

1 **SENATE FLOOR VERSION**

2 February 25, 2019

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 712

By: David of the Senate

and

Kannady of the House

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7
8
9 An Act relating to motor vehicles; amending 47 O.S.
10 2011, Sections 6-205.1, as last amended by Section 6,
Chapter 392, O.S.L. 2017, 6-211, 6-212, as last
11 amended by Section 7, Chapter 392, O.S.L. 2017, 6-
212.2 and 6-212.3, as last amended by Section 8,
12 Chapter 392, O.S.L. 2017 (47 O.S. Supp. 2018,
Sections 6-205.1, 6-212 and 6-212.3), which relate to
13 the cancellation, required completion of alcohol and
drug assessment, suspension or revocation of driver
14 licenses; modifying and adding qualifiers that
provide for revocation or denial of driving
15 privileges for persons convicted of driving under the
influence; reducing specific revocation time periods;
16 deleting ignition interlock installation requirement
after driver license reinstatement; deleting certain
17 revocation extension requirement; providing statutory
references; allowing for the modification of a
18 revocation upon request; removing certain ignition
interlock requirements; requiring modification of
19 revocation upon request for persons convicted of
certain drug crimes; clarifying mandatory revocation
20 provision that prohibits the Department of Public
Safety or courts from granting driving privileges;
21 clarifying procedures for filing appeals to the
district court; deleting time period and hearing
22 requirements for petitions related to implied consent
revocations; removing procedure that requires the
23 submission of revocation orders issued under certain
circumstances; clarifying driving privilege
24 reinstatement guidelines; removing requirement that
the Department establish the Impaired Driver

1 Accountability Program (IDAP); deleting fee
2 collection and deposit requirements; removing
3 authority of the Department to enter into IDAP
4 agreements with persons under certain circumstances;
5 deleting all guidelines and procedures related to
6 IDAP; removing authority of the Department to revoke,
7 suspend or restrict driving privileges for ignition
8 interlock violations; deleting reference to IDAP
9 administration fee; requiring installation of
10 ignition interlock device to run concurrently with
11 court orders; providing installation of ignition
12 interlock be credited toward requirements related to
13 court orders or other diversionary programs;
14 establishing monthly maintenance fee; directing
15 ignition interlock device providers to submit reports
16 of violations; authorizing the Department to extend
17 periods of ignition interlock under certain
18 circumstances; providing limitations on extension
19 periods; authorizing persons to request informal
20 hearing prior to ignition interlock extension;
21 directing the Department to promulgate certain rules;
22 directing the Department to establish IDAP; directing
23 deposit of fees into certain revolving fund;
24 directing promulgation of rules; authorizing the
Department to enter into IDAP agreements under
certain circumstances; authorizing program
administration fee; requiring certain verification;
directing updated records upon completion of program;
stating program length; providing guidelines for
extending program period and requests for informal
hearings; directing apportionment of monies
collected; establishing requirements for providing
notice of IDAP to certain persons; amending 47 O.S.
2011, Section 11-902a, as amended by Section 9,
Chapter 392, O.S.L. 2017 (47 O.S. Supp. 2018, Section
11-902a), which relates to use of a motor vehicle
without ignition interlock device; deleting penalties
for certain unlawful acts; providing single penalty
provision for unlawful acts; removing bond condition
that requires ignition interlock device for persons
charged with second and subsequent offense; deleting
time period requirements and ignition interlock
device removal provision; amending 47 O.S. 2011,
Sections 754, as amended by Section 13, Chapter 392,
O.S.L. 2017 and 754.1, as last amended by Section 14,
Chapter 392, O.S.L. 2017 (47 O.S. Supp. 2018,
Sections 754 and 754.1), which relate to the

1 surrender of driver licenses and procedures for
2 modifying the revocation or denial of driving
3 privileges; removing exception that requires seizure
4 of driver license; decreasing time period that
5 authorizes the operation of vehicles by certain
6 persons; requiring receipt forms to contain certain
7 information; deleting procedures and requirements
8 related to the release of controlled dangerous
9 substances submitted for laboratory analysis; stating
10 procedures for revoking or denying driving privileges
11 when certain test reports reflect alcohol in the
12 blood or breath of a person; stating when revocation
13 or denial of driving privileges becomes effective;
14 providing procedures and guidelines for appeal
15 hearings before the district court; directing the
16 district court to issue ruling after appeal hearing;
17 providing statutory references; removing certain
18 ignition interlock restriction for persons whose
19 revocation has been modified; directing the district
20 court to modify revocations or denials occurring
21 pursuant to certain statutory provisions; requiring
22 district courts to enter written orders directing the
23 Department to allow driving under certain
24 circumstances; providing for codification; and
providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-205.1, as
last amended by Section 6, Chapter 392, O.S.L. 2017 (47 O.S. Supp.
2018, Section 6-205.1), is amended to read as follows:

Section 6-205.1. A. The driving privilege of a person who is
convicted of, ~~or receives a deferred sentence, or deferred~~
~~prosecution agreement for~~ any offense as provided in paragraph 2 of
subsection A of Section 6-205 of this title, or a person who has
refused to submit to a test or tests as provided in Section 753 of

1 this title, or a person whose alcohol concentration is subject to
2 the provisions of Section 754 of this title, unless the person has
3 successfully completed, or is currently participating in, the
4 Impaired Driver Accountability Program ~~in accordance with paragraph~~
5 ~~E of Section 6-212 of this title,~~ shall be revoked or denied by the
6 Department of Public Safety for the following period, as applicable:

7 1. The first license revocation pursuant to paragraph 2 of
8 subsection A of Section 6-205 of this title or Section 753 or 754 of
9 this title shall be for a minimum period of one (1) year period of
10 one hundred eighty (180) days, or longer if driving privileges are
11 modified pursuant to the provisions of this paragraph, which shall
12 be modified upon request; provided, any modification under this
13 paragraph shall apply to Class D driver licenses only. ~~Modification~~
14 ~~requires the issuance of a modified driver license and the~~
15 ~~continuous installation of an ignition interlock device or devices~~
16 ~~pursuant to Section 754.1 of this title for a period of not less~~
17 ~~than one (1) year immediately preceding reinstatement of the~~
18 ~~license. If the Department receives notice of any verified ignition~~
19 ~~interlock violations, as determined by the Board of Tests for~~
20 ~~Alcohol and Drug Influence, occurring within the last one hundred~~
21 ~~eighty (180) days of the revocation period, the revocation period~~
22 ~~shall be extended until such time the person completes a violation~~
23 ~~free one hundred eighty (180) day period~~ For any modification, the
24 person shall be required to install an ignition interlock device or

