, in addition to other conditions for driving~~
22 ~~privilege reinstatement provided by law or by rule of the~~
23 ~~Department. Upon request and eligibility, the Department shall~~
24 ~~issue a restricted driver license to the person, upon payment of a~~

1 ~~restricted driver license fee of Fifty Dollars (\$50.00) and all~~
2 ~~other appropriate fees by the person. The restricted driver license~~
3 ~~and the driving record of the person shall indicate by an~~
4 ~~appropriate restriction that the person is only authorized to~~
5 ~~operate a vehicle upon which an ignition interlock is installed. If~~
6 ~~the person is operating a motor vehicle owned or leased by an~~
7 ~~employer who has not given permission for an ignition interlock~~
8 ~~device to be installed, the employer shall provide the person with a~~
9 ~~letter, on official letterhead of the employer, which the person~~
10 ~~shall carry in his or her immediate possession at all times when~~
11 ~~operating a motor vehicle and shall display for examination and~~
12 ~~inspection upon demand of a peace officer.~~

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

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

23 E. ~~Installation of an ignition interlock device pursuant to~~
24 ~~subsection A or B of this section shall run concurrently with a~~

1 ~~court order, if any, for installation of an ignition interlock~~
2 ~~device, or devices pursuant to the same conviction.~~

3 ~~F. The person shall pay the monthly maintenance fee, not to~~
4 ~~exceed Twenty-five Dollars (\$25.00) per month, for each ignition~~
5 ~~interlock device installed pursuant to this section. The person~~
6 ~~shall comply with all provisions of law regarding ignition interlock~~
7 ~~devices.~~

8 ~~G. The ignition interlock device provider shall make available~~
9 ~~to the Department regular reports of violations, if any, for each~~
10 ~~ignition interlock device installed pursuant to this section.~~

11 ~~H. Pursuant to Section 6-113 of this title, the Department may~~
12 ~~revoke or suspend the driving privileges of the person for reports~~
13 ~~from the provider which indicate attempts by the person to operate a~~
14 ~~motor vehicle when the person is under the influence of alcohol.~~

15 ~~I. The Department shall promulgate rules necessary to implement~~
16 ~~and administer this section~~

17 C. 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 ignition interlock is installed. If
24 the person is operating a motor vehicle owned or leased by an

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

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

14 SECTION 8. AMENDATORY 47 O.S. 2011, Section 11-902, as
15 last amended by Section 1, Chapter 196, O.S.L. 2016 (47 O.S. Supp.
16 2016, Section 11-902), is amended to read as follows:

17 Section 11-902. A. It is unlawful and punishable as provided
18 in this section for any person to drive, operate, or be in actual
19 physical control of a motor vehicle within this state, whether upon
20 public roads, highways, streets, turnpikes, other public places or
21 upon any private road, street, alley or lane which provides access
22 to one or more single or multi-family dwellings, who:

23 1. Has a blood or breath alcohol concentration, as defined in
24 Section 756 of this title, of eight-hundredths (0.08) or more at the

1 time of a test of such person's blood or breath administered within
2 two (2) hours after the arrest of such person;

3 2. Is under the influence of alcohol;

4 3. Has any amount of a Schedule I chemical or controlled
5 substance, as defined in Section 2-204 of Title 63 of the Oklahoma
6 Statutes, or one of its metabolites or analogs in the person's
7 blood, saliva, urine or any other bodily fluid at the time of a test
8 of such person's blood, saliva, urine or any other bodily fluid
9 administered within two (2) hours after the arrest of such person;

10 4. Is under the influence of any intoxicating substance other
11 than alcohol which may render such person incapable of safely
12 driving or operating a motor vehicle; or

13 5. Is under the combined influence of alcohol and any other
14 intoxicating substance which may render such person incapable of
15 safely driving or operating a motor vehicle.

16 B. The fact that any person charged with a violation of this
17 section is or has been lawfully entitled to use alcohol or a
18 controlled dangerous substance or any other intoxicating substance
19 shall not constitute a defense against any charge of violating this
20 section.

21 C. 1. Any person who is convicted of a violation of the
22 provisions of this section shall be guilty of a misdemeanor for the
23 first offense and shall:

- 1 a. participate in an assessment and evaluation pursuant
2 to subsection G of this section and shall follow all
3 recommendations made in the assessment and evaluation,
4 b. be punished by imprisonment in jail for not less than
5 ten (10) days nor more than one (1) year, and
6 c. be fined not more than One Thousand Dollars
7 (\$1,000.00).

8 2. Any person who, having been convicted of or having received
9 deferred judgment for a violation of this section or a violation
10 pursuant to the provisions of any law of this state or another state
11 prohibiting the offenses provided in this section, Section 11-904 of
12 this title or paragraph 4 of subsection A of Section 852.1 of Title
13 21 of the Oklahoma Statutes, or having a prior conviction in a
14 municipal criminal court of record for the violation of a municipal
15 ordinance prohibiting the offense provided for in this section
16 commits a subsequent violation of this section within ten (10) years
17 of the date following the completion of the execution of ~~said~~ the
18 sentence or deferred judgment, and against whom the district
19 attorney seeks to enhance punishment pursuant to the provision of
20 this section, shall, upon conviction, be guilty of a felony and
21 shall participate in an assessment and evaluation pursuant to
22 subsection G of this section and shall be sentenced to:

23
24

- 1 a. follow all recommendations made in the assessment and
2 evaluation for treatment at the defendant's expense,
3 or
4 b. placement in the custody of the Department of
5 Corrections for not less than one (1) year and not to
6 exceed five (5) years and a fine of not more than Two
7 Thousand Five Hundred Dollars (\$2,500.00), or
8 c. treatment, imprisonment and a fine within the
9 limitations prescribed in subparagraphs a and b of
10 this paragraph.

11 However, if the treatment in subsection G of this section does
12 not include residential or inpatient treatment for a period of not
13 less than five (5) days, the person shall serve a term of
14 imprisonment of at least five (5) days.

15 3. Any person who commits a violation of this section after
16 having been convicted of a felony offense pursuant to the provisions
17 of this section or a violation pursuant to the provisions of any law
18 of this state or another state prohibiting the offenses provided for
19 in this section, Section 11-904 of this title or paragraph 4 of
20 subsection A of Section 852.1 of Title 21 of the Oklahoma Statutes,
21 and against whom the district attorney seeks to enhance punishment,
22 shall be guilty of a felony and participate in an assessment and
23 evaluation pursuant to subsection G of this section and shall be
24 sentenced to:

- 1 a. follow all recommendations made in the assessment and
2 evaluation for treatment at the defendant's expense,
3 two hundred forty (240) hours of community service and
4 use of an ignition interlock device, as provided by
5 subparagraph n of paragraph 1 of subsection A of
6 Section 991a of Title 22 of the Oklahoma Statutes, or
7 b. placement in the custody of the Department of
8 Corrections for not less than one (1) year and not to
9 exceed ten (10) years and a fine of not more than Five
10 Thousand Dollars (\$5,000.00), or
11 c. treatment, imprisonment and a fine within the
12 limitations prescribed in subparagraphs a and b of
13 this paragraph.

14 However, if the treatment in subsection G of this section does
15 not include residential or inpatient treatment for a period of not
16 less than ten (10) days, the person shall serve a term of
17 imprisonment of at least ten (10) days.

18 4. Any person who commits a violation of this section after
19 having been twice convicted of a felony offense pursuant to the
20 provisions of this section or a violation pursuant to the provisions
21 of any law of this state or another state prohibiting the offenses
22 provided for in this section, Section 11-904 of this title or
23 paragraph 4 of subsection A of Section 852.1 of Title 21 of the
24 Oklahoma Statutes, and against whom the district attorney seeks to

1 enhance punishment, shall be guilty of a felony and participate in
2 an assessment and evaluation pursuant to subsection G of this
3 section and shall be sentenced to:

- 4 a. follow all recommendations made in the assessment and
5 evaluation for treatment at the defendant's expense,
6 followed by not less than one (1) year of supervision
7 and periodic testing at the defendant's expense, four
8 hundred eighty (480) hours of community service, and
9 use of an ignition interlock device, as provided by
10 subparagraph n of paragraph 1 of subsection A of
11 Section 991a of Title 22 of the Oklahoma Statutes, for
12 a minimum of thirty (30) days, or
- 13 b. placement in the custody of the Department of
14 Corrections for not less than one (1) year and not to
15 exceed twenty (20) years and a fine of not more than
16 Five Thousand Dollars (\$5,000.00), or
- 17 c. treatment, imprisonment and a fine within the
18 limitations prescribed in subparagraphs a and b of
19 this paragraph.

