

1 ENGROSSED SENATE AMENDMENT  
TO

2 ENGROSSED HOUSE  
BILL NO. 1441

By: Turner of the House

and

Standridge of the Senate

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7  
8 An Act relating to motor vehicles; amending 47 O.S.  
2011, Section 6-205.1, which relates to driver  
license revocation and denial of driving privileges;  
9 prohibiting modification of certain revocation  
period; amending 47 O.S. 2011, Section 6-212.3, as  
10 amended by Section 6, Chapter 283, O.S.L. 2012 (47  
O.S. Supp. 2012, Section 6-212.3), which relates to  
11 ignition interlock devices; modifying conditions for  
which certain requests shall not be accepted;  
12 amending 47 O.S. 2011, Section 754.1, as amended by  
Section 14, Chapter 283, O.S.L. 2012 (47 O.S. Supp.  
13 2012, Section 754.1), which relates to driver license  
modification; modifying conditions for which certain  
14 requests shall not be accepted; and providing an  
effective date.

15

16

17 AUTHOR: Add the following House Coauthor: Derby

18 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and  
entire bill and insert

19

20 "An Act relating to motor vehicles; amending 47 O.S.  
2011, Section 6-205.1, which relates to driver  
license revocation and denial of driving privileges;  
21 prohibiting modification of certain revocation  
period; amending 47 O.S. 2011, Section 6-212.3, as  
22 amended by Section 6, Chapter 283, O.S.L. 2012 (47  
O.S. Supp. 2012, Section 6-212.3), which relates to  
23 ignition interlock devices; modifying conditions for  
which certain requests shall not be accepted;  
24 amending 47 O.S. 2011, Section 11-902, as amended by

1 Section 13, Chapter 11, O.S.L. 2012 (47 O.S. Supp.  
2 2012, Section 11-902), which relates to penalties for  
3 driving under the influence; making certain acts  
4 unlawful; amending 47 O.S. 2011, Section 754.1, as  
5 amended by Section 14, Chapter 283, O.S.L. 2012 (47  
6 O.S. Supp. 2012, Section 754.1), which relates to  
7 driver license modification; modifying conditions for  
8 which certain requests shall not be accepted; and  
9 providing an effective date.

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

11 SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-205.1, is  
12 amended to read as follows:

13 Section 6-205.1. A. The driving privilege of a person who is  
14 convicted of any offense as provided in paragraph 2 of subsection A  
15 of Section 6-205 of this title, or a person who has refused to  
16 submit to a test or tests as provided in Section 753 of this title,  
17 or a person whose alcohol concentration is subject to the provisions  
18 of Section 754 of this title, shall be revoked or denied by the  
19 Department of Public Safety for the following period, as applicable:

20 1. The first license revocation pursuant to paragraph 2 of  
21 subsection A of Section 6-205 of this title or to Section 753 or 754  
22 of this title shall be for one hundred eighty (180) days, which may  
23 be modified; provided, any modification under this paragraph shall  
24 apply to Class D motor vehicles only;

2. A revocation pursuant to paragraph 2 of subsection A of  
Section 6-205 of this title, or to Section 753 or 754 of this title  
shall be for a period of one (1) year if within ten (10) years

1 preceding the date of arrest relating thereto, as shown by the  
2 records of the Department:

3 a. a prior revocation commenced pursuant to paragraph 2  
4 or 6 of subsection A of Section 6-205 of this title,  
5 or to Section 753 or 754 of this title, or

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

13 Such one-year period ~~may~~ of revocation shall not be modified,  
14 ~~provided, any modification under this paragraph shall apply to Class~~  
15 ~~D motor vehicles only.~~ Provided, ~~further,~~ whether or not the person  
16 is eligible for, applies for, or is granted a modification, the  
17 person shall be required to install an ignition interlock device or  
18 devices, pursuant to Section 754.1 of this title, during the  
19 mandatory period of revocation; or