1 devices, pursuant to Section 754.1 of this title. The period of
2 revocation and the period of interlock installation shall run
3 concurrently and each shall be for no less than one hundred eighty
4 (180) days;

5 2. A revocation pursuant to paragraph 2 of subsection A of
6 Section 6-205 of this title, or Section 753 or 754 of this title
7 shall be for a ~~minimum~~ period of ~~twenty-four (24) months,~~ one (1)
8 year, or longer if driving privileges are modified pursuant to the
9 provisions of this paragraph, if within ten (10) years preceding the
10 date of arrest relating thereto, as shown by the records of the
11 Department:

12 a. a prior revocation commenced pursuant to paragraph 2
13 or 6 of subsection A of Section 6-205 of this title,
14 ~~or a revocation because of a test result or test~~
15 ~~refusal, or previous enrollment~~ Section 753 or 754 of
16 this title, or completion of the Impaired Driver
17 Accountability Program ~~pursuant to Section 6-212 of~~
18 ~~this title,~~ or

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

1 person was not a resident or a licensee of Oklahoma at
2 the time of the offense resulting in the conviction.
3 Such ~~twenty-four month~~ one-year period of revocation ~~shall~~ may be
4 modified upon request; provided, any modification under this
5 paragraph shall apply to Class D driver licenses only. ~~Modification~~
6 For any modification, the person shall ~~require the issuance of a~~
7 ~~modified driver license and the installation of~~ be required to
8 install an ignition interlock device or devices, pursuant to Section
9 754.1 of this title ~~for a continuous period of not less than twenty-~~
10 ~~four (24) months immediately preceding reinstatement of the license.~~
11 ~~If the Department receives notice of any verified ignition interlock~~
12 ~~violations, as determined by the Board of Tests for Alcohol and Drug~~
13 ~~Influence, occurring within the last twelve (12) months of the~~
14 ~~revocation. The period, the of revocation and the period of~~
15 interlock installation shall be extended until such time the person
16 completes a violation free twelve-month period run concurrently and
17 each shall be for no less than one (1) year; or

18 3. A revocation pursuant to paragraph 2 of subsection A of
19 Section 6-205 of this title, ~~or a revocation because of a test~~
20 ~~result or test refusal~~ Section 753 or 754 of this title shall be for
21 a ~~minimum~~ period of ~~forty-eight (48) months if~~ three (3) years, or
22 longer if driving privileges are modified pursuant to the provisions
23 of this paragraph, if within ten (10) years preceding the date of
24 arrest relating thereto, as shown by the records of the Department:

- 1 a. two or more prior revocations commenced pursuant to
2 paragraph 2 or 6 of subsection A of Section 6-205 of
3 this title, ~~or revocations because of a test result or~~
4 ~~test refusal~~ Section 753 or 754 of this title, or
5 ~~previous~~ completion of the Impaired Driver
6 Accountability Program ~~pursuant to Section 6-212 of~~
7 ~~this title~~,
- 8 b. the record of the person reflects two or more prior
9 convictions in another jurisdiction which did not
10 result in a revocation of Oklahoma driving privileges,
11 for a violation substantially similar to paragraph 2
12 of subsection A of Section 6-205 of this title, and
13 the person was not a resident or a licensee of
14 Oklahoma at the time of the offense resulting in the
15 conviction, or
- 16 c. any combination of two or more prior revocations, ~~or~~
17 ~~previous~~ completion of the Impaired Driver
18 Accountability Program, or convictions as described in
19 subparagraphs a and b of this paragraph.

20 Such ~~forty-eight-month~~ three-year period of revocation shall be
21 modified upon request; provided, any modification under this
22 paragraph shall apply to Class D driver licenses only. ~~Modification~~
23 ~~requires the issuance of a modified driver license and the~~
24 ~~installation of~~ For any modification, the person shall be required

1 to install an ignition interlock device or devices, pursuant to
2 Section 754.1 of this title ~~for a continuous.~~ The period of not
3 ~~less than forty eight (48) months immediately preceding~~
4 ~~reinstatement of the license. If the Department receives notice of~~
5 ~~any verified ignition interlock violations, as determined by the~~
6 ~~Board of Tests for Alcohol and Drug Influence, occurring within the~~
7 ~~last twenty four (24) months of the revocation and the period, the~~
8 ~~revocation period of interlock installation shall be extended until~~
9 ~~such time the person completes a violation free twenty-four-month~~
10 ~~period~~ run concurrently and each shall be for no less than three (3)
11 years.

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

16 1. The first license revocation shall be for one hundred eighty
17 (180) days, which ~~may~~ shall be modified upon request; provided, for
18 license revocations for a misdemeanor charge of possessing a
19 controlled dangerous substance, the provisions of this paragraph
20 shall apply to any such revocations by the Department on or after
21 January 1, 1993; provided further, any modification under this
22 paragraph shall apply to Class D ~~motor vehicles~~ driver licenses
23 only;

24

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

4 a. a prior revocation commenced pursuant to paragraph 2
5 or 6 of subsection A of Section 6-205 of this title,
6 ~~or a revocation because of a test result or test~~
7 ~~refusal, previous participation~~ Section 753 or 754 of
8 this title, or completion of the Impaired Driver
9 Accountability Program ~~pursuant to Section 6-212 of~~
10 ~~this title,~~ or

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

18 Such period shall not be modified; or

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

22 a. two or more prior revocations commenced pursuant to
23 paragraph 2 or 6 of subsection A of Section 6-205 of
24 this title, ~~or a revocation because of a test result~~

1 ~~or test refusal, previous participation~~ Section 753 or
2 754 of this title, or completion of the Impaired
3 Driver Accountability Program ~~pursuant to Section 6-~~
4 ~~212 of this title,~~

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

13 c. any combination of two or more prior revocations as
14 described in subparagraphs a and b ~~or~~ of this
15 paragraph.