20 However, if the person does not undergo residential or inpatient
21 treatment pursuant to subsection G of this section the person shall
22 serve a term of imprisonment of at least ten (10) days.

23 5. Any person who, after a previous conviction of a violation
24 of murder in the second degree or manslaughter in the first degree

1 in which the death was caused as a result of driving under the
2 influence of alcohol or other intoxicating substance, is convicted
3 of a violation of this section shall be guilty of a felony and shall
4 be punished by imprisonment in the custody of the Department of
5 Corrections for not less than five (5) years and not to exceed
6 twenty (20) years, and a fine of not more than Ten Thousand Dollars
7 (\$10,000.00).

8 6. Provided, however, a conviction from another state shall not
9 be used to enhance punishment pursuant to the provisions of this
10 subsection if that conviction is based on a blood or breath alcohol
11 concentration of less than eight-hundredths (0.08).

12 7. In any case in which a defendant is charged with a second or
13 subsequent driving under the influence of alcohol or other
14 intoxicating substance offense within any municipality with a
15 municipal court other than a court of record, the charge shall be
16 presented to the county's district attorney and filed with the
17 district court of the county within which the municipality is
18 located.

19 D. Any person who is convicted of a violation of driving under
20 the influence with a blood or breath alcohol concentration of
21 fifteen-hundredths (0.15) or more pursuant to this section shall be
22 deemed guilty of aggravated driving under the influence. A person
23 convicted of aggravated driving under the influence shall
24 participate in an assessment and evaluation pursuant to subsection G

1 of this section and shall comply with all recommendations for
2 treatment. Such person shall be sentenced as provided in paragraph
3 1, 2, 3, 4 or 5 of subsection C of this section and to:

4 1. Not less than one (1) year of supervision and periodic
5 testing at the defendant's expense; and

6 2. An ignition interlock device or devices, as provided by
7 subparagraph n of paragraph 1 of subsection A of Section 991a of
8 Title 22 of the Oklahoma Statutes, for a minimum of ninety (90)
9 days.

10 E. When a person is sentenced to imprisonment in the custody of
11 the Department of Corrections, the person shall be processed through
12 the Lexington Assessment and Reception Center or at a place
13 determined by the Director of the Department of Corrections. The
14 Department of Corrections shall classify and assign the person to
15 one or more of the following:

16 1. The Department of Mental Health and Substance Abuse Services
17 pursuant to paragraph 1 of subsection A of Section 612 of Title 57
18 of the Oklahoma Statutes; or

19 2. A correctional facility operated by the Department of
20 Corrections with assignment to substance abuse treatment.
21 Successful completion of a Department-of-Corrections-approved
22 substance abuse treatment program shall satisfy the recommendation
23 for a ten-hour or twenty-four-hour alcohol and drug substance abuse
24 course or treatment program or both. Successful completion of an

1 approved Department of Corrections substance abuse treatment program
2 may precede or follow the required assessment.

3 F. The Department of Public Safety is hereby authorized to
4 reinstate any suspended or revoked driving privilege when the person
5 meets the statutory requirements which affect the existing driving
6 privilege.

7 G. Any person who is found guilty of a violation of the
8 provisions of this section shall be ordered to participate in an
9 alcohol and drug substance abuse evaluation and assessment program
10 offered by a certified assessment agency or certified assessor for
11 the purpose of evaluating and assessing the receptivity to treatment
12 and prognosis of the person and shall follow all recommendations
13 made in the assessment and evaluation for treatment. The court
14 shall order the person to reimburse the agency or assessor for the
15 evaluation and assessment. Payment shall be remitted by the
16 defendant or on behalf of the defendant by any third party;
17 provided, no state-appropriated funds are utilized. The fee for an
18 evaluation and assessment shall be the amount provided in subsection
19 C of Section 3-460 of Title 43A of the Oklahoma Statutes. The
20 evaluation and assessment shall be conducted at a certified
21 assessment agency, the office of a certified assessor or at another
22 location as ordered by the court. The agency or assessor shall,
23 within seventy-two (72) hours from the time the person is evaluated
24 and assessed, submit a written report to the court for the purpose

1 of assisting the court in its sentencing determination. The court
2 shall, as a condition of any sentence imposed, including deferred
3 and suspended sentences, require the person to participate in and
4 successfully complete all recommendations from the evaluation, such
5 as an alcohol and substance abuse treatment program pursuant to
6 Section 3-452 of Title 43A of the Oklahoma Statutes. If such report
7 indicates that the evaluation and assessment shows that the
8 defendant would benefit from a ten-hour or twenty-four-hour alcohol
9 and drug substance abuse course or a treatment program or both, the
10 court shall, as a condition of any sentence imposed, including
11 deferred and suspended sentences, require the person to follow all
12 recommendations identified by the evaluation and assessment and
13 ordered by the court. No person, agency or facility operating an
14 evaluation and assessment program certified by the Department of
15 Mental Health and Substance Abuse Services shall solicit or refer
16 any person evaluated and assessed pursuant to this section for any
17 treatment program or substance abuse service in which such person,
18 agency or facility has a vested interest; however, this provision
19 shall not be construed to prohibit the court from ordering
20 participation in or any person from voluntarily utilizing a
21 treatment program or substance abuse service offered by such person,
22 agency or facility. If a person is sentenced to imprisonment in the
23 custody of the Department of Corrections and the court has received
24 a written evaluation report pursuant to the provisions of this

1 subsection, the report shall be furnished to the Department of
2 Corrections with the judgment and sentence. Any evaluation and
3 assessment report submitted to the court pursuant to the provisions
4 of this subsection shall be handled in a manner which will keep such
5 report confidential from the general public's review. Nothing
6 contained in this subsection shall be construed to prohibit the
7 court from ordering judgment and sentence in the event the defendant
8 fails or refuses to comply with an order of the court to obtain the
9 evaluation and assessment required by this subsection. If the
10 defendant fails or refuses to comply with an order of the court to
11 obtain the evaluation and assessment, the Department of Public
12 Safety shall not reinstate driving privileges until the defendant
13 has complied in full with such order. Nothing contained in this
14 subsection shall be construed to prohibit the court from ordering
15 judgment and sentence and any other sanction authorized by law for
16 failure or refusal to comply with an order of the court.

17 H. Any person who is found guilty of a violation of the
18 provisions of this section may be required by the court to attend a
19 victims impact panel program, as defined in subsection H of Section
20 991a of Title 22 of the Oklahoma Statutes, if such a program is
21 offered in the county where the judgment is rendered, and to pay a
22 fee of not less than Fifteen Dollars (\$15.00) nor more than Sixty
23 Dollars (\$60.00) as set by the governing authority of the program
24 and approved by the court to the program to offset the cost of

1 participation by the defendant, if in the opinion of the court the
2 defendant has the ability to pay such fee.

3 I. Any person who is found guilty of a felony violation of the
4 provisions of this section shall be required to submit to electronic
5 monitoring as authorized and defined by Section 991a of Title 22 of
6 the Oklahoma Statutes.

7 J. Any person who is found guilty of a violation of the
8 provisions of this section who has been sentenced by the court to
9 perform any type of community service shall not be permitted to pay
10 a fine in lieu of performing the community service.

11 K. When a person is found guilty of a violation of the
12 provisions of this section, the court shall order, in addition to
13 any other penalty, the defendant to pay a one-hundred-dollar
14 assessment to be deposited in the Drug Abuse Education and Treatment
15 Revolving Fund created in Section 2-503.2 of Title 63 of the
16 Oklahoma Statutes, upon collection.

17 L. 1. When a person is eighteen (18) years of age or older,
18 and is the driver, operator, or person in physical control of a
19 vehicle, and is convicted of violating any provision of this section
20 while transporting or having in the motor vehicle any child less
21 than eighteen (18) years of age, the fine shall be enhanced to
22 double the amount of the fine imposed for the underlying driving
23 under the influence (DUI) violation which shall be in addition to
24 any other penalties allowed by this section.

1 2. Nothing in this subsection shall prohibit the prosecution of
2 a person pursuant to Section 852.1 of Title 21 of the Oklahoma
3 Statutes who is in violation of any provision of this section or
4 Section 11-904 of this title.

5 M. Any plea of guilty, nolo contendere or finding of guilt for
6 a violation of this section or a violation pursuant to the
7 provisions of any law of this state or another state prohibiting the
8 offenses provided for in this section, Section 11-904 of this title,
9 or paragraph 4 of subsection A of Section 852.1 of Title 21 of the
10 Oklahoma Statutes, shall constitute a conviction of the offense for
11 the purpose of this section; provided, any deferred judgment shall
12 only be considered to constitute a conviction for a period of ten
13 (10) years following the completion of any court-imposed
14 probationary term.

