

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 712

By: David and Scott of the
Senate

and

Kannady of the House

11 COMMITTEE SUBSTITUTE

12 An Act relating to motor vehicles; amending 47 O.S.
13 2011, Section 2-116, as amended by Section 3, Chapter
14 392, O.S.L. 2017 (47 O.S. Supp. 2018, Section 2-116),
15 which relates to giving of notice; modifying required
16 notice; amending 47 O.S. 2011, Section 6-204, as
17 amended by Section 4, Chapter 392, O.S.L. 2017 (47
18 O.S. Supp. 2018, Section 6-204), which relates to
19 court orders to surrender license; modifying certain
20 deferral procedures; amending 47 O.S. 2011, Section
21 6-205, as last amended by Section 5, Chapter 392,
22 O.S.L. 2017 (47 O.S. Supp. 2018, Section 6-205),
23 which relates to mandatory revocation of driving
24 privileges; modifying certain revocation procedures;
amending 47 O.S. 2011, Sections 6-205.1, as last
amended by Section 6, Chapter 392, O.S.L. 2017, 6-
211, 6-212, as last amended by Section 7, Chapter
392, O.S.L. 2017, 6-212.2 and 6-212.3, as last
amended by Section 8, Chapter 392, O.S.L. 2017 (47
O.S. Supp. 2018, Sections 6-205.1, 6-212 and 6-
212.3), which relate to the cancellation, required
completion of alcohol and drug assessment, suspension
or revocation of driver licenses; modifying and
adding qualifiers that provide for revocation or
denial of driving privileges for persons convicted of
driving under the influence; reducing specific

1 revocation time periods; deleting ignition interlock
2 installation requirement after driver license
3 reinstatement; deleting certain revocation extension
4 requirement; providing statutory references; allowing
5 for the modification of a revocation upon request;
6 removing certain ignition interlock requirements;
7 requiring modification of revocation upon request for
8 persons convicted of certain drug crimes; clarifying
9 mandatory revocation provision that prohibits the
10 Department of Public Safety or courts from granting
11 driving privileges; clarifying procedures for filing
12 appeals to the district court; removing cash appeal
13 bond requirements, procedures and conditions for
14 filing appeal bonds; deleting time period and hearing
15 requirements for petitions related to implied consent
16 revocations; removing procedure that requires the
17 submission of revocation orders issued under certain
18 circumstances; clarifying driving privilege
19 reinstatement guidelines; removing requirement that
20 the Department establish the Impaired Driver
21 Accountability Program (IDAP); deleting fee
22 collection and deposit requirements; removing
23 authority of the Department to enter into IDAP
24 agreements with persons under certain circumstances;
deleting all guidelines and procedures related to
IDAP; removing authority of the Department to revoke,
suspend or restrict driving privileges for ignition
interlock violations; deleting reference to IDAP
administration fee; requiring installation of
ignition interlock device to run concurrently with
court orders; providing installation of ignition
interlock be credited toward requirements related to
court orders or other diversionary programs;
establishing monthly maintenance fee; directing
ignition interlock device providers to submit reports
of violations; authorizing the Department to extend
periods of ignition interlock under certain
circumstances; providing limitations on extension
periods; authorizing persons to request informal
hearing prior to ignition interlock extension;
directing the Department to promulgate certain rules;
directing the Department to establish IDAP; directing
deposit of fees into certain revolving fund;
directing promulgation of rules; authorizing the
Department to enter into IDAP agreements under
certain circumstances; authorizing program
administration fee; requiring certain verification;

1 directing updated records upon completion of program;
2 stating program length; providing guidelines for
3 extending program period and requests for informal
4 hearings; directing apportionment of monies
5 collected; establishing requirements for providing
6 notice of IDAP to certain persons; amending 47 O.S.
7 2011, Section 11-902a, as amended by Section 9,
8 Chapter 392, O.S.L. 2017 (47 O.S. Supp. 2018, Section
9 11-902a), which relates to use of a motor vehicle
10 without ignition interlock device; deleting penalties
11 for certain unlawful acts; providing single penalty
12 provision for unlawful acts; removing bond condition
13 that requires ignition interlock device for persons
14 charged with second and subsequent offense; deleting
15 time period requirements and ignition interlock
16 device removal provision; amending 47 O.S. 2011,
17 Sections 751, as amended by Section 10, Chapter 392,
18 O.S.L. 2017, 752, as amended by Section 11, Chapter
19 392, O.S.L. 2017, 753, as last amended by Section 12,
20 Chapter 392, O.S.L. 2017, 754, as amended by Section
21 13, Chapter 392, O.S.L. 2017 and 754.1, as last
22 amended by Section 14, Chapter 392, O.S.L. 2017 (47
23 O.S. Supp. 2018, Sections 751, 752, 753, 754 and
24 754.1), which relate to implied consent to test or
determine presence of alcohol, the administration of
tests, refusal to submit to test, the surrender of
driver licenses and procedures for modifying the
revocation or denial of driving privileges;
permitting designation of testing by law enforcement;
authorizing alternate testing; modifying allowable
specimens; authorizing certain revocation or denial;
requiring certain reinstatement; removing exception
that requires seizure of driver license; decreasing
time period that authorizes the operation of vehicles
by certain persons; requiring receipt forms to
contain certain information; deleting procedures and
requirements related to the release of controlled
dangerous substances submitted for laboratory
analysis; stating procedures for revoking or denying
driving privileges when certain test reports reflect
alcohol in the blood or breath of a person; stating
when revocation or denial of driving privileges
becomes effective; providing procedures and
guidelines for appeal hearings before the district
court; directing the district court to issue ruling
after appeal hearing; providing statutory references;
removing certain ignition interlock restriction for

1 persons whose revocation has been modified; directing
2 the district court to modify revocations or denials
3 occurring pursuant to certain statutory provisions;
4 requiring district courts to enter written orders
5 directing the Department to allow driving under
6 certain circumstances; providing for codification;
7 and providing an effective date.