16 Such period shall not be modified.

17 The revocation of the driving privilege of any person under this
18 subsection shall not run concurrently with any other withdrawal of
19 driving privilege resulting from a different incident and which
20 requires the driving privilege to be withdrawn for a prescribed
21 amount of time. A denial based on a conviction of any offense as
22 provided in paragraph 6 of subsection A of Section 6-205 of this
23 title shall become effective on the first day the convicted person
24 is otherwise eligible to apply for and be granted driving ~~privilege~~

1 privileges if the person was not eligible to do so at the time of
2 the conviction.

3 C. For the purposes of this ~~subsection~~ section:

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

7 2. The term "revocation" includes a denial of driving
8 privileges by the Department.

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

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

19 SECTION 2. AMENDATORY 47 O.S. 2011, Section 6-211, is
20 amended to read as follows:

21 Section 6-211. A. Any person denied driving privileges, or
22 whose driving privilege has been canceled, denied, suspended or
23 revoked by the Department, except where such cancellation, denial,
24 suspension or revocation is mandatory, under the provisions of

1 Section 6-205 of this title, or disqualified by the Department,
2 under the provisions of Section 6-205.2 or 761 of this title, shall
3 have the right of appeal to the district court as hereinafter
4 provided. Proceedings before the district court shall be exempt
5 from the provisions of the Oklahoma Pleading and Discovery codes,
6 except that the appeal shall be by petition, without responsive
7 pleadings. The district court is hereby vested with original
8 jurisdiction to hear ~~said~~ the petition.

9 B. A person whose driving privilege is denied, canceled,
10 revoked or suspended due to inability to meet standards prescribed
11 by law, or due to an out-of-state conviction or violation, or due to
12 an excessive point accumulation on the traffic record, or for an
13 unlawful license issued, may appeal in the county in which the
14 person resides.

15 C. Any person whose driving privilege is canceled, denied,
16 suspended or revoked may appeal to the district court in the county
17 in which the offense was committed upon which the Department based
18 its order.

19 D. A person whose driving privilege is ~~revoked or denied or who~~
20 ~~is denied a hearing~~ subject to revocation pursuant to Section 753 or
21 754 of this title may appeal to the district court in the county in
22 which the arrest occurred relating to the test refusal or test
23 result, as shown by the records of the Department.

24

1 E. The petition shall be filed within thirty (30) days after
2 the ~~order~~ notice of revocation pursuant to Section 753 or 754 of
3 this title has been served upon the person, ~~except a petition~~
4 ~~relating to an implied consent revocation shall be filed within~~
5 ~~thirty (30) days after the Department gives notice to the person~~
6 ~~that the revocation is sustained as provided in Section 754 of this~~
7 ~~title.~~ It shall be the duty of the district court to enter an order
8 setting the matter for hearing not less than fifteen (15) days and
9 not more than thirty (30) days from the date the petition is filed.
10 A certified copy of petition and order for hearing shall be served
11 forthwith by the clerk of the court upon the Commissioner of Public
12 Safety by certified mail at the Department of Public Safety,
13 Oklahoma City, Oklahoma.

14 F. ~~At a hearing on a revocation by the Department pursuant to~~
15 ~~the implied consent laws as provided in Sections 6-205.1, 753 and~~
16 ~~754 of this title, the court shall not consider the merits of the~~
17 ~~revocation action unless a written request for an administrative~~
18 ~~hearing was timely submitted to the Department and the person~~
19 ~~actually exercised the opportunity to appear as provided in Section~~
20 ~~754 of this title and the Department entered an order sustaining the~~
21 ~~revocation.~~

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

1 the propriety or merits of the revocation or disqualification
2 action, except to correct the identity of the person convicted as
3 shown by records of the Department.

4 ~~H. In the event the Department declines to modify, as provided~~
5 ~~in Section 754.1 of this title, a revocation order issued pursuant~~
6 ~~to Section 753, Section 754, paragraph 2 of subsection A of Section~~
7 ~~6-205 or Section 6-205.1 of this title, which is subject to~~
8 ~~modification pursuant to Section 11-906.4 of this title or Section~~
9 ~~6-205.1 of this title, a~~

10 G. A petition for modification may be included with the appeal
11 or separately filed at any time, and the district court may, in its
12 discretion, modify the revocation as provided for in Section 755 of
13 this title; provided, any modification under this subsection shall
14 apply to Class D ~~motor vehicles~~ driver licenses only.

15 ~~F.~~ H. The court shall take testimony and examine the facts and
16 circumstances, including all of the records on file in the office of
17 the Department of Public Safety relative to the offense committed
18 and the driving record of the person, and determine from the facts,
19 circumstances, and records whether or not the petitioner is entitled
20 to driving privileges or shall be subject to the order of denial,
21 cancellation, suspension or revocation issued by the Department.
22 ~~The court may also determine whether or not, from the person's~~
23 ~~previous driving record, the order was for a longer period of time~~
24 ~~than such facts and circumstances warranted.~~ In case the court

1 finds that the order was not justified, the court may sustain the
2 appeal, vacate the order of the Department and direct that driving
3 privileges be restored to the petitioner, if otherwise eligible.
4 ~~The court may, in case it determines the order was justified, but~~
5 ~~that the period of the suspension or revocation was excessive, enter~~
6 ~~an order modifying the same as provided by law.~~

7 J. I. The testimony of any hearing pursuant to this section
8 shall be taken by the court stenographer and preserved for the
9 purpose of appeal and, in case the Department files notice of appeal
10 from the order of the court as provided herein, the court shall
11 order and direct the court clerk to prepare and furnish a complete
12 transcript of all pleadings and proceedings, together with a
13 complete transcript taken at ~~said~~ the hearing at no cost to the
14 Department, except the cost of transcribing.

15 ~~K.~~ J. In order to stay or supersede any order of the
16 Department, the petitioner may execute and file a cash appeal bond
17 in the sum of Two Hundred Fifty Dollars (\$250.00) with the clerk of
18 the court, to be approved by the court clerk. A certified copy of
19 the bond shall be served along with the notice of hearing and
20 petition.

21 The bond shall be to the State of Oklahoma and conditioned that
22 the petitioner will prosecute the appeal with due diligence and
23 during pendency of the appeal abide by and not violate any of the
24 laws of this state or any other state in the operation of a motor

1 vehicle, and that the petitioner will abide by and perform the final
2 judgment of the court therein, and in case the appeal is finally
3 denied the appellant will pay all court costs incurred in the appeal
4 in the district court. If the petitioner is convicted of a traffic
5 offense during the pendency of the appeal or fails to prosecute the
6 appeal with due diligence, the bond may be forfeited to the court
7 fund upon application by the Department and after hearing before the
8 court in which the appeal is pending.