15 N. If qualified by knowledge, skill, experience, training or
16 education, a witness shall be allowed to testify in the form of an
17 opinion or otherwise solely on the issue of impairment, but not on
18 the issue of specific alcohol concentration level, relating to the
19 following:

20 1. The results of any standardized field sobriety test
21 including, but not limited to, the horizontal gaze nystagmus (HGN)
22 test administered by a person who has completed training in
23 standardized field sobriety testing; ~~or~~

1 2. Whether a person was under the influence of one or more
2 impairing substances and the category of such impairing substance or
3 substances. A witness who has received training and holds a current
4 certification as a drug recognition expert shall be qualified to
5 give the testimony in any case in which such testimony may be
6 relevant; or

7 3. The results of screening tests, whether for the presence of
8 alcohol or other intoxicating substances, approved by the Board of
9 Tests for Alcohol and Drug Influence.

10 SECTION 9. AMENDATORY 47 O.S. 2011, Section 11-902a, is
11 amended to read as follows:

12 Section 11-902a. A. No person shall knowingly authorize or
13 permit a motor vehicle owned or under the control of that person
14 which is not equipped with an ignition interlock device to be driven
15 upon any street or highway of this state by any person who is
16 required to have an ignition interlock device installed upon the
17 vehicle of that person.

18 B. No person shall make an overt or conscious attempt to
19 physically disable, disconnect or wire around an ignition interlock
20 device, unless certified pursuant to rule or Oklahoma Statutes, or
21 intentionally fail to return an ignition interlock device when it is
22 no longer required in the vehicle or upon request by the owner of
23 the device.

1 C. No person granted permission to drive a motor vehicle on the
2 condition of installation of an ignition interlock device shall
3 drive any vehicle not equipped with an ignition interlock device
4 unless driving an employer's vehicle in accordance with Section
5 754.1 or subsection A of Section 6-212.3 of this title.

6 A violation of this section shall be a misdemeanor and shall be
7 punishable by a fine of not more than Five Hundred Dollars (\$500.00)
8 or by imprisonment in the county jail for not more than six (6)
9 months, or by both such fine and imprisonment.

10 SECTION 10. AMENDATORY 47 O.S. 2011, Section 751, is
11 amended to read as follows:

12 Section 751. A. 1. Any person who operates a motor vehicle
13 upon the public roads, highways, streets, turnpikes or other public
14 place or upon any private road, street, alley or lane which provides
15 access to one or more single or multi-family dwellings within this
16 state shall be deemed to have given consent to a test or tests of
17 such person's blood or breath, for the purpose of determining the
18 alcohol concentration as defined in Section 756 of this title, and
19 such person's blood, saliva or urine for determining the presence or
20 concentration of any other intoxicating substance therein as defined
21 in this section, if arrested for any offense arising out of acts
22 alleged to have been committed while the person was operating or in
23 actual physical control of a motor vehicle upon the public roads,
24 highways, streets, turnpikes or other public place or upon any

1 private road, street, alley or lane which provides access to one or
2 more single or multi-family dwellings while under the influence of
3 alcohol or other intoxicating substance, or the combined influence
4 of alcohol and any other intoxicating substance, or if the person is
5 involved in a traffic accident that resulted in the immediate death
6 or serious injury of any person and is removed from the scene of the
7 accident to a hospital or other health care facility outside the
8 State of Oklahoma before a law enforcement officer can effect an
9 arrest.

10 2. A law enforcement officer, having reasonable grounds to
11 believe that such person was operating or in actual physical control
12 of a motor vehicle while under the influence may direct the
13 administration of or administer the test or tests.

14 3. As used in this title, the term "other intoxicating
15 substance" shall mean any controlled dangerous substance as defined
16 in the Uniform Controlled Dangerous Substances Act and any other
17 substance, other than alcohol, which is capable of being ingested,
18 inhaled, injected or absorbed into the human body and is capable of
19 adversely affecting the central nervous system, vision, hearing or
20 other sensory or motor functions.

21 ~~B. The law enforcement agency by which the arresting officer is~~
22 ~~employed may designate, in accordance with the rules of the Board of~~
23 ~~Tests for Alcohol and Drug Influence, hereinafter referred to as the~~
24 ~~Board, whether blood or breath is to be tested for the alcohol~~

1 ~~concentration thereof, and whether blood, saliva or urine is to be~~
2 ~~tested for the presence or concentration of any other intoxicating~~
3 ~~substance therein.~~

4 ~~In the event the law enforcement agency does not designate the~~
5 ~~test to be administered, breath Breath shall be the substance tested~~
6 ~~for alcohol concentration absent a determination by the arresting~~
7 ~~officer that a blood test is preferable in accordance with the~~
8 ~~provisions of this section. Blood may also be tested to determine~~
9 ~~the alcohol concentration or the presence or concentration of other~~
10 ~~intoxicating substances or a combination thereof in the event ~~that~~~~
11 ~~breath:~~

12 1. There is evidence of intoxication by substances other than
13 alcohol, or a combination of alcohol and other intoxicating
14 substances;

15 2. Breath cannot be tested to determine the alcohol
16 concentration thereof because of the ~~lack~~ unavailability of an
17 approved device or qualified person to administer a breath test ~~or~~
18 because;

19 3. Because such breath test for any other reason cannot be
20 administered in accordance with the rules of the Board;

21 4. The person whose breath is to be tested is incapable of
22 submitting to and successfully completing, by reason of illness or
23 injury or other physical disability a breath test; or

1 5. The officer is required to obtain medical clearance before
2 surrendering custody to jail personnel.

3 ~~In the event the law enforcement agency does not designate the~~
4 ~~test to be administered, blood, saliva or urine shall be the~~
5 ~~substance tested for the presence or concentration of any other~~
6 ~~intoxicating substance or the combination of alcohol and any other~~
7 ~~intoxicating substance.~~

8 ~~C. In the event the person is incapable of submitting to and~~
9 ~~successfully completing, by reason of illness or injury or other~~
10 ~~physical disability, the test to be administered, an alternate test~~
11 ~~may be administered in accordance with the rules of the Board.~~

12 ~~D.~~ Any person who is unconscious or otherwise incapable of
13 refusing to submit to a test of such person's blood or breath to
14 determine the alcohol concentration thereof, or to a test of such
15 person's blood, saliva or urine to determine the presence or
16 concentration of any other intoxicating substance therein, shall be
17 deemed not to have withdrawn the consent provided by subsection A of
18 this section, and such test may be administered as provided herein.

19 An unconscious person who has been issued a citation by a law
20 enforcement officer for one of the offenses listed in subsection A
21 of this section is arrested for purposes of this section. The
22 arresting officer must leave a copy of the citation with the
23 arrested person which may be accomplished by handing it to the
24 arrested person, or by leaving it with the personal effects of the

1 arrested party, so as to inform the unconscious person of the
2 arrest.

3 Any person who has been arrested for one of the offenses listed
4 in subsection A of this section who is unconscious or injured and
5 who requires immediate medical treatment as determined by a treating
6 physician may be released on the person's own recognizance for
7 medical reasons by the arresting officer. The arresting officer who
8 releases an arrested person on the person's own recognizance must
9 indicate the release on the face of the citation. Any person
10 released on his or her own recognizance for medical reasons shall
11 remain at liberty pending the filing of charges.

12 ~~E.~~ D. In addition to any test designated by the arresting
13 officer, the arrested person ~~may also designate any~~ is entitled to
14 an additional blood test to be administered to determine the
15 concentration of alcohol, or the presence or concentration of any
16 other intoxicating substance or the combination of alcohol and any
17 other intoxicating substance. The cost of such additional test
18 shall be at the expense of the arrested person.

19 A sufficient quantity of any blood specimen obtained at the
20 ~~designation~~ request of the arrested person shall be available to the
21 law enforcement agency employing the arresting officer. Such
22 specimens shall be treated in accordance with the rules applicable
23 to the specimens obtained by an arresting officer.