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

9 SECTION 1. AMENDATORY 47 O.S. 2011, Section 2-116, as
10 amended by Section 3, Chapter 392, O.S.L. 2017 (47 O.S. Supp. 2018,
11 Section 2-116), is amended to read as follows:

12 Section 2-116. Whenever the Department of Public Safety is
13 authorized or required to give any notice under this act or other
14 law regulating the operation of vehicles, unless a different method
15 of giving such notice is otherwise expressly prescribed, ~~or agreed~~
16 ~~upon in writing by the Department and the person receiving notice,~~
17 such notice shall be given either by personal delivery thereof to
18 the person to be so notified or by deposit in the United States mail
19 of such notice in an envelope with first class postage prepaid,
20 addressed to such person at the ~~mailing~~ address as shown by the
21 records of the Department. The giving of notice by mail is complete
22 upon the expiration of ten (10) days after such deposit of ~~the~~ said
23 notice ~~in the United States mail~~. Proof of the giving of notice in
24 either such manner may be made by the certificate of any officer or
employee of the Department or affidavit of any person over eighteen

1 (18) years of age, naming the person to whom such notice was given
2 and specifying the ~~date~~ time, place and manner of the giving ~~of~~
3 ~~notice~~ thereof. Failure of the person to receive notice because of
4 failure to notify the Department of a change in his or her current
5 mailing address, as required by Section 6-116 of this title, ~~or as~~
6 ~~required by the rules of the Department,~~ shall not be sufficient
7 grounds ~~to invalidate the giving of~~ for the person to protest the
8 notice.

9 SECTION 2. AMENDATORY 47 O.S. 2011, Section 6-204, as
10 amended by Section 4, Chapter 392, O.S.L. 2017 (47 O.S. Supp. 2018,
11 Section 6-204), is amended to read as follows:

12 Section 6-204. A. Whenever any person is convicted of, ~~or~~
13 ~~receives a deferred sentence for~~ any offense for which this title
14 makes mandatory the revocation of the driving privilege of such
15 person by the Department as provided in Section 6-205 of this title,
16 the court in which ~~the~~ such conviction ~~or deferred sentence~~ occurred
17 may require the surrender to it of all ~~proof of driving privileges~~
18 driver licenses then held by the person so convicted ~~or sentenced~~
19 and the court shall thereupon forward the same together with a
20 record of such conviction ~~or deferred sentence~~ to the Department
21 ~~within five (5) days after the conviction or deferred sentence~~
22 ~~occurred.~~

23 B. Every court, including courts not of record, having
24 jurisdiction over offenses committed under this act, or any other

1 law of this state or municipal ordinance regulating the operation of
2 motor vehicles on highways, shall forward to the Department a record
3 of the conviction of any person in such court for a violation of any
4 such laws other than regulations governing standing or parking, and
5 may recommend the suspension of the driving privileges of the person
6 so convicted.

7 C. ~~Whenever a person arrested for any offense for which this~~
8 ~~title makes mandatory the revocation of the driving privilege of~~
9 ~~such person by the Department of Public Safety as provided in~~
10 ~~Section 6-205 of this title, and enters into a deferred prosecution~~
11 ~~agreement related to such offense, the prosecutor shall forward to~~
12 ~~the Department of Public Safety notice of the deferred prosecution~~
13 ~~agreement. The notice of a deferred prosecution agreement provided~~
14 ~~to the Department of Public Safety shall not be a violation of~~
15 ~~Section 305.5 of Title 22 of the Oklahoma Statutes.~~

16 ~~D.~~ For the purposes of Section 6-101 et seq. of this title, the
17 term "conviction" shall mean a final conviction or shall mean a
18 forfeiture of bail or collateral deposited to secure a defendant's
19 appearance in court, which forfeiture has not been vacated.

20 SECTION 3. AMENDATORY 47 O.S. 2011, Section 6-205, as
21 last amended by Section 5, Chapter 392, O.S.L. 2017 (47 O.S. Supp.
22 2018, Section 6-205), is amended to read as follows:

23 Section 6-205. A. The Department of Public Safety shall
24 immediately revoke the driving privilege of any person, whether

1 adult or juvenile, ~~who~~ upon receiving a record of conviction, in any
2 municipal, state or federal court within the United States, ~~receives~~
3 ~~a deferred sentence, or a conviction, when such conviction has~~
4 ~~become final, or a deferred prosecution, for~~ of any of the following
5 offenses, when such conviction has become final:

6 1. Manslaughter or negligent homicide resulting from the
7 operation of a motor vehicle;

8 2. Driving, ~~operating~~ or being in actual physical control of a
9 motor vehicle while under the influence of alcohol, any other
10 intoxicating substance, or the combined influence of alcohol and any
11 other intoxicating substance, ~~or any offense in violation of~~
12 paragraph 1, 2, 3 or 4 of subsection A of Section 11-902 of this
13 title or any offense in violation of Section 11-906.4 of this title.
14 However, the Department shall not additionally revoke the driving
15 privileges of the person pursuant to this subsection if the driving
16 privilege of the person has been revoked because of a test result or
17 test refusal pursuant to Section 753 or 754 of this title arising
18 from the same circumstances which resulted in the conviction unless
19 the revocation because of a test result or test refusal is set
20 aside;

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

23
24

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

4 5. Perjury or the making of a false affidavit or statement
5 under oath to the Department under the Uniform Vehicle Code or under
6 any other law relating to the ownership or operation of motor
7 vehicles;

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

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

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

19 9. A misdemeanor conviction for a violation of Section ~~609~~ 1-
20 229.34 of Title ~~37~~ 63 of the Oklahoma Statutes;

21 10. Failure to obey a traffic control device as provided in
22 Section 11-202 ~~or 11-703~~ of this title or a stop sign when such
23 failure results in great bodily injury to any other person; or
24

1 11. Failure to stop or to remain stopped for school bus loading
2 or unloading of children pursuant to Section 11-705 or 11-705.1 of
3 this title.

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

8 C. A license revocation under any provision of this section,
9 except for paragraph 2, 6, or 7 of subsection A of this section,
10 shall be for a period of three (3) years if a prior revocation under
11 this section, except under paragraph 2 of subsection A of this
12 section, commenced within the preceding five-year period as shown by
13 the records of the Department. Such period shall not be modified.