9 ~~H.~~ K. After filing and approval of the appeal bond and the
10 furnishing thereof to the Department as hereby provided, the
11 Department shall restore driving privileges to the person if
12 otherwise eligible, and the person shall be permitted to operate a
13 motor vehicle pending the appeal, under terms and conditions as
14 prescribed in the bond which shall include the installation of an
15 ignition interlock device on every motor vehicle operated by the
16 person, pursuant to Section 754.1 or 755 of this title, if the
17 person was denied modification pursuant to any provision of
18 paragraph 2 of subsection A of Section 6-205 or Section 6-205.1, 753
19 or 754 of this title; provided, however, if the order of the
20 Department is sustained in final judgment, the court shall, in such
21 final judgment, enter an order extending the period of suspension or
22 revocation for such time as the petitioner was permitted to operate
23 motor vehicles under the provisions of an appeal bond, and the court

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1 shall also in such final judgment direct and require the immediate
2 surrender of any driver license or licenses to the Department.

3 ~~M.~~ L. An appeal may be taken by the person or by the Department
4 from the order or judgment of the district court to the Supreme
5 Court of the State of Oklahoma as otherwise provided by law.

6 SECTION 3. AMENDATORY 47 O.S. 2011, Section 6-212, as
7 last amended by Section 7, Chapter 392, O.S.L. 2017 (47 O.S. Supp.
8 2018, Section 6-212), is amended to read as follows:

9 Section 6-212. A. The Department of Public Safety shall not
10 assess and collect multiple reinstatement fees when reinstating the
11 driving privilege of any person having more than one suspension or
12 revocation affecting the person's driving privilege at the time of
13 reinstatement.

14 B. The Department shall:

15 1. Suspend or revoke a person's driving privilege as delineated
16 within the Oklahoma Statutes; and

17 2. Require any person having more than one suspension or
18 revocation affecting the person's driving privilege to meet the
19 statutory requirements for each action as a condition precedent to
20 the reinstatement of any driving privilege. Provided, however,
21 reinstatement fees shall not be cumulative, and a single
22 reinstatement fee, as provided for in subsection C of this section,
23 shall be paid for all suspensions or revocations as shown by the
24 Department's records at the time of reinstatement.

1 C. Whenever a person's privilege to operate a motor vehicle is
2 suspended or revoked pursuant to any provision as authorized by the
3 Oklahoma Statutes, the license or privilege to operate a motor
4 vehicle shall remain under suspension or revocation and shall not be
5 reinstated until:

6 1. The expiration of each such revocation or suspension order
7 ~~and the satisfaction of all terms and conditions of the revocation;~~

8 2. The person has paid to the Department:

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

16 b. (1) if such privilege is suspended or revoked ~~because~~
17 ~~of a test result or test refusal, or~~ pursuant to
18 the provisions of Section 6-205, 6-205.1, 7-612,
19 753, 754 or 761 of this title or pursuant to
20 subsection A of Section 7-605 of this title for a
21 conviction for failure to maintain the mandatory
22 motor vehicle insurance required by law or
23 pursuant to subsection B of Section 6-206 of this
24 title for a suspension other than for points

1 accumulation, a processing fee of Seventy-five
2 Dollars (\$75.00) for each such suspension or
3 revocation as shown by the Department's records,
4 and a special assessment trauma-care fee of Two
5 Hundred Dollars (\$200.00) to be deposited into
6 the Trauma Care Assistance Revolving Fund created
7 in Section 1-2530.9 of Title 63 of the Oklahoma
8 Statutes, for each suspension or revocation as
9 shown by the records of the Department, and
10 (2) in addition to any other fees required by this
11 section, if such privilege is suspended or
12 revoked pursuant to an arrest on or after
13 November 1, 2008, under the provisions of
14 paragraph 2 or 6 of subsection A of Section 6-205
15 of this title or of Section 753, 754 or 761 of
16 this title ~~or because of a test result or test~~
17 ~~refusal~~, a fee of Fifteen Dollars (\$15.00), which
18 shall be apportioned pursuant to the provisions
19 of Section 3-460 of Title 43A of the Oklahoma
20 Statutes; and

21 3. The person has paid to the Department a single reinstatement
22 fee of, beginning on July 1, 2013, and any year thereafter, Twenty-
23 five Dollars (\$25.00).

1 D. The Department of Public Safety is hereby authorized to
2 enter into agreements with persons whose license to operate a motor
3 vehicle or commercial motor vehicle has been suspended or revoked,
4 for issuance of a provisional license that ~~allows~~ would allow such
5 persons to drive:

6 1. Between their place of residence and their place of
7 employment or potential employment;

8 2. During the scope and course of their employment;

9 3. Between their place of residence and a college, university
10 or technology center;

11 4. Between their place of residence and their child's school or
12 day care provider;

13 5. Between their place of residence and a place of worship; or

14 6. Between their place of residence and any court-ordered
15 treatment program,

16 with the condition that such persons pay a minimum of Twenty-five
17 Dollars (\$25.00) per month toward the satisfaction of all

18 outstanding driver license or commercial driver license

19 reinstatement fees. The Department shall develop rules and

20 procedures to establish such a provisional driver license program

21 and such rules and procedures shall include, but not be limited to,

22 eligibility criteria, proof of insurance, proof of enrollment or

23 employment, and any provisional license fees. Any violation of law

24 by the person holding the provisional license that would result in

1 the suspension or revocation of a driver license shall result in the
2 revocation of the provisional license and such person shall be
3 ineligible for future application for a provisional driver license.