24

1 ~~F. When a law enforcement officer has determined that the blood~~
2 ~~alcohol content of an individual is to be tested for the presence or~~
3 ~~concentration of alcohol, other intoxicating substance, or the~~
4 ~~combination of alcohol and any other intoxicating substance, the law~~
5 ~~enforcement officer shall inform the individual to be tested that~~
6 ~~the withdrawal of blood shall only be performed by certain medical~~
7 ~~personnel as provided for in Section 752 of this title.~~

8 SECTION 11. AMENDATORY 47 O.S. 2011, Section 752, is
9 amended to read as follows:

10 Section 752. A. Only a licensed medical doctor, licensed
11 osteopathic physician, licensed chiropractic physician, registered
12 nurse, licensed practical nurse, physician's assistant, certified by
13 the State Board of Medical Licensure and Supervision, an employee of
14 a hospital or other health care facility authorized by the hospital
15 or health care facility to withdraw blood, or ~~other qualified person~~
16 ~~authorized by the Board of Tests for Alcohol and Drug Influence~~
17 personnel licensed in accordance with Section 1-2505 of Title 63 of
18 the Oklahoma Statutes as Intermediate Emergency Medical Technicians.
19 Advanced Emergency Medical Technicians or Paramedics acting at the
20 request of a law enforcement officer may withdraw blood for the
21 purpose of having a determination made of its determining the
22 presence and concentration of alcohol or ~~the presence or~~
23 concentration of other intoxicating substance, or a combination
24 thereof. Only qualified persons authorized by the Board may collect

1 breath, saliva or urine, or administer tests of breath under the
2 provisions of this title.

3 B. If the person authorized to withdraw blood as specified in
4 subsection A of this section is presented with a written statement:

5 1. Authorizing blood withdrawal signed by the person whose
6 blood is to be withdrawn;

7 2. Signed by a duly authorized peace officer that the person
8 whose blood is to be withdrawn has agreed to the withdrawal of
9 blood;

10 3. Signed by a duly authorized peace officer that the person
11 whose blood is to be withdrawn has been placed under arrest and that
12 the officer has probable cause to believe that the person, while
13 intoxicated, has operated a motor vehicle in such manner as to have
14 caused the death or serious physical injury of another person, or
15 the person has been involved in a traffic accident and has been
16 removed from the scene of the accident that resulted in the death or
17 great bodily injury, as defined in subsection B of Section 646 of
18 Title 21 of the Oklahoma Statutes, of any person to a hospital or
19 other health care facility outside the State of Oklahoma before the
20 law enforcement officer was able to effect an arrest for such
21 offense; or

22 4. In the form of an order from a district court that blood be
23 withdrawn, the person authorized to withdraw the blood and the
24 hospital or other health care facility where the withdrawal occurs

1 may rely on such a statement or order as evidence that the person
2 has consented to or has been required to submit to the clinical
3 procedure and shall not require the person to sign any additional
4 consent or waiver form. In such a case, the person authorized to
5 perform the procedure, the employer of such person, and the hospital
6 or other health care facility shall not be liable in any action
7 alleging lack of consent or lack of informed consent.

8 C. No person specified in subsection A of this section, no
9 employer of such person, and no hospital or other health care
10 facility where blood is withdrawn shall incur any civil or criminal
11 liability as a result of the proper withdrawal of blood when acting
12 at the request of a law enforcement officer by the provisions of
13 Section 751 or 753 of this title, or when acting in reliance upon a
14 signed statement or court order as provided in this section, if the
15 act is performed in a reasonable manner according to generally
16 accepted clinical practice. No person specified in subsection A of
17 this section shall incur any civil or criminal liability as a result
18 of the proper collection of breath, saliva or urine when acting at
19 the request of a law enforcement officer under the provisions of
20 Section 751 or 753 of this title or when acting pursuant to a court
21 order.

22 D. The blood, breath, saliva or urine specimens obtained shall
23 be tested by the appropriate test as determined by the Board, or
24 tested by a laboratory that is exempt from the Board rules pursuant

1 to Section 759 of this title, to determine the alcohol concentration
2 thereof, or the presence or concentration of any other intoxicating
3 substance which might have affected the ability of the person tested
4 to operate a motor vehicle safely.

5 E. When blood is ~~withdrawn or saliva or urine is~~ collected for
6 testing of its alcohol concentration or other intoxicating substance
7 presence or concentration, at the request of a law enforcement
8 officer, a sufficient quantity of the same specimen shall be
9 obtained to enable the tested person, at his or her own option and
10 expense, to have an independent analysis made of such specimen. The
11 excess blood, ~~saliva or urine~~ specimen shall be retained by a
12 laboratory approved by the Board, in accordance with the rules and
13 regulations of the Board, or by a laboratory that is exempt from the
14 Board rules pursuant to Section 759 of this title, for sixty (60)
15 days from the date of collection. At any time within that period,
16 the tested person or his or her attorney may direct that such blood,
17 saliva or urine specimen be sent or delivered to a laboratory of his
18 or her own choosing and approved by the Board for an independent
19 analysis. Neither the tested person, nor any agent of such person,
20 shall have access to the additional blood, saliva or urine specimen
21 prior to the completion of the independent analysis, except the
22 analyst performing the independent analysis and agents of the
23 analyst.

1 ~~F. When a test of breath is performed for the purpose of~~
2 ~~determining the alcohol concentration thereof, except when such test~~
3 ~~is performed by means of an automated analyzer as designated by the~~
4 ~~Board, a sufficient quantity of breath, or of the alcohol content of~~
5 ~~a fixed or measured quantity of breath, shall be obtained, in~~
6 ~~accordance with the rules and regulations of the Board, to enable~~
7 ~~the tested person, at his or her own option and expense, to have an~~
8 ~~independent analysis made of such specimen. The excess specimen of~~
9 ~~breath, or of its alcohol content, shall be retained by the law~~
10 ~~enforcement agency employing the arresting officer, in accordance~~
11 ~~with the rules and regulations of the Board, for sixty (60) days~~
12 ~~from the date of collection. At any time within that period, the~~
13 ~~tested person, or his or her attorney, may direct that such specimen~~
14 ~~be sent or delivered to a laboratory of his or her own choosing and~~
15 ~~approved by the Board for an independent analysis. Neither the~~
16 ~~tested person, nor any agent of such person, shall have access to~~
17 ~~the additional specimen of breath, or of its alcohol content, prior~~
18 ~~to the completion of the independent analysis thereof, except the~~
19 ~~analyst performing the independent analysis and agents of the~~
20 ~~analyst.~~

21 G. The costs of collecting blood, breath, saliva or urine
22 specimens for the purpose of determining the alcohol or other
23 intoxicating substance thereof, by or at the direction of a law
24 enforcement officer, shall be borne by the law enforcement agency

1 employing such officer; provided, if the person is convicted for any
2 offense involving the operation of a motor vehicle while under the
3 influence of or while impaired by alcohol or an intoxicating
4 substance, or both, as a direct result of the incident which caused
5 the collection of blood, saliva or urine specimens, an amount equal
6 to the costs shall become a part of the court costs of the person
7 and shall be collected by the court and remitted to the law
8 enforcement agency bearing the costs. The cost of collecting,
9 retaining and sending or delivering to an independent laboratory the
10 excess specimens of blood, breath, saliva or urine for independent
11 analysis at the option of the tested person shall also be borne by
12 such law enforcement agency. The cost of the independent analysis
13 of such specimen of blood, breath, saliva or urine shall be borne by
14 the tested person at whose option such analysis is performed. The
15 tested person, or his or her agent, shall make all necessary
16 arrangements for the performance of such independent analysis other
17 than the forwarding or delivery of such specimen.

18 H. G. Tests of blood or breath for the purpose of determining
19 the alcohol concentration thereof, and tests of blood, saliva or
20 urine for the purpose of determining the presence or concentration
21 of any other intoxicating substance therein, under the provisions of
22 this title, whether administered by or at the direction of a law
23 enforcement officer or administered independently, at the option of
24 the tested person, on the excess specimen of such person's blood,

1 ~~breath, saliva or urine,~~ to be considered valid and admissible in
2 evidence under the provisions of this title, shall have been
3 administered or performed in accordance with the rules and
4 regulations of the Board, or performed by a laboratory that is
5 exempt from the Board rules pursuant to Section 759 of this title.

6 ~~I.~~ H. Any person who has been arrested for any offense arising
7 out of acts alleged to have been committed while the person was
8 operating or in actual physical control of a motor vehicle while
9 under the influence of alcohol, any other intoxicating substance or
10 the combined influence of alcohol and any other intoxicating
11 substance who is not requested by a law enforcement officer to
12 submit to a test shall be entitled to have an independent test of
13 his or her blood, ~~breath, saliva or urine which is appropriate as~~
14 ~~determined by the Board~~ for the purpose of determining its alcohol
15 concentration or the presence or concentration of any other
16 intoxicating substance therein, performed by a person of his or her
17 own choosing who is qualified as stipulated in this section. The
18 arrested person shall bear the responsibility for making all
19 necessary arrangements for the administration of such independent
20 test and for the independent analysis of any specimens obtained, and
21 bear all costs thereof. The failure or inability of the arrested
22 person to obtain an independent test shall not preclude the
23 admission of other competent evidence bearing upon the question of
24 whether such person was under the influence of alcohol, or any other

1 intoxicating substance or the combined influence of alcohol and any
2 other intoxicating substance.