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

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

22 F. The first license revocation under paragraph 11 of
23 subsection A of this section shall be for a period of one (1) year.
24 Such period may ~~not~~ be modified. Any appeal of the revocation of

1 driving privilege under paragraph 11 of subsection A of this section
2 shall be governed by Section 6-211 of this title, provided, any
3 modification under this subsection shall apply to Class D motor
4 vehicles only.

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

9 SECTION 4. AMENDATORY 47 O.S. 2011, Section 6-205.1, as
10 last amended by Section 6, Chapter 392, O.S.L. 2017 (47 O.S. Supp.
11 2018, Section 6-205.1), is amended to read as follows:

12 Section 6-205.1 A. The driving privilege of a person who is
13 convicted of, ~~or receives a deferred sentence, or deferred~~
14 ~~prosecution agreement for~~ any offense as provided in paragraph 2 of
15 subsection A of Section 6-205 of this title, or a person who has
16 refused to submit to a test or tests as provided in Section 753 of
17 this title, or a person whose alcohol concentration is subject to
18 the provisions of Section 754 of this title, unless the person has
19 successfully completed, or is currently participating in, the
20 Impaired Driver Accountability Program ~~in accordance with paragraph~~
21 ~~E of Section 6-212 of this title,~~ shall be revoked or denied by the
22 Department of Public Safety for the following period, as applicable:

23 1. The first license revocation pursuant to paragraph 2 of
24 subsection A of Section 6-205 of this title or Section 753 or 754 of

1 this title shall be for a ~~minimum period of one (1) year~~ period of
2 one hundred eighty (180) days, or longer if driving privileges are
3 modified pursuant to the provisions of this paragraph, which shall
4 be modified upon request; provided, any modification under this
5 paragraph shall apply to Class D driver licenses only. ~~Modification~~
6 ~~requires the issuance of a modified driver license and the~~
7 ~~continuous installation of an ignition interlock device or devices~~
8 ~~pursuant to Section 754.1 of this title for a period of not less~~
9 ~~than one (1) year immediately preceding reinstatement of the~~
10 ~~license. If the Department receives notice of any verified ignition~~
11 ~~interlock violations, as determined by the Board of Tests for~~
12 ~~Alcohol and Drug Influence, occurring within the last one hundred~~
13 ~~eighty (180) days of the revocation period, the revocation period~~
14 ~~shall be extended until such time the person completes a violation~~
15 ~~free one hundred eighty (180) day period~~ For any modification, the
16 person shall be required to install an ignition interlock device or
17 devices, pursuant to Section 754.1 of this title. The period of
18 revocation and the period of interlock installation shall run
19 concurrently and each shall be for no less than one hundred eighty
20 (180) days;

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

1 provisions of this paragraph, if within ten (10) years preceding the
2 date of arrest relating thereto, as shown by the records of the
3 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, or previous enrollment~~ 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 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 ~~twenty-four-month~~ one-year period of revocation ~~shall~~ may be
19 modified upon request; provided, any modification under this
20 paragraph shall apply to Class D driver licenses only. ~~Modification~~
21 For any modification, the person shall ~~require the issuance of a~~
22 ~~modified driver license and the installation of~~ be required to
23 install an ignition interlock device or devices, pursuant to Section
24 754.1 of this title ~~for a continuous period of not less than twenty-~~

1 ~~four (24) months immediately preceding reinstatement of the license.~~
2 ~~If the Department receives notice of any verified ignition interlock~~
3 ~~violations, as determined by the Board of Tests for Alcohol and Drug~~
4 ~~Influence, occurring within the last twelve (12) months of the~~
5 ~~revocation. The period, the of revocation and the period of~~
6 ~~interlock installation shall be extended until such time the person~~
7 ~~completes a violation free twelve-month period run concurrently and~~
8 ~~each shall be for no less than one (1) year; or~~

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

- 16 a. two or more prior revocations commenced pursuant to
17 paragraph 2 or 6 of subsection A of Section 6-205 of
18 this title, ~~or revocations because of a test result or~~
19 ~~test refusal, or previous completion of the Impaired~~
20 ~~Driver Accountability Program pursuant to Section 6-~~
21 ~~212 of this title~~ Section 753 or 754 of this title,
22 b. a prior revocation commenced pursuant to paragraph 2
23 or 6 of subsection A of Section 6-205 of this title or
24

1 Section 753 or 754 of this title, and completion of
2 the Impaired Driver Accountability Program,

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

11 ~~e.~~ d. any combination of two or more prior revocations, ~~or~~
12 ~~previous~~ completion of the Impaired Driver
13 Accountability Program, or convictions as described in
14 subparagraphs a, b and ~~b~~ c of this paragraph.

15 Such ~~forty-eight month~~ three-year period of revocation shall be
16 modified upon request; provided, any modification under this
17 paragraph shall apply to Class D driver licenses only. ~~Modification~~
18 ~~requires the issuance of a modified driver license and the~~
19 ~~installation of~~ For any modification, the person shall be required
20 to install an ignition interlock device or devices, pursuant to
21 Section 754.1 of this title ~~for a continuous.~~ The period of ~~not~~
22 ~~less than forty-eight (48) months immediately preceding~~
23 ~~reinstatement of the license. If the Department receives notice of~~
24 ~~any verified ignition interlock violations, as determined by the~~

1 ~~Board of Tests for Alcohol and Drug Influence, occurring within the~~
2 ~~last twenty-four (24) months of the revocation and the period, the~~
3 ~~revocation period of interlock installation shall be extended until~~
4 ~~such time the person completes a violation free twenty-four-month~~
5 ~~period~~ run concurrently and each shall be for no less than three (3)
6 years.

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

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

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

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

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

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

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

16 Such period shall not be modified; or

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

20 a. two or more prior revocations commenced pursuant to
21 paragraph 2 or 6 of subsection A of Section 6-205 of
22 this title, ~~or a revocation because of a test result~~
23 ~~or test refusal, previous participation or completion~~
24 ~~of the Impaired Driver Accountability Program pursuant~~

1 ~~to Section 6-212 of this title~~ Section 753 or 754 of
2 this title,

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

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

15 ~~e.~~ d. any combination of two or more prior revocations,
16 completion of the Impaired Driver Accountability
17 Program, or convictions as described in subparagraphs
18 a and b or c of this paragraph.