20 3. A revocation pursuant to paragraph 2 of subsection A of  
21 Section 6-205 of this title, or to Section 753 or 754 of this title  
22 shall be for a period of three (3) years if within ten (10) years  
23 preceding the date of arrest relating thereto, as shown by the  
24 records of the Department:

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

15 Such three-year period ~~may~~ of revocation shall not be modified;  
16 ~~provided, any modification under this paragraph shall apply to Class~~  
17 ~~D motor vehicles only.~~ Provided, ~~further,~~ whether or not the person  
18 is eligible for, applies for, or is granted a modification, the  
19 person shall be required to install an ignition interlock device or  
20 devices, pursuant to Section 754.1 of this title, during the  
21 mandatory period of revocation.

22 B. The driving privilege of a person who is convicted of any  
23 offense as provided in paragraph 6 of subsection A of Section 6-205  
24

1 of this title shall be revoked or denied by the Department of Public  
2 Safety for the following period, as applicable:

3 1. The first license revocation shall be for one hundred eighty  
4 (180) days, which may be modified; provided, for license revocations  
5 for a misdemeanor charge of possessing a controlled dangerous  
6 substance, the provisions of this paragraph shall apply to any such  
7 revocations by the Department on or after January 1, 1993; provided  
8 further, any modification under this paragraph shall apply to Class  
9 D motor vehicles only;

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

- 13 a. a prior revocation commenced pursuant to paragraph 2  
14 or 6 of subsection A of Section 6-205 of this title,  
15 or under Section 753 or 754 of this title, or
- 16 b. the record of the person reflects a prior conviction  
17 in another jurisdiction which did not result in a  
18 revocation of Oklahoma driving privileges, for a  
19 violation substantially similar to paragraph 2 or 6 of  
20 subsection A of Section 6-205 of this title, and the  
21 person was not a resident or a licensee of Oklahoma at  
22 the time of the offense resulting in the conviction.

23 Such period shall not be modified; or

24

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

- 4           a. two or more prior revocations commenced pursuant to  
5 paragraph 2 or 6 of subsection A of Section 6-205 of  
6 this title, or under Section 753 or 754 of this title,  
7           b. 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           c. any combination of two or more prior revocations as  
16 described in subparagraphs a and b or this paragraph.

17 Such period shall not be modified.

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

1 is otherwise eligible to apply for and be granted driving privilege  
2 if the person was not eligible to do so at the time of the  
3 conviction.

4 C. For the purposes of this subsection:

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

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

10 D. Each period of revocation not subject to modification shall  
11 be mandatory and neither the Department nor any court shall grant  
12 driving privileges based upon hardship or otherwise for the duration  
13 of that period. Each period of revocation, subject to modification  
14 as provided for in this section, may be modified as provided for in  
15 Section 754.1 or 755 of this title; provided, any modification under  
16 this paragraph shall apply to Class D motor vehicles only.

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

19 SECTION 2. AMENDATORY 47 O.S. 2011, Section 6-212.3, as  
20 amended by Section 6, Chapter 283, O.S.L. 2012 (47 O.S. Supp. 2012,  
21 Section 6-212.3), is amended to read as follows:

22 Section 6-212.3. A. Whenever the records of the Department of  
23 Public Safety reflect the revocation of the driving privilege of a  
24 person as provided in subsection A of Section 6-205.1 of this title,

1 the Department shall require the installation of an ignition  
2 interlock device, at the expense of the person, as provided in  
3 subsection D of this section, after the mandatory period of  
4 revocation, as prescribed by Section 6-205.1 of this title, for the  
5 following period, as applicable:

6 1. For a first revocation and if the person refused to submit  
7 to a test or tests, or had a blood or breath alcohol concentration  
8 of fifteen hundredths (0.15) or more, for a period of one and one-  
9 half (1 1/2) years following the mandatory period of revocation or  
10 until the driving privileges of the person are reinstated, whichever  
11 is longer;

12 2. For a second revocation, for a period of four (4) years  
13 following the mandatory period of revocation or until the driving  
14 privileges of the person are reinstated, whichever is longer; or

15 3. For a third or subsequent revocation, for a period of five  
16 (5) years following the mandatory period of revocation or until the  
17 driving privileges of the person are reinstated, whichever is  
18 longer.