4 ~~E. No later than June 30, 2018, the Department shall establish~~
5 ~~the Impaired Driver Accountability Program (IDAP) at the Department~~
6 ~~of Public Safety. Fees collected by the Department for admission~~
7 ~~into the program shall be deposited in the Department of Public~~
8 ~~Safety Restricted Revolving Fund for support of the program. The~~
9 ~~Department shall promulgate rules necessary to implement the~~
10 ~~Impaired Driver Accountability Program.~~

11 ~~F. The Department may enter into an IDAP program agreement with~~
12 ~~the person if:~~

13 ~~1. The Department receives the request for IDAP participation~~
14 ~~pursuant to this section within fifteen (15) calendar days from the~~
15 ~~date reflected on the dated receipt issued by an officer to the~~
16 ~~person pursuant to subsection B of Section 754 of this title, on the~~
17 ~~form provided by the Department;~~

18 ~~2. The Department receives payment of the Two Hundred Dollars~~
19 ~~(\$200.00) program administration fee within forty five (45) days of~~
20 ~~the date notice was given pursuant to Section 2-116 of this title;~~

21 ~~3. The Department receives the proof of installation of an~~
22 ~~ignition interlock device approved in accordance with the rules of~~
23 ~~the Board of Tests for Alcohol and Drug Influence within forty five~~

1 ~~(45) days from the date notice was given pursuant to Section 2-116~~
2 ~~of this title; and~~

3 4. ~~The Department receives proof of the driving privileges of~~
4 ~~the person including, but not limited to, out-of-state driver~~
5 ~~licenses and licenses obtained at any time before or after entry~~
6 ~~into the program within forty-five (45) days from the date notice~~
7 ~~was given pursuant to Section 2-116 of this title.~~

8 G. ~~Upon successful completion of the program, the driving~~
9 ~~record of the person will be updated to indicate their completion of~~
10 ~~the program without revocation and no reinstatement fee will be~~
11 ~~charged to the person.~~

12 H. ~~The program length shall be:~~

13 1. ~~A minimum of six (6) months for a person subject to~~
14 ~~revocation pursuant to paragraph 1 of subsection A of Section 6-~~
15 ~~205.1 of this title. If the Department receives notice of any~~
16 ~~verified ignition interlock violations, as determined by the Board~~
17 ~~of Tests for Alcohol and Drug Influence, within the last three (3)~~
18 ~~months of the program period, the program period shall be extended~~
19 ~~until such time the person completes a violation free three-month~~
20 ~~period;~~

21 2. ~~A minimum of twelve (12) months for a person subject to~~
22 ~~revocation pursuant to paragraph 2 of subsection A of Section 6-~~
23 ~~205.1 of this title. If the Department receives notice of any~~
24 ~~verified ignition interlock violations, as determined by the Board~~

1 ~~of Tests for Alcohol and Drug Influence, within the last six (6)~~
2 ~~months of the program period, the program period shall be extended~~
3 ~~until such time the person completes a violation free six-month~~
4 ~~period;~~

5 ~~3. A minimum of twenty-four (24) months for a person subject to~~
6 ~~revocation pursuant to paragraph 3 of subsection A of Section 6-~~
7 ~~205.1 of this title. If the Department receives notice of any~~
8 ~~verified ignition interlock violations, as determined by the Board~~
9 ~~of Tests for Alcohol and Drug Influence, within the last twelve (12)~~
10 ~~months of the program period, the program period shall be extended~~
11 ~~until such time the person completes a violation free twelve-month~~
12 ~~period.~~

13 ~~I. Completion of the program is contingent upon the compliance~~
14 ~~of the person with the rules of the Department.~~

15 ~~J. Effective July 1, 2002, and for each fiscal year thereafter:~~

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

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

24

1 SECTION 4. AMENDATORY 47 O.S. 2011, Section 6-212.2, is
2 amended to read as follows:

3 Section 6-212.2. A. Whenever the records of the Department of
4 Public Safety reflect a conviction of a person pursuant to Section
5 11-902 of this title or an alcohol- or drug-related revocation or
6 suspension of the driving privileges of that person pursuant to the
7 provisions of paragraph 2 or 6 of subsection A of Section 6-205 or
8 to Section 6-205.1, 6-206, 753, 754 or 761 of this title, the person
9 shall participate in an alcohol and drug assessment and evaluation
10 by an assessment agency or assessment personnel certified by the
11 Department of Mental Health and Substance Abuse Services for the
12 purpose of evaluating the person's receptivity to treatment and
13 prognosis. As determined by the assessment, the person shall enroll
14 in, attend and successfully complete the appropriate alcohol and
15 drug substance abuse course certified by the Department of Mental
16 Health and Substance Abuse Services or an alcohol or other drug
17 treatment program or both. The alcohol and drug substance abuse
18 course shall consist of either ten (10) hours or twenty-four (24)
19 hours of instruction and shall conform with the provisions of
20 Section 3-453 of Title 43A of the Oklahoma Statutes. No citizen
21 shall be compelled to travel more than seventy (70) miles from the
22 citizen's place of residence to attend a course or evaluation
23 program required herein. For purposes of this subsection, the
24 requirement for alcohol and drug substance abuse evaluation shall be

1 considered satisfied if the person is evaluated by an assessment
2 agency or assessment personnel certified for that purpose, all
3 recommendations identified by the evaluation are satisfied by the
4 person, and a report of such evaluation and completion is presented
5 to the court prior to sentencing and to the Department.

6 B. If the assessment agency or assessment personnel in section
7 A determines that the person would likely benefit from a United
8 States Food and Drug Administration-approved medication-assisted
9 treatment that is indicated for alcohol dependence or opioid
10 dependence, the assessment agency or assessment personnel shall
11 refer the defendant to a licensed physician for further evaluation.
12 Only a licensed physician may recommend that a defendant take
13 medication-assisted treatment, and the defendant shall maintain the
14 right to refuse the medication.

15 C. The requirements of subsection A of this section shall be a
16 condition for reinstatement of driving privileges, in addition to
17 other conditions for driving privilege reinstatement provided by
18 law.

19 SECTION 5. AMENDATORY 47 O.S. 2011, Section 6-212.3, as
20 last amended by Section 8, Chapter 392, O.S.L. 2017 (47 O.S. Supp.
21 2018, Section 6-212.3), is amended to read as follows:

22 Section 6-212.3. A. Whenever the installation of an ignition
23 interlock device is allowed or required by law, the Department shall
24 require the device to be installed upon any vehicle owned or leased,

1 as reflected on the vehicle registration, by an employer of the
2 person for use by the person, except when the employer requests the
3 ignition interlock device not be installed. The request shall be in
4 writing and notarized on the official letterhead of the employer and
5 provided by the employer to the Department; provided, a request
6 shall not be accepted by the Department under the following
7 circumstances:

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

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

14 3. When the person has had a prior revocation pursuant to
15 paragraph 2 of subsection A of Section 6-205 of this title or ~~as a~~
16 ~~result of a test result or a test refusal~~ Section 753 or 754 of this
17 title.