19 Such period shall not be modified.

20 The revocation of the driving privilege of any person under this
21 subsection shall not run concurrently with any other withdrawal of
22 driving privilege resulting from a different incident and which
23 requires the driving privilege to be withdrawn for a prescribed
24 amount of time. A denial based on a conviction of any offense as

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

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

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

10 2. The term "revocation" includes a denial of driving
11 privileges by the Department.

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

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

22 SECTION 5. AMENDATORY 47 O.S. 2011, Section 6-211, is
23 amended to read as follows:

24

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

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

19 C. Any person whose driving privilege is canceled, denied,
20 suspended or revoked may appeal to the district court in the county
21 in which the offense was committed upon which the Department based
22 its order.

23 D. A person whose driving privilege is ~~revoked or denied or who~~
24 ~~is denied a hearing~~ subject to revocation pursuant to Section 753 or

1 754 of this title may appeal to the district court in the county in
2 which the arrest occurred relating to the test refusal or test
3 result, as shown by the records of the Department.

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

17 F. ~~At a hearing on a revocation by the Department pursuant to~~
18 ~~the implied consent laws as provided in Sections 6-205.1, 753 and~~
19 ~~754 of this title, the court shall not consider the merits of the~~
20 ~~revocation action unless a written request for an administrative~~
21 ~~hearing was timely submitted to the Department and the person~~
22 ~~actually exercised the opportunity to appear as provided in Section~~
23 ~~754 of this title and the Department entered an order sustaining the~~
24 ~~revocation.~~

1 ~~G.~~ Upon a hearing relating to a revocation or disqualification
2 pursuant to a conviction for an offense enumerated in Section 6-205,
3 ~~761, or 6-205.2~~ or 761 of this title, the court shall not consider
4 the propriety or merits of the revocation or disqualification
5 action, except to correct the identity of the person convicted as
6 shown by records of the Department.

7 ~~H. In the event the Department declines to modify, as provided~~
8 ~~in Section 754.1 of this title, a revocation order issued pursuant~~
9 ~~to Section 753, Section 754, paragraph 2 of subsection A of Section~~
10 ~~6-205 or Section 6-205.1 of this title, which is subject to~~
11 ~~modification pursuant to Section 11-906.4 of this title or Section~~
12 ~~6-205.1 of this title, a~~

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

18 ~~I.~~ H. The court shall take testimony and examine the facts and
19 circumstances, including all of the records on file in the office of
20 the Department of Public Safety relative to the offense committed
21 and the driving record of the person, and determine from the facts,
22 circumstances, and records whether or not the petitioner is entitled
23 to driving privileges or shall be subject to the order of denial,
24 cancellation, suspension or revocation issued by the Department.

1 ~~The court may also determine whether or not, from the person's~~
2 ~~previous driving record, the order was for a longer period of time~~
3 ~~than such facts and circumstances warranted. In case the court~~
4 ~~finds that the order was not justified, the court may sustain the~~
5 ~~appeal, vacate the order of the Department and direct that driving~~
6 ~~privileges be restored to the petitioner, if otherwise eligible.~~
7 ~~The court may, in case it determines the order was justified, but~~
8 ~~that the period of the suspension or revocation was excessive, enter~~
9 ~~an order modifying the same as provided by law.~~

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

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

23 ~~The bond shall be to the State of Oklahoma and conditioned that~~
24 ~~the petitioner will prosecute the appeal with due diligence and~~

1 ~~during pendency of the appeal abide by and not violate any of the~~
2 ~~laws of this state or any other state in the operation of a motor~~
3 ~~vehicle, and that the petitioner will abide by and perform the final~~
4 ~~judgment of the court therein, and in case the appeal is finally~~
5 ~~denied the appellant will pay all court costs incurred in the appeal~~
6 ~~in the district court. If the petitioner is convicted of a traffic~~
7 ~~offense during the pendency of the appeal or fails to prosecute the~~
8 ~~appeal with due diligence, the bond may be forfeited to the court~~
9 ~~fund upon application by the Department and after hearing before the~~
10 ~~court in which the appeal is pending.~~

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

1 ~~motor vehicles under the provisions of an appeal bond, and the court~~
2 ~~shall also in such final judgment direct and require the immediate~~
3 ~~surrender of any driver license or licenses to the Department.~~

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

7 SECTION 6. AMENDATORY 47 O.S. 2011, Section 6-212, as
8 last amended by Section 7, Chapter 392, O.S.L. 2017 (47 O.S. Supp.
9 2018, Section 6-212), is amended to read as follows:

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

15 B. The Department shall:

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

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

1 shall be paid for all suspensions or revocations as shown by the
2 Department's records at the time of reinstatement.

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

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

10 2. The person has paid to the Department:

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

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

1 pursuant to subsection B of Section 6-206 of this
2 title for a suspension other than for points
3 accumulation, a processing fee of Seventy-five
4 Dollars (\$75.00) for each such suspension or
5 revocation as shown by the Department's records,
6 and a special assessment trauma-care fee of Two
7 Hundred Dollars (\$200.00) to be deposited into
8 the Trauma Care Assistance Revolving Fund created
9 in Section 1-2530.9 of Title 63 of the Oklahoma
10 Statutes, for each suspension or revocation as
11 shown by the records of the Department, and
12 (2) in addition to any other fees required by this
13 section, if such privilege is suspended or
14 revoked pursuant to an arrest on or after
15 November 1, 2008, under the provisions of
16 paragraph 2 or 6 of subsection A of Section 6-205
17 of this title or of Section 753, 754 or 761 of
18 this title ~~or because of a test result or test~~
19 ~~refusal~~, a fee of Fifteen Dollars (\$15.00), which
20 shall be apportioned pursuant to the provisions
21 of Section 3-460 of Title 43A of the Oklahoma
22 Statutes; and
23
24

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

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

9 1. Between their place of residence and their place of
10 employment or potential employment;

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

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

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

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

17 6. Between their place of residence and any court-ordered
18 treatment program,

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

21 outstanding driver license or commercial driver license

22 reinstatement fees. The Department shall develop rules and

23 procedures to establish such a provisional driver license program

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

1 eligibility criteria, proof of insurance, proof of enrollment or
2 employment, and any provisional license fees. Any violation of law
3 by the person holding the provisional license that would result in
4 the suspension or revocation of a driver license shall result in the
5 revocation of the provisional license and such person shall be
6 ineligible for future application for a provisional driver license.