3 ~~I.~~ I. Any agency or laboratory certified by the Board or any
4 agency or laboratory that is exempt from the Board rules pursuant to
5 Section 759 of this title, which analyses saliva, breath, blood, or
6 urine shall make available a written report of the results of the
7 test administered by or at the direction of the law enforcement
8 officer to:

- 9 1. The tested person, or his or her attorney;
- 10 2. The Commissioner of Public Safety; and
- 11 3. The Fatality Analysis Reporting System (FARS) analyst of the
12 state, upon request.

13 The results of the tests provided for in this title shall be
14 admissible in civil actions.

15 J. At administrative hearings, appeals of administrative
16 hearings and preliminary hearings reports of the collection of
17 blood, saliva or urine for the purpose of determining the presence
18 or concentration of alcohol, other intoxicating substances or a
19 combination thereof shall be admissible, self-authenticating without
20 the testimony of the person collecting the blood, saliva or urine
21 and prima facie evidence that the collection was performed in
22 accordance with the rules of the Board of Tests for Alcohol and Drug
23 Influence.

24

1 K. At administrative hearings, appeals of administrative
2 hearings and preliminary hearings reports of the analysis of blood,
3 saliva or urine for purposes of determining the presence of
4 concentration of alcohol, other intoxicating substances or a
5 combination thereof shall be admissible and self-authenticating
6 without the testimony of the person analyzing the blood, saliva or
7 urine and prima facie evidence that the analysis was performed in
8 accordance with the rules of the Board of Tests for Alcohol and Drug
9 Influence.

10 SECTION 12. AMENDATORY 47 O.S. 2011, Section 753, as
11 amended by Section 1, Chapter 131, O.S.L. 2015 (47 O.S. Supp. 2016,
12 Section 753), is amended to read as follows:

13 Section 753. A. If a conscious person under arrest refuses to
14 submit to testing of his or her blood or breath for the purpose of
15 determining the alcohol concentration thereof, or to a test of his
16 or her blood, saliva or urine for the purpose of determining the
17 presence or concentration of any other intoxicating substance, or
18 the combined influence of alcohol and any other intoxicating
19 substance, none shall be given except upon the issuance of a search
20 warrant or unless the investigating officer has probable cause to
21 believe that the person under arrest, while impaired or intoxicated,
22 has operated the motor vehicle in such a manner as to have caused
23 the death or serious physical injury of any other person or persons.
24 In such event, such test otherwise authorized by law may be made in

1 the same manner as if a search warrant had been issued for such test
2 or tests. ~~The sample shall be taken in a medically acceptable~~
3 ~~manner as authorized by Section 752 of this title.~~ The Commissioner
4 of Public Safety, upon the receipt of a sworn report of the law
5 enforcement officer that the officer had reasonable grounds to
6 believe the arrested person had been driving or was in actual
7 physical control of a motor vehicle upon the public roads, highways,
8 streets, turnpikes or other public place of this state while under
9 the influence of alcohol, any other intoxicating substance, or the
10 combined influence of alcohol and any other intoxicating substance
11 and that the person had refused to submit to the test or tests,
12 shall revoke the license to drive and any nonresident operating
13 privilege for a period as provided by Section 6-205.1 of this title.
14 If the person is a resident or a nonresident without a license or
15 permit to operate a motor vehicle in this state, the Commissioner of
16 Public Safety shall deny to the person the issuance of a license or
17 permit for a period as provided by Section 6-205.1 of this title
18 subject to a review as provided in Section 754 of this title. The
19 revocation or denial shall become effective ~~thirty (30)~~ forty-five
20 (45) days after the arrested person is given written notice thereof
21 by the officer or by the Department as provided in Section 754 of
22 this title.

23 B. ~~The Department shall immediately reinstate the driving~~
24 ~~privilege of the person if:~~

1 ~~1. The arrested person was required to submit to the testing of~~
2 ~~his or her blood or breath pursuant to the provisions of a search~~
3 ~~warrant despite his or her refusal to submit to testing; and~~

4 ~~2. The Department receives a written blood or breath test~~
5 ~~report that reflects the arrested person did not have any measurable~~
6 ~~quantity of alcohol, any other intoxicating substance, or the~~
7 ~~combination of alcohol and any other intoxicating substance in the~~
8 ~~arrested person's blood or breath.~~

9 It shall be a misdemeanor, punishable by a fine of not more than
10 One Thousand Dollars (\$1,000.00) and not more than ten (10) days in
11 jail, or by both fine and imprisonment, for a conscious person under
12 arrest for driving or being in actual physical control of a motor
13 vehicle upon the public roads, highways, streets, turnpikes or other
14 public place or upon any private road, street, alley or lane which
15 provides access to one or more single or multi-family dwellings
16 within this state to refuse to submit to a test of the person's
17 breath for the purpose of determining the alcohol concentration
18 thereof.

19 SECTION 13. AMENDATORY 47 O.S. 2011, Section 754, is
20 amended to read as follows:

21 Section 754. A. Any arrested person who is under twenty-one
22 (21) years of age and has any measurable quantity of alcohol in the
23 person's blood or breath, or any person twenty-one (21) years of age
24 or older whose alcohol concentration is eight-hundredths (0.08) or

1 more as shown by a breath test administered according to the
2 provisions of this title, or any arrested person who has refused to
3 submit to a breath or blood test, shall immediately surrender his or
4 her driver license, permit or other evidence of driving privilege to
5 the arresting law enforcement officer. ~~The~~ Except in cases where
6 the arrested person submitted to a test of their blood, the officer
7 shall seize any driver license, permit, or other evidence of driving
8 privilege surrendered by or found on the arrested person during a
9 search. The evidence of driving privilege seized by the officer
10 shall be delivered to the Department of Public Safety. The
11 Department will shred or otherwise destroy the evidence of driving
12 privilege upon receipt thereof.

13 B. If the evidence of driving privilege surrendered to or
14 seized by the officer has not expired and otherwise appears valid,
15 the officer shall issue to the arrested person a dated receipt for
16 that driver license, permit, or other evidence of driving privilege
17 on a form prescribed by the Department of Public Safety. This
18 receipt shall be recognized as a driver license and shall authorize
19 the arrested person to operate a motor vehicle for a period not to
20 exceed ~~thirty (30)~~ forty-five (45) days. The receipt form shall
21 contain and constitute a notice of revocation of driving privilege
22 by the Department effective in ~~thirty (30)~~ forty-five (45) days.
23 Service is effective when the notice of revocation of driving
24 privilege is delivered to the arrested person, the custodian of the

1 arrested person at a detention facility or a health care provider
2 attending to the arrested person at a medical facility. The
3 evidence of driving privilege and a copy of the receipt form issued
4 to the arrested person shall be attached to the sworn report of the
5 officer and shall be submitted by mail or in person to the
6 Department within seventy-two (72) hours of the issuance of the
7 receipt. The failure of the officer to timely file this report
8 shall not affect the authority of the Department to revoke the
9 driving privilege of the arrested person.

10 C. Upon receipt of a written blood or breath test report
11 reflecting that the arrested person, if under twenty-one (21) years
12 of age, had any measurable quantity of alcohol in the person's blood
13 or breath, or, if the arrested person is twenty-one (21) years of
14 age or older, a blood or breath alcohol concentration of eight-
15 hundredths (0.08) or more, accompanied by a sworn report from a law
16 enforcement officer that the officer had reasonable grounds to
17 believe the arrested person had been operating or was in actual
18 physical control of a motor vehicle while under the influence of
19 alcohol as prohibited by law, the Department shall revoke or deny
20 the driving privilege of the arrested person for a period as
21 provided by Section 6-205.1 of this title, except those individuals
22 qualified for, and accepted into, the Impaired Driving
23 Accountability Program. Revocation or denial of the driving
24 privilege of the arrested person shall become effective ~~thirty (30)~~

1 forty-five (45) days after the arrested person is given written
2 notice thereof by the officer as provided in this section or by the
3 Department as provided in Section 2-116 of this title.