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

20 ~~B. The Department of Public Safety may revoke, suspend or~~
21 ~~restrict the driving privileges of the person upon receipt of a~~
22 ~~report of a verified ignition interlock violation as defined by the~~
23 ~~Board of Tests for Alcohol and Drug Influence.~~

24

1 ~~C.~~ 1. Upon request and eligibility, the Department shall issue
2 a restricted driver license to the person, upon payment of a
3 restricted driver license fee of Fifty Dollars (\$50.00) and ~~the IDAP~~
4 ~~program administration fee, as provided in Section 6-212 of this~~
5 ~~title,~~ all other appropriate fees by the person. The restricted
6 driver license and the driving record of the person shall indicate
7 by an appropriate restriction that the person is only authorized to
8 operate a vehicle upon which an approved and properly functioning
9 ignition interlock device is installed. If the person is operating
10 a motor vehicle owned or leased by an employer who has not given
11 permission for an ignition interlock device to be installed, the
12 employer shall provide the person with a letter, on official
13 letterhead of the employer, which the person shall carry in his or
14 her immediate possession at all times when operating a motor vehicle
15 and shall display for examination and inspection upon demand of a
16 peace officer.

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

24

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

4 C. Installation of an ignition interlock device pursuant to
5 subsection A of this section shall run concurrently with a court
6 order, if any, for installation of an ignition interlock device
7 pursuant to the same conviction.

8 D. Installation of an ignition interlock device pursuant to any
9 court order, Impaired Driver Accountability Program or other
10 diversionary program shall be credited towards any requirement for
11 the installation of an ignition interlock device pursuant to any
12 court order, Impaired Driver Accountability Program or other
13 diversionary program arising out of the same incident.

14 E. The person shall be required to have installed an ignition
15 interlock device approved by the Board of Tests for Alcohol and Drug
16 Influence, at the person's own expense, and comply with all
17 provisions of law regarding ignition interlock devices.

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

23 G. Pursuant to Section 6-205.1 of this title, the Department
24 shall extend the period of ignition interlock of the person for a

1 report from the Board of Tests for Alcohol and Drug Influence of a
2 reportable violation by the person as defined in the rules of the
3 Board of Tests for Alcohol and Drug Influence. A restriction
4 imposed under this section or Section 6-205.1 of this title shall
5 remain in effect until the department receives a declaration from
6 the Board of Tests for Alcohol and Drug Influence, in a form
7 provided or approved by the department, certifying that there have
8 been no reportable violations in the one hundred eighty (180)
9 consecutive days prior to the date of release. The Department shall
10 send notice in accordance with Section 2-116 of this title prior to
11 extending the period of ignition interlock. Upon request, made
12 within fifteen (15) days of completion of the notice, the person
13 shall have the right to an informal hearing before the Department
14 prior to any extension of the period of ignition interlock. The
15 hearing shall be limited to the issues of the validity of the
16 ignition interlock violation and the identity of the person
17 committing the violation. Should the person's release date occur
18 after the Department has received the informal hearing request but
19 before the informal hearing, the period of ignition interlock of the
20 person shall be extended pending the final judgment of the
21 Department.

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

24

1 SECTION 6. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 6-212.5 of Title 47, unless
3 there is created a duplication in numbering, reads as follows:

4 A. The Department of Public Safety shall establish the Impaired
5 Driver Accountability Program (IDAP) at the Department of Public
6 Safety. Fees collected by the Department for admission into the
7 program shall be deposited in the Department of Public Safety
8 Restricted Revolving Fund for support of the program. The
9 Department shall promulgate rules necessary to administer the
10 program.

11 B. The Department may enter into an IDAP agreement with the
12 person if:

13 1. The Department receives the request for IDAP participation
14 within thirty (30) calendar days from the date that notice was given
15 pursuant to Section 7 of this act;

16 2. The Department receives payment of the program
17 administration fee of Two Hundred Dollars (\$200.00) within forty-
18 five (45) days of the date notice was given pursuant to Section 7 of
19 this act;

20 3. The Department receives an ignition interlock device
21 installation verification issued in accordance with the rules of the
22 Board of Tests for Alcohol and Drug Influence within forty-five (45)
23 days from the date notice was given pursuant to Section 7 of this
24 act; and

1 4. The person is not otherwise ineligible for driving
2 privileges in Oklahoma on the date the person enters into the IDAP
3 agreement.

4 C. Upon successful completion of the program, the records of
5 the Department will be updated to indicate completion of the program
6 by the person without revocation. No reinstatement fee will be
7 charged to the person.

8 D. The program length shall be:

9 1. A minimum of six (6) months for a person subject to
10 revocation pursuant to paragraph 1 of subsection A of Section 6-
11 205.1 of Title 47 of the Oklahoma Statutes. A restriction imposed
12 under this section shall remain in effect until the department
13 receives a declaration from the Board of Tests for Alcohol and Drug
14 Influence, in a form provided or approved by the department,
15 certifying that there have been no reportable violations in the
16 sixty (60) consecutive days prior to the date of release. If the
17 Department receives notice of any ignition interlock reportable
18 violations, as determined by the Board of Tests for Alcohol and Drug
19 Influence, the program period shall be extended for a period of
20 sixty (60) days;

21 2. A minimum of twelve (12) months for a person subject to
22 revocation pursuant to paragraph 2 of subsection A of Section 6-
23 205.1 of Title 47 of the Oklahoma Statutes. A restriction imposed
24 under this section shall remain in effect until the department

1 receives a declaration from the Board of Tests for Alcohol and Drug
2 Influence, in a form provided or approved by the department,
3 certifying that there have been no reportable violations in the one
4 hundred twenty (120) consecutive days prior to the date of release.
5 If the Department receives notice of any ignition interlock
6 reportable violations, as determined by the Board of Tests for
7 Alcohol and Drug Influence, the program period shall be extended for
8 a period of one hundred twenty (120) days; or

9 3. A minimum of thirty-six (36) months for a person subject to
10 revocation pursuant to paragraph 3 of subsection A of Section 6-
11 205.1 of Title 47 of the Oklahoma Statutes. A restriction imposed
12 under this section shall remain in effect until the department
13 receives a declaration from the Board of Tests for Alcohol and Drug
14 Influence, in a form provided or approved by the department,
15 certifying that there have been no reportable violations in the one
16 (1) year prior to the date of release. If the Department receives
17 notice of any ignition interlock reportable violations, as
18 determined by the Board of Tests for Alcohol and Drug Influence, the
19 program period shall be extended for a period of one (1) year.