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

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

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

21 ~~2. The Department receives payment of the Two Hundred Dollars~~
22 ~~(\$200.00) program administration fee within forty-five (45) days of~~
23 ~~the date notice was given pursuant to Section 2-116 of this title;~~

24

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

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

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

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

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

1 ~~2. A minimum of twelve (12) months for a person subject to~~
2 ~~revocation pursuant to paragraph 2 of subsection A of Section 6-~~
3 ~~205.1 of this title. If the Department receives notice of any~~
4 ~~verified ignition interlock violations, as determined by the Board~~
5 ~~of Tests for Alcohol and Drug Influence, within the last six (6)~~
6 ~~months of the program period, the program period shall be extended~~
7 ~~until such time the person completes a violation free six-month~~
8 ~~period;~~

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

17 ~~I. Completion of the program is contingent upon the compliance~~
18 ~~of the person with the rules of the Department.~~

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

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

1 2. Except as otherwise provided in this section, all other
2 monies collected in excess of Two Hundred Fifty Thousand Dollars
3 (\$250,000.00) each month shall be deposited in the General Revenue
4 Fund.

5 SECTION 7. AMENDATORY 47 O.S. 2011, Section 6-212.2, is
6 amended to read as follows:

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

1 shall be compelled to travel more than seventy (70) miles from the
2 citizen's place of residence to attend a course or evaluation
3 program required herein. For purposes of this subsection, the
4 requirement for alcohol and drug substance abuse evaluation shall be
5 considered satisfied if the person is evaluated by an assessment
6 agency or assessment personnel certified for that purpose, all
7 recommendations identified by the evaluation are satisfied by the
8 person, and a report of such evaluation and completion is presented
9 to the court prior to sentencing and to the Department.

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

19 C. The requirements of subsection A of this section shall be a
20 condition for reinstatement of driving privileges, in addition to
21 other conditions for driving privilege reinstatement provided by
22 law.

23
24

1 SECTION 8. AMENDATORY 47 O.S. 2011, Section 6-212.3, as
2 last amended by Section 8, Chapter 392, O.S.L. 2017 (47 O.S. Supp.
3 2018, Section 6-212.3), is amended to read as follows:

4 Section 6-212.3 A. Whenever the installation of an ignition
5 interlock device is allowed or required by law, the Department shall
6 require the device to be installed upon any vehicle owned or leased,
7 as reflected on the vehicle registration, by an employer of the
8 person for use by the person, except when the employer requests the
9 ignition interlock device not be installed. The request shall be in
10 writing and notarized on the official letterhead of the employer and
11 provided by the employer to the Department; provided, a request
12 shall not be accepted by the Department under the following
13 circumstances:

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

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

20 3. When the person has had a prior revocation pursuant to
21 paragraph 2 of subsection A of Section 6-205 of this title or ~~as a~~
22 ~~result of a test result or a test refusal~~ Section 753 or 754 of this
23 title.

24

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

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

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

23 2. The restricted driver license fee authorized by this section
24 shall be remitted to the State Treasurer to be credited to the

1 Department of Public Safety Restricted Revolving Fund. All monies
2 accruing to the credit of the Department of Public Safety Restricted
3 Revolving Fund from the restricted driver license fees shall be
4 budgeted and expended solely for the purpose of administering the
5 provisions of this section.

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

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

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

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

22 F. The ignition interlock device manufacturer shall report
23 violations, if any, in accordance with the rules of the Board of
24 Tests for Alcohol and Drug Influence for each ignition interlock

1 device installed pursuant to this section and Section 6-205.1 of
2 this title.

3 G. Pursuant to Section 6-205.1 of this title, the Department
4 shall extend the period of ignition interlock of the person for a
5 report from the Board of Tests for Alcohol and Drug Influence of a
6 reportable violation by the person as defined in the rules of the
7 Board of Tests for Alcohol and Drug Influence. A restriction
8 imposed under this section or Section 6-205.1 of this title shall
9 remain in effect until the Department receives a declaration from
10 the Board of Tests for Alcohol and Drug Influence, in a form
11 provided or approved by the Department, certifying that there have
12 been no reportable violations in the one hundred eighty (180)
13 consecutive days prior to the date of release. The Department shall
14 send notice in accordance with Section 2-116 of this title prior to
15 extending the period of ignition interlock. Upon request, made
16 within fifteen (15) days of completion of the notice, the person
17 shall have the right to an informal hearing before the Department
18 prior to any extension of the period of ignition interlock. The
19 hearing shall be limited to the issues of the validity of the
20 ignition interlock violation and the identity of the person
21 committing the violation. Should the release date of the person
22 occur after the Department has received the informal hearing request
23 but before the informal hearing, the period of ignition interlock of
24

1 the person shall be extended pending the final judgment of the
2 Department.

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

5 SECTION 9. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 6-212.5 of Title 47, unless
7 there is created a duplication in numbering, reads as follows:

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

15 B. The Department may enter into an IDAP agreement with the
16 person if:

17 1. The Department receives the request for IDAP participation
18 within thirty (30) calendar days from the date that notice was given
19 pursuant to Section 10 of this act;

20 2. The Department receives payment of the program
21 administration fee of Two Hundred Dollars (\$200.00) within forty-
22 five (45) days of the date notice was given pursuant to Section 10
23 of this act;

24

1 3. The Department receives an ignition interlock device
2 installation verification issued in accordance with the rules of the
3 Board of Tests for Alcohol and Drug Influence within forty-five (45)
4 days from the date notice was given pursuant to Section 10 of this
5 act; and

6 4. The person is not otherwise ineligible for driving
7 privileges in Oklahoma on the date the person enters into the IDAP
8 agreement.