4 D. Upon the written request of a person whose driving privilege
5 has been revoked or denied by notice given in accordance with this
6 section or Section 2-116 of this title, the Department shall grant
7 the person an opportunity to be heard if the request is received by
8 the Department within ~~fifteen (15)~~ ten (10) days after the notice.
9 The sworn report of the officer, together with the results of any
10 test or tests, or evidence of the person's refusal to submit to
11 test, shall be deemed true, absent any facial deficiency, ~~should the~~
12 ~~requesting person fail to appear at the scheduled hearing.~~ A Except
13 when the person has refused to submit to testing of his or her blood
14 or breath for the purpose of determining alcohol concentration
15 thereof, or to a test of his or her blood, saliva or urine for the
16 purpose of determining the presence or concentration of any other
17 intoxicating substance or the combined influence of alcohol and any
18 other intoxicating substance, a timely request shall stay the order
19 of the Department until the disposition of the hearing unless the
20 person is under cancellation, denial, suspension or revocation for
21 some other reason. The Department may issue a temporary driving
22 permit pending disposition of the hearing or admission into the
23 Impaired Driver Accountability Program, if the person is otherwise
24

1 eligible. If the hearing request is not timely filed, the
2 revocation or denial shall be sustained.

3 E. 1. Upon receipt of the officer's sworn report and related
4 test result, the Department shall perform a facial review of the
5 report and related test results. The scope of the facial review
6 shall be strictly limited to determine if the report and related
7 test results set forth sufficient information for the Department to
8 determine that:

- 9 a. the officer had reasonable grounds to believe the
10 person had been operating or was in actual physical
11 control of a vehicle upon the public roads, highways,
12 streets, turnpikes or other public place of this state
13 while under the influence of alcohol, any other
14 intoxicating substance, or the combined influence of
15 alcohol and any other intoxicating substance as
16 prohibited by law,
- 17 b. the person was placed under arrest,
- 18 c. if requested, the person was not denied an independent
19 blood test,
- 20 d. the specimen was obtained from the person within two
21 (2) hours of the arrest of the person,
- 22 e. the person, if under twenty-one (21) years of age, was
23 advised that driving privileges would be revoked or
24

1 denied if the test result reflected the presence of
2 any measurable quantity of alcohol,

3 f. the person, if twenty-one (21) years of age or older,
4 was advised that driving privileges would be revoked
5 or denied if the test result reflected an alcohol
6 concentration of eight-hundredths (0.08) or more, and

7 g. the test result in fact reflects the alcohol
8 concentration.

9 2. Upon receipt of the officer's sworn report indicating a
10 refusal by the person to submit to a breath or blood test, the
11 Department shall perform a facial review of the report. The scope
12 of the facial review is to determine if the report sets forth
13 sufficient information for the Department to determine that:

14 a. the officer had reasonable grounds to believe that
15 person had been operating or was in actual physical
16 control of a vehicle upon the public roads, highways,
17 streets, turnpikes or other public place of this state
18 while under the influence of alcohol, any other
19 intoxicating substance, or the combined influence of
20 alcohol and any other intoxicating substance as
21 prohibited by law,

22 b. the person was placed under arrest,
23
24

1 c. the person was informed that driving privileges would
2 be revoked or denied if the person refused to submit
3 to the test or tests,

4 d. the person refused to submit to the test or tests and
5 did not recant;

6 3. Upon completion of the facial review, if it is determined by
7 the Department that the documents fail to demonstrate any of the
8 required elements in this subsection, the revocation shall be set
9 aside. Notice of the revocation set aside will be sent to the
10 address of the person on record with the Department or legal
11 representative of record of the person.

12 4. Upon completion of the facial review, if it is deemed by the
13 Department that the documents taken as true, meet the requirements
14 for revocation of the license of the person, the revocation will be
15 sustained. If the person has requested a hearing within ten (10)
16 days of the arrest, the hearing will be scheduled and notice sent to
17 the address of the person on record with the Department or the legal
18 representative of record of the person.

19 F. 1. At any hearing held relevant to this section, a report
20 of the findings of the laboratory of the Oklahoma State Bureau of
21 Investigation, the medical examiner's report of investigation or
22 autopsy report, or a laboratory report from a forensic laboratory
23 operated by the State of Oklahoma or any political subdivision
24 thereof, which has been made available to the person by the

1 Commissioner or an authorized representative at least five (5) days
2 prior to the hearing, with reference to all or part of the evidence
3 submitted, ~~when certified as correct by the persons making the~~
4 ~~report~~ shall be received as evidence of the facts and findings
5 stated, if relevant and otherwise admissible in evidence. ~~If the~~
6 ~~report is deemed relevant by either party, the~~ The court shall admit
7 the report without the testimony of the person making the report,
8 ~~unless the court, pursuant to this subsection, orders the person to~~
9 ~~appear.~~

10 2. When any alleged controlled dangerous substance has been
11 submitted to the laboratory of the OSBI for analysis, and the
12 analysis shows that the submitted material is a controlled dangerous
13 substance, the distribution of which constitutes a felony under the
14 laws of this state, no portion of the substance shall be released to
15 any other person or laboratory absent an order of a district court.
16 The defendant shall additionally be required to submit to the court
17 a procedure for transfer and analysis of the subject material to
18 ensure the integrity of the sample and to prevent the material from
19 being used in any illegal manner.

20 ~~3. The court, upon motion of either party, shall order the~~
21 ~~attendance of any person preparing a report submitted as evidence in~~
22 ~~the hearing when it appears there is a substantial likelihood that~~
23 ~~material evidence not contained in the report may be produced by the~~
24 ~~testimony of any person having prepared a report. The hearing shall~~

1 ~~be held and, if sustained, an order issued not less than five (5)~~
2 ~~days prior to the time when the testimony shall be required.~~

3 4. ~~If within five (5) days prior to the hearing or during a~~
4 ~~hearing, a motion is made pursuant to this section requiring a~~
5 ~~person having prepared a report to testify, the court may hear a~~
6 ~~report or other evidence but shall continue the hearing until such~~
7 ~~time notice of the motion and hearing is given to the person making~~
8 ~~the report, the motion is heard, and, if sustained, the testimony~~
9 ~~ordered can be given.~~

10 ~~F.~~ The G. If timely requested, the hearing before the
11 Commissioner of Public Safety or a designated hearing officer shall
12 be conducted ~~in the county of arrest or may be conducted by~~
13 telephone conference call. The hearing may be recorded and ~~its~~
14 ~~scope shall cover the issues of whether the officer had reasonable~~
15 ~~grounds to believe the person had been operating or was in actual~~
16 ~~physical control of a vehicle upon the public roads, highways,~~
17 ~~streets, turnpikes or other public place of this state while under~~
18 ~~the influence of alcohol, any other intoxicating substance, or the~~
19 ~~combined influence of alcohol and any other intoxicating substance~~
20 ~~as prohibited by law, and whether the person was placed under arrest~~
21 by any party provided that a transcript, if produced, is made
22 available to either party at least five (5) days prior to any
23 scheduled district court appeal, at no cost to the other party. Any
24

1 transcript, to be admissible, must be made at the time of the
2 hearing by a certified shorthand reporter.

3 ~~1. If the revocation or denial is based upon a breath or blood~~
4 ~~test result and a sworn report from a law enforcement officer, the~~
5 ~~scope of the hearing shall also cover the issues as to whether:~~

6 ~~a. if timely requested by the person, the person was not~~
7 ~~denied a breath or blood test,~~

8 ~~b. the specimen was obtained from the person within two~~
9 ~~(2) hours of the arrest of the person,~~

10 ~~c. the person, if under twenty-one (21) years of age, was~~
11 ~~advised that driving privileges would be revoked or~~
12 ~~denied if the test result reflected the presence of~~
13 ~~any measurable quantity of alcohol,~~

14 ~~d. the person, if twenty-one (21) years of age or older,~~
15 ~~was advised that driving privileges would be revoked~~
16 ~~or denied if the test result reflected an alcohol~~
17 ~~concentration of eight hundredths (0.08) or more, and~~

18 ~~e. the test result in fact reflects the alcohol~~
19 ~~concentration.~~

20 ~~2. If the revocation or denial is based upon the refusal of the~~
21 ~~person to submit to a breath or blood test, reflected in a sworn~~
22 ~~report by a law enforcement officer, the scope of the hearing shall~~
23 ~~also include whether:~~

24 ~~a. the person refused to submit to the test or tests, and~~

1 ~~b. the person was informed that driving privileges would~~
2 ~~be revoked or denied if the person refused to submit~~
3 ~~to the test or tests~~

4 The burden at the hearing is on the person to show cause as to
5 why the Department should not take action on the license of the
6 person for the circumstances contained in the sworn report, test
7 result or other documentation relied upon by the Department to
8 revoke the person's license. The scope of the hearing is limited to
9 the issues considered during the facial review by the Department.

