

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1397

BY: ROBERTS (Walt)

AS INTRODUCED

AN ACT RELATING TO PUBLIC SAFETY; PROVIDING FOR IGNITION INTERLOCK DEVICES; AUTHORIZING THE COURT TO REQUIRE CERTAIN DEFENDANTS TO INSTALL IGNITION INTERLOCK DEVICES ON MOTOR VEHICLES; PROVIDING PENALTIES FOR VIOLATION OF COURT ORDER; AMENDING SECTION 1, CHAPTER 229, O.S.L. 1985, AS LAST AMENDED BY SECTION 12, CHAPTER 242 (47 O.S. SUPP. 1990, SECTION 754.1), WHICH RELATES TO HARDSHIP MODIFICATIONS FOR CERTAIN DRIVER'S LICENSE REVOCATIONS AND DENIALS; PROVIDING FOR TEMPORARY RESTRICTED LICENSES IN CERTAIN CIRCUMSTANCES; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 991f of Title 22, unless there is created a duplication in numbering, reads as follows:

A. On a conviction for or as a condition of a suspended sentence or a deferred judgment for a violation of Section 11-902 of Title 47 of the Oklahoma Statutes, the court may order the defendant to install ignition interlock devices of a type approved by the

Commissioner of Public Safety on each motor vehicle owned or operated by the defendant which, without tampering or the intervention of another person, would prevent the defendant from operating the motor vehicle if the defendant has a blood or breath alcohol concentration of five-hundredths (0.05) or greater. The Commissioner of Public Safety shall adopt rules to approve certain ignition interlock devices and the means of installation of the devices. The order shall remain in effect for a period of time as determined by the court which shall not exceed the maximum term of imprisonment which the court could have imposed according to the nature of the violation. While the order is in effect, the defendant shall not operate a motor vehicle which does not have an approved ignition interlock device installed. If the defendant's motor vehicle license or nonresident operating privilege has been revoked, the Department shall not issue a temporary permit or a motor vehicle license to the person without certification that approved ignition interlock devices have been installed in all motor vehicles owned or operated by the defendant while the order is in effect. A defendant who fails within a reasonable time to comply with an order to install an approved ignition interlock device may be declared in contempt of court and punished accordingly.

B. It shall be unlawful to tamper with or circumvent an ignition interlock device installed under a court order while an order is in effect and any person convicted of violating the provisions of this subsection shall be guilty of a misdemeanor.

SECTION 2. AMENDATORY Section 1, Chapter 229, O.S.L. 1985, as last amended by Section 12, Chapter 242, O.S.L. 1988 (90 O.S. Supp. 1990, Section 754.1), is amended to read as follows:

Section 754.1 A. The Department of Public Safety, prior to an administrative hearing for a revocation or denial arising under the provisions of Sections 751 through 754 of this title or under the provisions of Section ~~2~~ 6-205.1 of this ~~act~~ title, may modify the

revocation or denial in cases of extreme and unusual hardship when it is determined by the Department that no other adequate means of transportation exists for the person whose license has been revoked or denied to allow driving in any or all of the following situations, subject to the limitations of Section ~~2~~ 6-205.1 of this act title:

1. To and from a place of employment;

2. In the course of employment;

3. To and from an educational institution for the purpose of attending classes if the person is enrolled and regularly attending classes at such institution;

4. To attend a course for drinking drivers, when required by the court; or

5. To permit the person to comply with any existing court order.

B. Such modification order shall state the specific times and circumstances under which driving is permitted.

C. A person whose motor vehicle license has been revoked pursuant to paragraph 2 of subsection A of Section 6-205 of this title and who has not been granted a modification pursuant to this section may petition the court for an order to the Department to require the Department to issue a temporary restricted license to the person. The court may grant such an order, conditioned upon the person's certification to the court of the installation of approved ignition interlock devices in each motor vehicle owned or operated by the person which, without tampering or the intervention of another individual, would prevent the person from operating the motor vehicle if the person has a blood or breath alcohol concentration of five-hundredths (0.05) or greater. Temporary restricted licenses shall not be issued for mandatory periods of license revocation that are not subject to modification. If the person operates a motor vehicle which does not have an approved

ignition interlock device or if the person tampers with or circumvents an ignition interlock device, in addition to other penalties provided, the person's temporary restricted license shall be revoked.

D. Upon the issuance of a modification order or temporary restricted license pursuant to this section or Section 755 of this title, the person shall pay a modification fee of One Hundred Dollars (\$100.00) to the Department. Fees collected pursuant to the provisions of this section shall be remitted to the State Treasurer to be credited to the General Revenue Fund in the State Treasury.

SECTION 3. This act shall become effective September 1, 1991.

43-1-5481

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