9 C. Upon successful completion of the program, the records of
10 the Department will be updated to indicate completion of the program
11 by the person without revocation. No reinstatement fee will be
12 charged to the person.

13 D. The program length shall be:

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

1 Influence, the program period shall be extended for a period of
2 sixty (60) days;

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

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

24

1 determined by the Board of Tests for Alcohol and Drug Influence, the
2 program period shall be extended for a period of one (1) year.

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

15 F. Effective July 1, 2020, 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 Title 47 of the Oklahoma
19 Statutes, except as 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 10. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 6-212.6 of Title 47, unless
3 there is created a duplication in numbering, reads as follows:

4 Any person subject to revocation of driving privileges pursuant
5 to Section 753 or 754 of Title 47 of the Oklahoma Statutes shall be
6 given a dated notice advising the person of the availability of the
7 Impaired Driver Accountability Program on a form prescribed by the
8 Department of Public Safety. The notice shall be given together
9 with the notice of revocation by the officer as required by Section
10 753 or 754 of Title 47 of the Oklahoma Statutes, or by the
11 Department in accordance with Section 2-116 of Title 47 of the
12 Oklahoma Statutes.

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

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

1 B. No person shall willfully attempt to interfere in any way
2 with the intended and proper functioning of an ignition interlock
3 device installed in a vehicle as required by law, or intentionally
4 fail to return an ignition interlock device when it is no longer
5 required in the vehicle or upon request by the owner of the device.
6 ~~A violation of this subsection 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 C. No person granted permission to drive a motor vehicle on the
11 condition of installation of an ignition interlock device shall
12 drive any vehicle that is not equipped with an ignition interlock
13 device unless driving a vehicle of an employer in accordance with
14 ~~Section 754.1 or~~ subsection A of Section 6-212.3 of this title.

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

20 ~~D. The court shall require, as a condition of any bond, the~~
21 ~~installation of an ignition interlock device, approved by the Board~~
22 ~~of Tests for Alcohol and Drug Influence, on any vehicle operated by~~
23 ~~the defendant charged with a second or subsequent offense under~~
24 ~~Section 11-902 of this title. The period of time for which the~~

1 ~~ignition interlock device is required to be installed pursuant to~~
2 ~~this section shall not be credited toward any time period for which~~
3 ~~an ignition interlock device is required to be installed pursuant to~~
4 ~~Section 6-205.1 of this title. The period of time for which the~~
5 ~~ignition interlock device is required to be installed pursuant to~~
6 ~~this section shall be credited toward any time period for which~~
7 ~~ignition interlock device installation is required under the~~
8 ~~Impaired Driver Accountability Program. If the person charged~~
9 ~~successfully completes the Impaired Driver Accountability Program~~
10 ~~before a plea or verdict in their criminal case, the court may~~
11 ~~remove the ignition interlock device requirement from the bond.~~

12 SECTION 12. AMENDATORY 47 O.S. 2011, Section 751, as
13 amended by Section 10, Chapter 392, O.S.L. 2017 (47 O.S. Supp. 2018,
14 Section 751), is amended to read as follows:

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

1 | alleged to have been committed while the person was operating or in
2 | actual physical control of a motor vehicle upon the public roads,
3 | highways, streets, turnpikes or other public place or upon any
4 | private road, street, alley or lane which provides access to one or
5 | more single or multi-family dwellings while under the influence of
6 | alcohol or other intoxicating substance, or the combined influence
7 | of alcohol and any other intoxicating substance, or if the person is
8 | involved in a traffic accident that resulted in the immediate death
9 | or serious injury of any person and is removed from the scene of the
10 | accident to a hospital or other health care facility outside the
11 | State of Oklahoma before a law enforcement officer can effect an
12 | arrest.

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

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

24 |

1 B. ~~Breath~~ The law enforcement agency by which the arresting
2 officer is employed may designate, in accordance with the rules of
3 the Board of Tests for Alcohol and Drug Influence, hereinafter
4 referred to as the Board, whether blood or breath is to be tested
5 for the alcohol concentration thereof, and whether blood, saliva or
6 urine is to be tested for the presence or concentration of any other
7 intoxicating substance therein.

8 In the event that law enforcement agency does not designate the
9 test to be administered, breath shall be the substance tested for
10 alcohol concentration ~~unless a law enforcement officer requests a~~
11 ~~blood test in accordance with the provisions of this section. Blood~~
12 may also be tested to determine the alcohol concentration ~~or the~~
13 ~~presence or concentration of other intoxicating substances or a~~
14 ~~combination thereof in the event that breath~~.

15 1. ~~There are signs of intoxication by substances other than~~
16 ~~alcohol, or a combination of alcohol and other intoxicating~~
17 ~~substances;~~

18 2. ~~Breath~~ cannot be tested to determine the alcohol
19 concentration thereof because of the ~~unavailability~~ lack of an
20 approved device or qualified person to administer a breath test or
21 because such.

22 3. ~~A breath test for any other reason cannot be administered in~~
23 ~~accordance with the rules of the Board~~.

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

4 ~~5. The person is transported a medical facility for medical~~
5 ~~examination or treatment prior to the timely administration of a~~
6 ~~breath test.~~

7 In the event the law enforcement agency does not designate the
8 test to be administered, blood, saliva or urine shall be the
9 substance tested for the presence or concentration of any other
10 intoxicating substance or the combination of alcohol and any other
11 intoxicating substance.

12 C. In the event the person is incapable of submitting to and
13 successfully completing, by reason of illness or injury or other
14 physical disability, the test to be administered, an alternate test
15 may be administered in accordance with the rules of the Board.

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

23 An unconscious person who has been issued a citation by a law
24 enforcement officer for one of the offenses listed in subsection A

1 of this section is arrested for purposes of this section. The
2 arresting officer must leave a copy of the citation with the
3 arrested person which may be accomplished by handing it to the
4 arrested person, or by leaving it with the personal effects of the
5 arrested party, so as to inform the unconscious person of the
6 arrest.

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

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

23 A sufficient quantity of any ~~blood~~ specimen obtained at the
24 ~~request~~ designation of the arrested person shall be available to the

1 law enforcement agency employing the arresting officer. Such
2 specimens shall be treated in accordance with the rules applicable
3 to the specimens obtained by an arresting officer.