10 1. The person or the representative of the person may subpoena
11 witnesses to be available for the telephonic hearing. Subpoenas may
12 be issued pursuant to Section 2004.1 of Title 12 of the Oklahoma
13 Statutes, including payment of witness fees.

14 2. A non-refundable hearing fee of Seventy-five Dollars
15 (\$75.00), in the form of a certified check or money order, must be
16 received by the Department within ten (10) days of the scheduled
17 hearing. Hearing fees will be deposited to the Department of Public
18 Safety Restricted Revolving Fund for support of the program.

19 ~~G.~~ H. After the hearing, the Commissioner of Public Safety or a
20 designated hearing officer shall order the revocation or denial
21 either rescinded or sustained.

22 SECTION 14. AMENDATORY 47 O.S. 2011, Section 754.1, as
23 last amended by Section 4, Chapter 393, O.S.L. 2013 (47 O.S. Supp.
24 2016, Section 754.1), is amended to read as follows:

1 A. ~~The Department of Public Safety, prior to an administrative~~
2 ~~hearing for~~ Modification of a revocation or denial arising under the
3 provisions of Sections 751 through 754 or Section 761 of this title
4 or under the provisions of Section 6-205.1 of this title, ~~may modify~~
5 ~~the revocation or denial when it is determined by the Department~~
6 ~~that no other adequate means of transportation exists for the person~~
7 ~~whose driving privilege has been revoked or denied; provided, any~~
8 ~~modification under this paragraph~~ shall apply to Class D motor
9 vehicles only.

10 B. As a prerequisite and condition of any modification, the
11 person shall be required to have installed an ignition interlock
12 device approved by the Board of Tests for Alcohol and Drug
13 Influence, at the person's own expense, upon every motor vehicle
14 operated by the person. A person whose revocation is modified may
15 only operate motor vehicles equipped with an ignition interlock
16 device. The Department shall require, as a condition of
17 modification, the device to be installed upon any vehicle owned or
18 leased, as reflected on the vehicle registration, by an employer of
19 the person for use by the person, except when the employer requests
20 the ignition interlock device not be installed. The request shall
21 be in writing and notarized on the official letterhead of the
22 employer and provided by the person to the Department; provided, a
23 request shall not be accepted by the Department under the following
24 circumstances:

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

4 2. When the person is employed by a relative who either is
5 within the first degree of consanguinity or who resides in the same
6 household; or

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

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

12 C. Upon the issuance of a modification order pursuant to this
13 section or Section 755 of this title, or under the provisions of
14 paragraph 1, 2, or 3 of subsection A or paragraph 1, 2, or 3 of
15 subsection B of Section 6-205.1 of this title, for a violation of
16 this title, the person shall pay a modification fee of One Hundred
17 Seventy-five Dollars (\$175.00) to the Department. For each
18 modification fee collected pursuant to the provisions of this
19 subsection, One Hundred Dollars (\$100.00) shall be remitted to the
20 State Treasurer to be credited to the General Revenue Fund in the
21 State Treasury and Seventy-five Dollars (\$75.00) shall be remitted
22 to the State Treasurer to be credited to the Department of Public
23 Safety Restricted Revolving Fund. All monies accruing to the credit
24 of the Department of Public Safety Restricted Revolving Fund from

1 modification fees shall be budgeted and expended solely for the
2 purpose of administering the provisions of this section and Section
3 755 of this title.

4 D. The Board of Tests for Alcohol and Drug Influence shall
5 promulgate such rules as are necessary to implement and administer
6 the provisions of this subsection relating to ignition interlock
7 devices and the providers of such devices.

8 SECTION 15. AMENDATORY 47 O.S. 2011, Section 755, is
9 amended to read as follows:

10 Section 755. Subpoenas will not be issued to Department of
11 Public Safety employees not involved in the arrest or test of the
12 person. If the revocation or denial is sustained, the person whose
13 license or permit to drive or nonresident operating privilege has
14 been revoked or denied may file a petition for appeal in the
15 district court in the manner and subject to the proceedings provided
16 for in Section 6-211 of this title. The district court may modify
17 the revocation or denial when it is determined by the court that the
18 person whose license or permit to drive has been revoked or denied
19 has no other adequate means of transportation and may enter a
20 written order directing the Department of Public Safety to allow
21 driving, subject to the limitations of Section 6-205.1 of this title
22 and the requirement of an ignition interlock device as provided in
23 Section 754.1 of this title; provided, any modification under this
24 paragraph shall apply to Class D motor vehicles only.

1 SECTION 16. AMENDATORY 47 O.S. 2011, Section 756, is
2 amended to read as follows:

3 Section 756. A. Upon the trial of any criminal action or
4 proceeding arising out of acts alleged to have been committed by any
5 person while driving or in actual physical control of a motor
6 vehicle while under the influence of alcohol or any other
7 intoxicating substance, or the combined influence of alcohol and any
8 other intoxicating substance, evidence of the alcohol concentration
9 in the blood or breath of the person as shown by analysis of the
10 blood or breath of the person performed in accordance with the
11 provisions of Sections 752 and 759 of this title or evidence of the
12 presence or concentration of any other intoxicating substance as
13 shown by analysis of such person's blood, breath, saliva, or urine
14 specimens in accordance with the provisions of Sections 752 and 759
15 of this title is admissible. Evidence that the person has refused
16 to submit to either of ~~said~~ the analyses is also admissible. For
17 the purpose of this title, when the person is under the age of
18 twenty-one (21) years, evidence that there was, at the time of the
19 test, any measurable quantity of alcohol is prima facie evidence
20 that the person is under the influence of alcohol in violation of
21 Section 11-906.4 of this title. For persons twenty-one years of age
22 or older:

23
24

1 1. Evidence that there was, at the time of the test, an alcohol
2 concentration of five-hundredths (0.05) or less is prima facie
3 evidence that the person was not under the influence of alcohol;

4 2. Evidence that there was, at the time of the test, an alcohol
5 concentration in excess of five-hundredths (0.05) but less than
6 eight-hundredths (0.08) is relevant evidence that the person's
7 ability to operate a motor vehicle was impaired by alcohol.

8 However, no person shall be convicted of the offense of operating or
9 being in actual physical control of a motor vehicle while such
10 person's ability to operate such vehicle was impaired by alcohol
11 solely because there was, at the time of the test, an alcohol
12 concentration in excess of five-hundredths (0.05) but less than
13 eight-hundredths (0.08) in the blood or breath of the person in the
14 absence of additional evidence that such person's ability to operate
15 such vehicle was affected by alcohol to the extent that the public
16 health and safety was threatened or that ~~said~~ the person had
17 violated a state statute or local ordinance in the operation of a
18 motor vehicle; and

19 3. Evidence that there was, at the time of the test, an alcohol
20 concentration of eight-hundredths (0.08) or more shall be admitted
21 as prima facie evidence that the person was under the influence of
22 alcohol.

23 B. For purposes of this title, "alcohol concentration" means
24 grams of alcohol per one hundred (100) milliliters of blood if the

1 blood was tested, or grams of alcohol per two hundred ten (210)
2 liters of breath if the breath was tested.

3 C. To be admissible in a proceeding, the evidence must first be
4 qualified by establishing that the test was administered to the
5 person within two (2) hours after the arrest of the person.

6 D. Upon the trial of any criminal action or proceeding arising
7 out of acts alleged to have been committed by any person while
8 driving or in actual physical control of a motor vehicle while under
9 the influence of alcohol, the following shall constitute prima facie
10 evidence that the test of the person's breath was validly
11 administered in accordance with the rules of the Board of Tests for
12 Alcohol and Drug Influence:

13 1. A report, test result or other documentation indicating the
14 test was performed by an operator holding a permit issued by the
15 Board of Tests for Alcohol and Drug Influence;

16 2. A report, test result or other documentation indicating the
17 test was performed after the installation of a dry gas cylinder by
18 the Board of Tests for Alcohol and Drug Influence and before the
19 expiration date of the cylinder;

20 3. A report, test result or other documentation reflecting the
21 results of two breath samples within 0.03g/210l of each other; or

22 4. A report, test result or other documentation reflecting a
23 control test within 0.01g/210l of the target value of the control.

1 E. Results of the test of a person's breath, if admissible,
2 shall be admitted without reference to measurement uncertainty.

3 F. Whatever the source, documents retained by the Board of
4 Tests of Alcohol and Drug Influence to reflect maintenance on an
5 instrument maintained by the Board for the measurement of alcohol
6 concentration in a person's breath shall be admissible in any
7 proceeding.