19 B. Whenever the records of the Department of Public Safety  
20 reflect a person is classified as an excessive user of alcohol or of  
21 a combination of alcohol and any other intoxicating substance, and  
22 inimical to public safety, in accordance with rules promulgated by  
23 the Department, the person shall, upon request for reinstatement of  
24 driving privileges from revocation or suspension based upon the

1 conviction or the status as an excessive user, provide proof of  
2 installation of an ignition interlock device approved by the Board  
3 of Tests for Alcohol and Drug Influence, at the expense of the  
4 person, as provided in subsection D of this section.

5 C. The Department shall require, as a condition of  
6 reinstatement, the device to be installed upon any vehicle owned or  
7 leased, as reflected on the vehicle registration, by an employer of  
8 the person for use by the person, except when the employer requests  
9 the ignition interlock device not be installed. The request shall  
10 be in writing and notarized on the official letterhead of the  
11 employer and provided by the person to the Department; provided, a  
12 request 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; ~~or~~

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 to  
22 Section 753 or 754 of this title.

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

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

19 2. The restricted driver license fee authorized by this section  
20 shall be remitted to the State Treasurer to be credited to the  
21 Department of Public Safety Restricted Revolving Fund. All monies  
22 accruing to the credit of the Department of Public Safety Restricted  
23 Revolving Fund from restricted driver license fees shall be budgeted  
24

1 and expended solely for the purpose of administering the provisions  
2 of this section.

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

6 E. Installation of an ignition interlock device pursuant to  
7 subsection A or B of this section shall run concurrently with a  
8 court order, if any, for installation of an ignition interlock  
9 device, or devices pursuant to the same conviction.

10 F. The person shall pay the monthly maintenance fee, not to  
11 exceed Twenty-five Dollars (\$25.00) per month, for each ignition  
12 interlock device installed pursuant to this section. The person  
13 shall comply with all provisions of law regarding ignition interlock  
14 devices.

15 G. The ignition interlock device provider shall make available  
16 to the Department regular reports of violations, if any, for each  
17 ignition interlock device installed pursuant to this section.

18 H. Pursuant to Section 6-113 of this title, the Department may  
19 revoke or suspend the driving privileges of the person for reports  
20 from the provider which indicate attempts by the person to operate a  
21 motor vehicle when the person is under the influence of alcohol.

22 I. The Department shall promulgate rules necessary to implement  
23 and administer this section.

24

1 SECTION 3. AMENDATORY 47 O.S. 2011, Section 11-902, as  
2 amended by Section 13, Chapter 11, O.S.L. 2012 (47 O.S. Supp. 2012,  
3 Section 11-902), is amended to read as follows:

4 Section 11-902. A. It is unlawful and punishable as provided  
5 in this section for any person to drive, operate, or be in actual  
6 physical control of a motor vehicle within this state, whether upon  
7 public roads, highways, streets, turnpikes, other public places or  
8 upon any private road, street, alley or lane which provides access  
9 to one or more single or multi-family dwellings, who:

10 1. Has a blood or breath alcohol concentration, as defined in  
11 Section 756 of this title, of eight-hundredths (0.08) or more at the  
12 time of a test of such person's blood or breath administered within  
13 two (2) hours after the arrest of such person;

14 2. Is under the influence of alcohol;