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

11 SECTION 13. AMENDATORY 47 O.S. 2011, Section 752, as
12 amended by Section 11, Chapter 392, O.S.L. 2017 (47 O.S. Supp. 2018,
13 Section 752), is amended to read as follows:

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

1 purpose of ~~determining the presence and~~ having a determination made
2 of its concentration of alcohol or the presence or concentration of
3 other intoxicating substance, ~~or a combination thereof~~. Only
4 qualified persons authorized by the Board may collect breath, saliva
5 or urine, or administer tests of breath under the provisions of this
6 title.

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

9 1. Authorizing blood withdrawal signed by the person whose
10 blood is to be withdrawn;

11 2. Signed by a duly authorized peace officer that the person
12 whose blood is to be withdrawn has agreed to the withdrawal of
13 blood;

14 3. Signed by a duly authorized peace officer that the person
15 whose blood is to be withdrawn has been placed under arrest and that
16 the officer has probable cause to believe that the person, while
17 intoxicated, has operated a motor vehicle in such manner as to have
18 caused the death or serious physical injury of another person, or
19 the person has been involved in a traffic accident and has been
20 removed from the scene of the accident that resulted in the death or
21 great bodily injury, as defined in subsection B of Section 646 of
22 Title 21 of the Oklahoma Statutes, of any person to a hospital or
23 other health care facility outside the State of Oklahoma before the
24

1 law enforcement officer was able to effect an arrest for such
2 offense; or

3 4. In the form of an order from a district court that blood be
4 withdrawn, the person authorized to withdraw the blood and the
5 hospital or other health care facility where the withdrawal occurs
6 may rely on such a statement or order as evidence that the person
7 has consented to or has been required to submit to the clinical
8 procedure and shall not require the person to sign any additional
9 consent or waiver form. In such a case, the person authorized to
10 perform the procedure, the employer of such person, and the hospital
11 or other health care facility shall not be liable in any action
12 alleging lack of consent or lack of informed consent.

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

1 Section 751 or 753 of this title or when acting pursuant to a court
2 order.

3 D. The blood, breath, saliva or urine specimens obtained shall
4 be tested by the appropriate test as determined by the Board, or
5 tested by a laboratory that is exempt from the Board rules pursuant
6 to Section 759 of this title, to determine the alcohol concentration
7 thereof, or the presence or concentration of any other intoxicating
8 substance which might have affected the ability of the person tested
9 to operate a motor vehicle safely.

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

1 shall have access to the additional blood, saliva or urine specimen
2 prior to the completion of the independent analysis, except the
3 analyst performing the independent analysis and agents of the
4 analyst.

5 F. When a test of breath is performed for the purpose of
6 determining the alcohol concentration thereof, except when such test
7 is performed by means of an automated analyzer as designated by the
8 Board, a sufficient quantity of breath, or of the alcohol content of
9 a fixed or measured quantity of breath, shall be obtained, in
10 accordance with the rules and regulations of the Board, to enable
11 the tested person, at his or her own option and expense, to have an
12 independent analysis thereof, except the analyst performing the
13 independent analysis and agents of the analyst.

14 G. The costs of collecting blood, breath, saliva or urine
15 specimens for the purpose of determining the alcohol or other
16 intoxicating substance thereof, by or at the direction of a law
17 enforcement officer, shall be borne by the law enforcement agency
18 employing such officer; provided, if the person is convicted for any
19 offense involving the operation of a motor vehicle while under the
20 influence of or while impaired by alcohol or an intoxicating
21 substance, or both, as a direct result of the incident which caused
22 the collection of blood, saliva or urine specimens, an amount equal
23 to the costs shall become a part of the court costs of the person
24 and shall be collected by the court and remitted to the law

1 enforcement agency bearing the costs. The cost of collecting,
2 retaining and sending or delivering to an independent laboratory the
3 excess specimens of blood, breath, saliva or urine for independent
4 analysis at the option of the tested person shall also be borne by
5 such law enforcement agency. The cost of the independent analysis
6 of such specimen of blood, breath, saliva or urine shall be borne by
7 the tested person at whose option such analysis is performed. The
8 tested person, or his or her agent, shall make all necessary
9 arrangements for the performance of such independent analysis other
10 than the forwarding or delivery of such specimen.

11 ~~G.~~ H. Tests of blood or breath for the purpose of determining
12 the alcohol concentration thereof, and tests of blood, saliva or
13 urine for the purpose of determining the presence or concentration
14 of any other intoxicating substance therein, under the provisions of
15 this title, whether administered by or at the direction of a law
16 enforcement officer or administered independently, at the option of
17 the tested person, on the excess specimen of such person's blood,
18 breath, saliva or urine, to be considered valid and admissible in
19 evidence under the provisions of this title, shall have been
20 administered or performed in accordance with the rules and
21 regulations of the Board, or performed by a laboratory that is
22 exempt from the Board rules pursuant to Section 759 of this title.

23 ~~H.~~ I. Any person who has been arrested for any offense arising
24 out of acts alleged to have been committed while the person was

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

20 ~~I.~~ J. Any agency or laboratory certified by the Board or any
21 agency or laboratory that is exempt from the Board rules pursuant to
22 Section 759 of this title, which analyses ~~saliva,~~ breath, blood, or
23 urine shall make available a written report of the results of the
24

1 test administered by or at the direction of the law enforcement
2 officer to:

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

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

9 SECTION 14. AMENDATORY 47 O.S. 2011, Section 753, as
10 last amended by Section 12, Chapter 392, O.S.L. 2017 (47 O.S. Supp.
11 2018, Section 753), is amended to read as follows:

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

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

22 B. ~~It shall be a misdemeanor, punishable by a fine of not more~~
23 ~~than One Thousand Dollars (\$1,000.00) and not more than ten (10)~~
24 ~~days in jail, or by both fine and imprisonment, for a conscious~~

1 ~~person under arrest for driving while impaired, driving under the~~
2 ~~influence or while under the influence being in actual physical~~
3 ~~control of a motor vehicle upon the public roads, highways, streets,~~
4 ~~turnpikes or other public place or upon any private road, street,~~
5 ~~alley or lane which provides access to one of more single- or multi-~~
6 ~~family dwellings within this state to refuse to submit to a test of~~
7 ~~the breath of the person for the purpose of determining the alcohol~~
8 ~~concentration thereof~~

9 The Department shall immediately reinstate the driving privilege
10 of the person if:

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

14 2. The Department receives a written blood or breath test
15 report that reflects the arrested person did not have any measurable
16 quantity of alcohol, or any other intoxicating substance, or the
17 combination of alcohol and any other intoxicating substance in the
18 blood or breath of the arrested person.