8 SECTION 17. AMENDATORY 47 O.S. 2011, Section 757, is
9 amended to read as follows:

10 Section 757. A. The provisions of Sections 751 through 761 of
11 this title do not limit the introduction of any other competent
12 evidence bearing on the question of whether the person was under the
13 influence of alcohol or any other intoxicating substance, or the
14 combined influence of alcohol and any other intoxicating substance.

15 B. If the court finds any of the administrative documentation
16 upon which the Department based the revocation inadmissible, the
17 court may sustain the revocation of driving privileges when the
18 court finds:

- 19 1. The person's driving behavior endangered the driving public;
20 2. The officer had probable cause to arrest the person;
21 3. The person was arrested; or
22 4. The officer advised the person of the consequences of
23 testing and refusing the test:

- 1 a. the person was not denied a test requested within two
2 (2) hours, or
3 b. the person refused the test.

4 SECTION 18. AMENDATORY 47 O.S. 2011, Section 759, as
5 last amended by Section 1, Chapter 125, O.S.L. 2015 (47 O.S. Supp.
6 2016, Section 759), is amended to read as follows:

7 Section 759. A. There is hereby re-created, to continue until
8 July 1, 2022, in accordance with the provisions of the Oklahoma
9 Sunset Law, the Board of Tests for Alcohol and Drug Influence to be
10 composed of the following members beginning July 1, 2015:

- 11 1. The Dean of the Oklahoma State University College of
12 Osteopathic Medicine, or a designee;
- 13 2. The Dean of the University of Oklahoma College of Medicine,
14 or a designee;
- 15 3. The Commissioner of Public Safety, or a designee;
- 16 4. The Director of the Oklahoma State Bureau of Investigation,
17 or a designee;
- 18 5. The State Commissioner of Health, or a designee;
- 19 6. The Director of the Council on Law Enforcement Education and
20 Training, or a designee;
- 21 7. One certified peace officer who is a member of a local law
22 enforcement agency selected by the Oklahoma Sheriffs and Peace
23 Officers Association; and
24

1 8. One person selected by the Oklahoma Association of Chiefs of
2 Police.
3 Members shall serve without pay other than reimbursement of
4 necessary and actual expenses as provided in the State Travel
5 Reimbursement Act. Each member shall receive an appointment in
6 writing which shall become a permanent part of the records of the
7 Board. The chair and vice-chair shall be elected from the
8 membership of the Board every two (2) years. The Board is
9 authorized to appoint a State Director of Tests for Alcohol and Drug
10 Influence and other employees, including, but not limited to,
11 persons to conduct training and provide administrative assistance as
12 necessary for the performance of its functions, subject to available
13 funding and authorized full-time equivalent employee limitations.
14 The Board may expend appropriated funds for purposes consistent with
15 Sections 751 through 761 of this title and Sections 301 through 308
16 of Title 3 of the Oklahoma Statutes. The Legislature shall
17 appropriate funds to the Department of Public Safety for the support
18 of the Board of Tests For Alcohol and Drug Influence and its
19 employees, if any. Upon the transfer of any employees from the
20 Alcohol Drug Countermeasures Unit of the Department of Public Safety
21 to the Board of Tests For Alcohol and Drug Influence on July 1,
22 2003, all funds of the Unit appropriated and budgeted shall be
23 transferred to the Board, and may be budgeted and expended to
24 support the functions and personnel of the Board.

1 B. Collection and analysis of a person's blood, breath, saliva
2 or urine, to be considered valid and admissible in evidence, whether
3 performed by or at the direction of a law enforcement officer or at
4 the request of the tested person, shall have been performed in
5 compliance with the rules adopted by the Board of Tests for Alcohol
6 and Drug Influence and by an individual possessing a valid permit
7 issued by the Board for this purpose or shall have been performed by
8 a laboratory accredited in Toxicology by the American Society of
9 Crime Laboratory Directors/Laboratory Accreditation Board
10 (ASCLD/LAB) or accredited by the American Board of Forensic
11 Toxicology (ABFT). Collection and analysis of a person's breath to
12 be considered valid and admissible in evidence shall have been
13 performed by an individual possessing a valid permit issued by the
14 Board of Tests for Alcohol and Drug Influence.

15 C. The Board of Tests for Alcohol and Drug Influence is
16 authorized to approve laboratories for the analysis, provided by the
17 provisions of this title, of specimens of blood, ~~breath~~, saliva and
18 urine, and to administer a program for regular monitoring of such
19 laboratories. The Board is authorized to prescribe uniform
20 standards and conditions for, and to approve satisfactory methods,
21 procedures, techniques, devices, equipment and records for tests and
22 analyses and to prescribe and approve the requisite education and
23 training for the performance of such tests and analyses. The Board
24 shall establish standards for and ascertain the qualifications and

1 competence of individuals to administer and conduct such tests and
2 analyses, and to issue permits to laboratories and to individuals
3 which shall be subject to suspension or revocation at the discretion
4 of the Board. The Board is authorized to prescribe uniform
5 standards, conditions, methods, procedures, techniques, devices,
6 equipment and records for the collection, handling, retention,
7 storage, preservation and delivery of specimens of blood, ~~breath,~~
8 saliva and urine obtained for the purpose of determining the alcohol
9 concentration thereof or the presence or concentration of any other
10 intoxicating substance therein. ~~The Board may take such other~~
11 ~~actions as may be reasonably necessary or appropriate to effectuate~~
12 ~~the purposes of Sections 751 through 761 of this title and Sections~~
13 ~~301 through 308 of Title 3 of the Oklahoma Statutes, and may adopt,~~
14 ~~amend and repeal such other rules consistent with this chapter as~~
15 ~~the Board shall determine proper.~~ Laboratories accredited in
16 Toxicology by the American Society of Crime Laboratory
17 Directors/Laboratory Accreditation Board (ASCLD/LAB) or accredited
18 by the American Board of Forensic Toxicology (ABFT) are exempt from
19 the provisions of this subsection. The accreditation certificate of
20 the laboratory shall be admissible and self-authenticating prima
21 facie evidence of the laboratory's accreditation.

22 D. The Board is authorized to approve instruments for the
23 purpose of determining the alcohol concentration of a person's
24

1 breath. Such approval may be by resolution of the Board at an open
2 meeting.

3 E. The State Director of Tests for Alcohol and Drug Influence
4 is authorized to approve disposable materials related to the
5 administration of breath or blood tests, including but not limited
6 to mouthpieces, blood collection tubes, reference methods or
7 controls. The State Director of Tests for Alcohol and Drug
8 Influence is authorized to approve forms for the recording of
9 results of breath and blood tests. The State Director of Tests for
10 Alcohol and Drug Influence is authorized to approve methods,
11 procedures, qualifications and training requirements and curricula
12 for the administration of breath tests and related subject matters
13 as directed by the Board to administer Sections 751 through 761 of
14 this title and Sections 301 through 308 of Title 3 of the Oklahoma
15 Statutes.

16 F. The Board may take such other actions as may be reasonably
17 necessary or appropriate to effectuate the purposes of Section 751
18 through 761 of this title and Sections 301 through 308 of Title 3 of
19 the Oklahoma Statutes and may adopt, amend and repeal such other
20 rules consistent with this chapter as the Board shall determine
21 proper.

22 G. The Board shall promulgate rules adopting uniform standards
23 and conditions and rules approving devices, equipment, methods,
24 procedures, techniques, and records for screening tests administered

1 for the purpose of determining the presence or concentration of
2 alcohol or any other intoxicating substance in a person's blood,
3 breath, saliva or urine. Such screening tests shall be performed in
4 compliance with the rules adopted by the Board of Tests for Alcohol
5 and Drug Influence.

6 ~~E.~~ H. The Board may set rules and charge appropriate fees for
7 operations incidental to its required duties and responsibilities.

8 ~~F.~~ I. There is hereby created in the State Treasury a revolving
9 fund for the Board of Tests for Alcohol and Drug Influence to be
10 designated the "Board of Tests for Alcohol and Drug Influence
11 Revolving Fund". The fund shall be a continuing fund, not subject
12 to fiscal year limitations, and shall consist of monies received
13 pursuant to the provisions of subsection E of this section and any
14 funds previously deposited in the Board of Tests for Alcohol and
15 Drug Influence Revolving Fund. All monies accruing to the credit of
16 the fund are hereby appropriated and may be budgeted and expended by
17 the Board of Tests for Alcohol and Drug Influence for operating
18 expenses of the Board. Expenditures from the funds shall be made
19 upon warrants issued by the State Treasurer against claims filed as
20 prescribed by law with the Director of the Office of Management and
21 Enterprise Services for approval and payment.

22 SECTION 19. This act shall become effective November 1, 2017.

23 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
24 March 1, 2017 - DO PASS AS AMENDED