20 E. Prior to an extension of the program period, the Department
21 shall send notice of the extension in accordance with Section 2-116
22 of Title 47 of the Oklahoma Statutes. Upon request, which shall be
23 made within fifteen (15) days of receipt of the notice, the person
24 shall have the right to an informal hearing before the Department

1 prior to any extension of the program. The hearing shall be limited
2 to the issues of the validity of the ignition interlock reportable
3 violation and the identity of the person committing the violation.
4 Should the person's release date occur after the Department has
5 received the informal hearing request but before the informal
6 hearing, the period of ignition interlock of the person shall be
7 extended pending the final judgment of the Department.

8 F. Effective July 1, 2020, and for each fiscal year thereafter:

9 1. Two Hundred Fifty Thousand Dollars (\$250,000.00) of all
10 monies collected each month pursuant to this section shall be
11 apportioned as provided in Section 1104 of Title 47 of the Oklahoma
12 Statutes, except as otherwise provided in this section; and

13 2. Except as otherwise provided in this section, all other
14 monies collected in excess of Two Hundred Fifty Thousand Dollars
15 (\$250,000.00) each month shall be deposited in the General Revenue
16 Fund.

17 SECTION 7. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 6-212.6 of Title 47, unless
19 there is created a duplication in numbering, reads as follows:

20 Any person subject to revocation of driving privileges pursuant
21 to Section 753 or 754 of Title 47 of the Oklahoma Statutes shall be
22 given a dated notice advising the person of the availability of the
23 Impaired Driver Accountability Program on a form prescribed by the
24 Department of Public Safety. The notice shall be given together

1 with the notice of revocation by the officer as required by Section
2 753 or 754 of Title 47 of the Oklahoma Statutes, or by the
3 Department in accordance with Section 2-116 of Title 47 of the
4 Oklahoma Statutes.

5 SECTION 8. AMENDATORY 47 O.S. 2011, Section 11-902a, as
6 amended by Section 9, Chapter 392, O.S.L. 2017 (47 O.S. Supp. 2018,
7 Section 11-902a), is amended to read as follows:

8 Section 11-902a. A. No person shall knowingly authorize or
9 permit a motor vehicle owned or under the control of that person
10 which is not equipped with an ignition interlock device to be driven
11 upon any street or highway of this state by any person who is
12 required to have an ignition interlock device installed upon the
13 vehicle of that person. ~~A violation of this subsection shall be a~~
14 ~~misdemeanor and shall be punishable by a fine of not more than Five~~
15 ~~Hundred Dollars (\$500.00) or by imprisonment in the county jail for~~
16 ~~not more than six (6) months, or by both such fine and imprisonment.~~

17 B. No person shall willfully attempt to interfere in any way
18 with the intended and proper functioning of an ignition interlock
19 device installed in a vehicle as required by law, or intentionally
20 fail to return an ignition interlock device when it is no longer
21 required in the vehicle or upon request by the owner of the device.
22 ~~A violation of this subsection shall be a misdemeanor and shall be~~
23 ~~punishable by a fine of not more than Five Hundred Dollars (\$500.00)~~

24

1 ~~or by imprisonment in the county jail for not more than six (6)~~
2 ~~months or by both such fine and imprisonment.~~

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

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

12 ~~D. The court shall require, as a condition of any bond, the~~
13 ~~installation of an ignition interlock device, approved by the Board~~
14 ~~of Tests for Alcohol and Drug Influence, on any vehicle operated by~~
15 ~~the defendant charged with a second or subsequent offense under~~
16 ~~Section 11-902 of this title. The period of time for which the~~
17 ~~ignition interlock device is required to be installed pursuant to~~
18 ~~this section shall not be credited toward any time period for which~~
19 ~~an ignition interlock device is required to be installed pursuant to~~
20 ~~Section 6-205.1 of this title. The period of time for which the~~
21 ~~ignition interlock device is required to be installed pursuant to~~
22 ~~this section shall be credited toward any time period for which~~
23 ~~ignition interlock device installation is required under the~~
24 ~~Impaired Driver Accountability Program. If the person charged~~

1 ~~successfully completes the Impaired Driver Accountability Program~~
2 ~~before a plea or verdict in their criminal case, the court may~~
3 ~~remove the ignition interlock device requirement from the bond.~~

4 SECTION 9. AMENDATORY 47 O.S. 2011, Section 754, as
5 amended by Section 13, Chapter 392, O.S.L. 2017 (47 O.S. Supp. 2018,
6 Section 754), is amended to read as follows:

7 Section 754. A. Any arrested person who is under twenty-one
8 (21) years of age and has any measurable quantity of alcohol in the
9 person's blood or breath, or any person twenty-one (21) years of age
10 or older whose alcohol concentration is eight-hundredths (0.08) or
11 more as shown by a breath test administered according to the
12 provisions of this title, or any arrested person who has refused to
13 submit to a breath or blood test, shall immediately surrender his or
14 her driver license, permit or other evidence of driving privilege to
15 the arresting law enforcement officer. ~~Except in cases where the~~
16 ~~arrested person submitted to a test of their blood, the~~ The officer
17 shall seize any driver license, permit, or other evidence of driving
18 privilege surrendered by or found on the arrested person during a
19 search. ~~The evidence of driving privilege seized by the officer~~
20 ~~shall be delivered to the Department of Public Safety. The~~
21 ~~Department shall destroy the evidence of driving privilege upon~~
22 ~~receipt thereof.~~

23 B. If the evidence of driving privilege surrendered to or
24 seized by the officer has not expired and otherwise appears valid,

1 the officer shall issue to the arrested person a dated receipt for
2 that driver license, permit, or other evidence of driving privilege
3 on a form prescribed by the Department of Public Safety. This
4 receipt shall be recognized as a ~~temporary restricted~~ driver license
5 and shall authorize the arrested person to operate a motor vehicle
6 for a period not to exceed ~~forty-five (45)~~ thirty (30) days. The
7 receipt form shall contain and constitute a notice of revocation of
8 driving privilege by the Department effective in thirty (30) days.