19 SECTION 15. AMENDATORY 47 O.S. 2011, Section 754, as
20 amended by Section 13, Chapter 392, O.S.L. 2017 (47 O.S. Supp. 2018,
21 Section 754), is amended to read as follows:

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

1 or older whose alcohol concentration is eight-hundredths (0.08) or
2 more as shown by a breath test administered according to the
3 provisions of this title, or any arrested person who has refused to
4 submit to a breath or blood test, shall immediately surrender his or
5 her driver license, permit or other evidence of driving privilege to
6 the arresting law enforcement officer. ~~Except in cases where the~~
7 ~~arrested person submitted to a test of their blood, the~~ The officer
8 shall seize any driver license, permit, or other evidence of driving
9 privilege surrendered by or found on the arrested person during a
10 search. ~~The evidence of driving privilege seized by the officer~~
11 ~~shall be delivered to the Department of Public Safety. The~~
12 ~~Department shall destroy the evidence of driving privilege upon~~
13 ~~receipt thereof.~~

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

1 issued to the arrested person shall be attached to the sworn report
2 of the officer and shall be submitted by mail or in person to the
3 Department within seventy-two (72) hours of the issuance of the
4 receipt. The failure of the officer to timely file this report
5 shall not affect the authority of the Department to revoke the
6 driving privilege of the arrested person.

7 C. ~~When any alleged controlled dangerous substance has been~~
8 ~~submitted to the laboratory of the OSBI for analysis, and the~~
9 ~~analysis shows that the submitted material is a controlled dangerous~~
10 ~~substance, the distribution of which constitutes a felony under the~~
11 ~~laws of this state, no portion of the substance shall be released to~~
12 ~~any other person or laboratory absent an order of a district court.~~
13 ~~The defendant shall additionally be required to submit to the court~~
14 ~~a procedure for transfer and analysis of the subject material to~~
15 ~~ensure the integrity of the sample and to prevent the material from~~
16 ~~being used in any illegal manner~~ Upon receipt of a written blood or
17 breath test report reflecting that the arrested person, if under
18 twenty-one (21) years of age, had any measurable quantity of alcohol
19 in the blood or breath of the person, or, if the arrested person is
20 twenty-one (21) years of age or older, a blood or breath alcohol
21 concentration of eight-hundredths (0.08) or more, accompanied by a
22 sworn report from a law enforcement officer that the officer had
23 reasonable grounds to believe the arrested person had been operating
24 or was in actual physical control of a motor vehicle while under the

1 influence of alcohol as prohibited by law, the Department shall
2 revoke or deny the driving privilege of the arrested person for a
3 period as provided by Section 6-205.1 of this title, unless the
4 person has successfully completed or is currently participating in
5 the Impaired Driver Accountability Program. Revocation or denial of
6 the driving privilege of the arrested person shall become effective
7 thirty (30) days after the arrested person is given written notice
8 thereof by the officer as provided in this section or by the
9 Department as provided in Section 2-116 of this title.

10 D. The appeal hearing before the district court shall be
11 conducted in accordance with Section 6-211 of this title. The
12 hearing shall cover the issues of whether the officer had reasonable
13 grounds to believe the person had been operating or was in actual
14 physical control of a vehicle upon the public roads, highways,
15 streets, turnpikes or other public place of this state while under
16 the influence of alcohol, any other intoxicating substance or the
17 combined influence of alcohol and any other intoxicating substance
18 as prohibited by law, and whether the person was placed under
19 arrest.

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

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

- 1 b. the specimen was obtained from the person within two
2 (2) hours of the arrest of the person,
- 3 c. the person, if under twenty-one (21) years of age, was
4 advised that driving privileges would be revoked or
5 denied if the test result reflected the presence of
6 any measurable quantity of alcohol,
- 7 d. the person, if twenty-one (21) years of age or older,
8 was advised that driving privileges would be revoked
9 or denied if the test result reflected an alcohol
10 concentration of eight-hundredths (0.08) or more, and
- 11 e. the test result in fact reflects the alcohol
12 concentration.

13 2. If the revocation or denial is based upon the refusal of the
14 person to submit to a breath or blood test, reflected in a sworn
15 report by a law enforcement officer, the scope of the hearing shall
16 also include whether:

- 17 a. the person refused to submit to the test or tests, and
18 b. the person was informed that driving privileges would
19 be revoked or denied if the person refused to submit
20 to the test or tests.

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

1 SECTION 16. AMENDATORY 47 O.S. 2011, Section 754.1, as
2 last amended by Section 14, Chapter 392, O.S.L. 2017 (47 O.S. Supp.
3 2018, Section 754.1), is amended to read as follows:

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

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

23
24

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, Section 17 of this act, 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 17 of this act.

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 17. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 754.2 of Title 47, unless there
10 is created a duplication in numbering, reads as follows:

11 The district court shall modify, upon request, the revocation or
12 denial occurring pursuant to Section 753 or 754 of Title 47 of the
13 Oklahoma Statutes. The district court shall enter a written order
14 directing the Department of Public Safety to allow driving, subject
15 to the limitations of Section 6-205.1 of Title 47 of the Oklahoma
16 Statutes and the requirement of an ignition interlock device as
17 provided in Section 754.1 of Title 47 of the Oklahoma Statutes;
18 provided, any modification under this paragraph shall apply to Class
19 D driver licenses only.

20 SECTION 18. This act shall become effective November 1, 2019.

21
22 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 04/03/2019 - DO
23 PASS, As Amended.

24