

ENGROSSED SENATE
BILL NO. 1230

By: Brown and Cole of the
Senate

and

Boyd (Laura) of the House

[driving under the influence - penalty -
codification - 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 763 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. It is unlawful and punishable as provided in this section for any person under the age of twenty-one (21) years to drive, operate or be in actual physical control of a motor vehicle within this state who:

1. Has a blood or breath alcohol concentration of two-hundredths of one percent (0.02%) or more at the time of a test of such person's blood or breath administered within two (2) hours after the arrest of such person; or

2. Has evidence of the presence and concentration of other intoxicating substance as shown by analysis of such person's blood, breath, saliva or urine specimen in accordance with the provisions of Sections 752 and 759 of Title 47 of the Oklahoma Statutes.

B. The fact that any person charged with a violation of this section is or has been lawfully entitled to use a controlled

dangerous substance or any other intoxicating substance shall not constitute a defense against any charge of violating this section.

C. As used in this section, the term "other intoxicating substance" shall mean any controlled dangerous substance as defined in the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of Title 63 of the Oklahoma Statutes, and any other substance, other than alcohol, which is capable of being ingested, inhaled, injected or absorbed into the human body and is capable of adversely affecting the central nervous system, vision, hearing or other sensory or motor functions.

D. Every person who is convicted of a violation of the provisions of this section shall for a first offense be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or shall be required to complete a minimum of twenty (20) hours of community service, or both such fine and community service. Any second or subsequent violation committed before the person has reached twenty-one (21) years of age shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000.00) or by not less than forty (40) hours of community service, or by both such fine and community service. The court may assess additional community service hours in lieu of any fine specified in this section.

E. The State Department of Education shall, within one year after the effective date of this act, develop and administer appropriate educational programs to be conducted in all of the schools of this state to teach youths about the dangers of drinking and driving.

SECTION 2. This act shall become effective November 1, 1996.

Passed the Senate the 26th day of February, 1996.

President of the Senate

Passed the House of Representatives the ____ day of

_____, 1996.

Speaker of the House of
Representatives