

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 1219

By: Corn

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5
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending Section
8 1, Chapter 167, O.S.L. 2005, as amended by Section
9 18, Chapter 394, O.S.L. 2005 (47 O.S. Supp. 2008,
10 Section 6-212.3), which relates to ignition interlock
11 devices; clarifying reference; and providing an
12 effective date.

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

14 SECTION 1. AMENDATORY Section 1, Chapter 167, O.S.L.
15 2005, as amended by Section 18, Chapter 394, O.S.L. 2005 (47 O.S.
16 Supp. 2008, Section 6-212.3), is amended to read as follows:

17 Section 6-212.3 A. Whenever the records of the Department of
18 Public Safety reflect:

19 1. A second or subsequent conviction of a person for driving
20 under the influence of alcohol or the combination of alcohol and any
21 other intoxicating substance within five (5) years of a previous
22 conviction for the same offense; or

23 2. A person is classified as an excessive user of alcohol or of
24 a combination of alcohol and any other intoxicating substance, and

1 inimical to public safety, in accordance with rules promulgated by
2 the Department,
3 the person shall, upon request for reinstatement of driving
4 privileges from revocation or suspension based upon the conviction
5 or the status as an excessive user, provide proof of installation of
6 an ignition interlock device approved by the Board of Tests for
7 Alcohol and Drug Influence, at the person's own expense, upon every
8 motor vehicle operated by the person.

9 B. The Department of Public Safety shall require, as a
10 condition of reinstatement, the device to be installed upon any
11 vehicle owned or leased, as reflected on the vehicle registration,
12 by an employer of the person for use by the person, except when the
13 employer requests the ignition interlock device not be installed.
14 The request shall be in writing and notarized on the official
15 letterhead of the employer and provided by the person to the
16 Department; provided, a request shall not be accepted by the
17 Department under the following circumstances:

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

21 2. When the person is employed by a relative who is within the
22 first degree of consanguinity or who resides in the same household.
23 The person shall comply with all provisions of law and rule
24 regarding ignition interlock devices.

1 C. 1. The requirements of subsection A of this section shall
2 be a prerequisite and condition for reinstatement of driving
3 privileges, in addition to other conditions for driving privilege
4 reinstatement provided by law or by rule of the Department. The
5 Department shall issue a restricted driver license to the person,
6 upon payment of a restricted driver license fee of Fifty Dollars
7 (\$50.00) and all other appropriate fees by the person. The
8 restricted driver license and the driving record of the person shall
9 indicate by an appropriate restriction that the person is only
10 authorized to operate a vehicle upon which an ignition interlock is
11 installed. If the person is operating a motor vehicle owned or
12 leased by an employer who has not given permission for an ignition
13 interlock device to be installed, the employer shall provide the
14 person with a letter, on official letterhead of the employer, which
15 the person shall carry in his or her immediate possession at all
16 times when operating a motor vehicle and shall display for
17 examination and inspection upon demand of a peace officer.

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

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

4 D. 1. Installation of an ignition interlock device pursuant to
5 paragraph 1 of subsection A of this section shall be for a period of
6 six (6) months which shall run concurrently with a court order, if
7 any, for installation of an ignition interlock device pursuant to
8 the same conviction.

9 2. Installation of an ignition interlock device pursuant to
10 paragraph 2 of subsection A of this section shall be for a period of
11 twelve (12) months which shall run concurrently with a court order,
12 if any, for installation of an ignition interlock device pursuant to
13 a conviction which caused the person to be classified as an
14 excessive user of alcohol or of a combination of alcohol and any
15 other intoxicating substance.

16 E. The person shall pay the monthly maintenance fee for each
17 ignition interlock device installed pursuant to this section. The
18 person shall comply with all provisions of law regarding ignition
19 interlock devices.

20 F. The ignition interlock device provider shall make available
21 to the Department regular reports of violations, if any, for each
22 ignition interlock device installed pursuant to this section.

23 G. Pursuant to Section 6-113 of ~~Title 47 of the Oklahoma~~
24 ~~Statutes~~ this title, the Department may revoke or suspend the

1 driving privileges of the person for reports from the provider which
2 indicate attempts by the person to operate a motor vehicle when the
3 person is under the influence of alcohol.

4 H. The Department shall promulgate rules necessary to implement
5 and administer this section.

6 SECTION 2. This act shall become effective November 1, 2009.

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