9 The evidence of driving privilege and a copy of the receipt form
10 issued to the arrested person shall be attached to the sworn report
11 of the officer and shall be submitted by mail or in person to the
12 Department within seventy-two (72) hours of the issuance of the
13 receipt. The failure of the officer to timely file this report
14 shall not affect the authority of the Department to revoke the
15 driving privilege of the arrested person.

16 C. ~~When any alleged controlled dangerous substance has been~~
17 ~~submitted to the laboratory of the OSBI for analysis, and the~~
18 ~~analysis shows that the submitted material is a controlled dangerous~~
19 ~~substance, the distribution of which constitutes a felony under the~~
20 ~~laws of this state, no portion of the substance shall be released to~~
21 ~~any other person or laboratory absent an order of a district court.~~
22 ~~The defendant shall additionally be required to submit to the court~~
23 ~~a procedure for transfer and analysis of the subject material to~~
24 ~~ensure the integrity of the sample and to prevent the material from~~

1 ~~being used in any illegal manner.~~ Upon receipt of a written blood
2 or breath test report reflecting that the arrested person, if under
3 twenty-one (21) years of age, had any measurable quantity of alcohol
4 in the person's blood or breath, or, if the arrested person is
5 twenty-one (21) years of age or older, a blood or breath alcohol
6 concentration of eight-hundredths (0.08) or more, accompanied by a
7 sworn report from a law enforcement officer that the officer had
8 reasonable grounds to believe the arrested person had been operating
9 or was in actual physical control of a motor vehicle while under the
10 influence of alcohol as prohibited by law, the Department shall
11 revoke or deny the driving privilege of the arrested person for a
12 period as provided by Section 6-205.1 of this title, unless the
13 person has successfully completed or is currently participating in
14 the Impaired Driver Accountability Program. Revocation or denial of
15 the driving privilege of the arrested person shall become effective
16 thirty (30) days after the arrested person is given written notice
17 thereof by the officer as provided in this section or by the
18 Department as provided in Section 2-116 of this title.

19 D. The appeal hearing before the district court shall be
20 conducted in accordance with Section 6-211 of this title. The
21 hearing shall cover the issues of whether the officer had reasonable
22 grounds to believe the person had been operating or was in actual
23 physical control of a vehicle upon the public roads, highways,
24 streets, turnpikes or other public place of this state while under

1 the influence of alcohol, any other intoxicating substance or the
2 combined influence of alcohol and any other intoxicating substance
3 as prohibited by law, and whether the person was placed under
4 arrest.

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

8 a. if timely requested by the person, the person was not
9 denied a breath or blood test,

10 b. the specimen was obtained from the person within two
11 (2) hours of the arrest of the person,

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

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

20 e. the test result in fact reflects the alcohol
21 concentration.

22 2. If the revocation or denial is based upon the refusal of the
23 person to submit to a breath or blood test, reflected in a sworn
24

1 report by a law enforcement officer, the scope of the hearing shall
2 also include whether:

- 3 a. the person refused to submit to the test or tests, and
- 4 b. the person was informed that driving privileges would
5 be revoked or denied if the person refused to submit
6 to the test or tests.

7 E. After the hearing, the district court shall order the
8 revocation or denial either rescinded or sustained.

9 SECTION 10. AMENDATORY 47 O.S. 2011, Section 754.1, as
10 last amended by Section 14, Chapter 392, O.S.L. 2017 (47 O.S. Supp.
11 2018, Section 754.1), is amended to read as follows:

12 Section 754.1. A. Modification of a revocation or denial
13 arising under the provisions of Section 6-205.1 of this title or
14 under the provisions of Sections 751 through 754 or 761 of this
15 title shall apply to Class D ~~motor vehicles~~ driver licenses only.

16 B. As a prerequisite and condition of any modification, the
17 person shall be required to have installed an ignition interlock
18 device approved by the Board of Tests for Alcohol and Drug
19 Influence, at the person's own expense, upon any motor vehicle
20 operated by the person. ~~A person whose revocation is modified may~~
21 ~~only operate a motor vehicle equipped with an approved ignition~~
22 ~~interlock device.~~ The Department shall require, as a condition of
23 modification, the device to be installed upon any vehicle owned or
24 leased, as reflected on the vehicle registration, by an employer of

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

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

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

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

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

18 C. Upon the issuance of a modification order pursuant to this
19 section, Section 11 of this act, or under the provisions of
20 paragraph 1, 2, or 3 of subsection A or paragraph 1, 2, or 3 of
21 subsection B of Section 6-205.1 of this title, for a violation of
22 this title, the person shall pay a modification fee of One Hundred
23 Seventy-five Dollars (\$175.00) to the Department. For each
24 modification fee collected pursuant to the provisions of this

1 subsection, One Hundred Dollars (\$100.00) shall be remitted to the
2 State Treasurer to be credited to the General Revenue Fund in the
3 State Treasury and Seventy-five Dollars (\$75.00) shall be remitted
4 to the State Treasurer to be credited to the Department of Public
5 Safety Restricted Revolving Fund. All monies accruing to the credit
6 of the Department of Public Safety Restricted Revolving Fund from
7 modification fees shall be budgeted and expended solely for the
8 purpose of administering the provisions of this section and Section
9 11 of this act.

10 D. The Board of Tests for Alcohol and Drug Influence shall
11 promulgate such rules as are necessary to implement and administer
12 the provisions of this subsection relating to ignition interlock
13 devices and the providers of such devices.

14 SECTION 11. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 754.2 of Title 47, unless there
16 is created a duplication in numbering, reads as follows:

17 The district court shall modify, upon request, the revocation or
18 denial occurring pursuant to Section 753 or 754 of Title 47 of the
19 Oklahoma Statutes. The district court shall enter a written order
20 directing the Department of Public Safety to allow driving, subject
21 to the limitations of Section 6-205.1 of Title 47 of the Oklahoma
22 Statutes and the requirement of an ignition interlock device as
23 provided in Section 754.1 of Title 47 of the Oklahoma Statutes;

24

1 provided, any modification under this paragraph shall apply to Class
2 D driver licenses only.

3 SECTION 12. This act shall become effective November 1, 2019.

4 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
5 February 25, 2019 - DO PASS AS AMENDED
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