15 3. Has any amount of a Schedule I chemical or controlled  
16 substance, as defined in Section 2-204 of Title 63 of the Oklahoma  
17 Statutes, or one of its metabolites or analogs in the person's  
18 blood, saliva, urine or any other bodily fluid at the time of a test  
19 of such person's blood, saliva, urine or any other bodily fluid  
20 administered within two (2) hours after the arrest of such person;

21 4. Has any amount of a Schedule II, III or IV chemical or  
22 controlled substance, as defined in Section 2-206, 2-208 or 2-210 of  
23 Title 63 of the Oklahoma Statutes, or one of its metabolites or  
24 analogues in the person's blood, saliva, urine or any other bodily

1 fluid at the time of a test of such person's blood, saliva, urine or  
2 any other bodily fluid administered within two (2) hours after the  
3 arrest of such person. The fact that a person charged with  
4 violating this provision consumed the controlled substance pursuant  
5 to a prescription issued by a licensed health professional  
6 authorized to prescribe controlled substances and injected, ingested  
7 or inhaled the controlled substance in accordance with the  
8 directions of the health professional may constitute an absolute,  
9 affirmative defense against any charge of violating this paragraph  
10 related to that particular controlled substance, but shall not  
11 constitute a defense to any other substance or any other paragraph  
12 under this subsection;

13 5. Is under the influence of any intoxicating substance other  
14 than alcohol which may render such person incapable of safely  
15 driving or operating a motor vehicle; or

16 ~~4.~~ 6. Is under the combined influence of alcohol and any other  
17 intoxicating substance which may render such person incapable of  
18 safely driving or operating a motor vehicle.

19 B. ~~The~~ With the exception of paragraph 4 of subsection A of  
20 this section, the fact that any person charged with a violation of  
21 this section is or has been lawfully entitled to use alcohol or, a  
22 controlled dangerous substance, controlled substance or any other  
23 intoxicating substance shall not constitute a defense against any  
24 charge of violating this section.

1 C. 1. Any person who is convicted of a violation of the  
2 provisions of this section shall be guilty of a misdemeanor for the  
3 first offense and shall:

- 4 a. participate in an assessment and evaluation pursuant  
5 to subsection G of this section and shall follow all  
6 recommendations made in the assessment and evaluation,
- 7 b. be punished by imprisonment in jail for not less than  
8 ten (10) days nor more than one (1) year, and
- 9 c. be fined not more than One Thousand Dollars  
10 (\$1,000.00).

11 2. Any person who, during the period of any court-imposed  
12 probationary term or within ten (10) years of the date following the  
13 completion of the execution of any sentence or deferred judgment for  
14 a violation of this section or a violation pursuant to the  
15 provisions of any law of this state or another state prohibiting the  
16 offenses provided in subsection A of this section, Section 11-904 of  
17 this title or paragraph 4 of subsection A of Section 852.1 of Title  
18 21 of the Oklahoma Statutes, commits a second offense pursuant to  
19 the provisions of this section or has a prior conviction in a  
20 municipal criminal court of record for the violation of a municipal  
21 ordinance prohibiting the offense provided for in subsection A of  
22 this section and within ten (10) years of the date following the  
23 completion of the execution of such sentence or deferred judgment  
24 commits a second offense pursuant to the provisions of this section

1 shall, upon conviction, be guilty of a felony and shall participate  
2 in an assessment and evaluation pursuant to subsection G of this  
3 section and shall be sentenced to:

- 4 a. follow all recommendations made in the assessment and  
5 evaluation for treatment at the defendant's expense,  
6 or
- 7 b. placement in the custody of the Department of  
8 Corrections for not less than one (1) year and not to  
9 exceed five (5) years and a fine of not more than Two  
10 Thousand Five Hundred Dollars (\$2,500.00), or
- 11 c. treatment, imprisonment and a fine within the  
12 limitations prescribed in subparagraphs a and b of  
13 this paragraph.

14 However, if the treatment in subsection G of this section does  
15 not include residential or inpatient treatment for a period of not  
16 less than five (5) days, the person shall serve a term of  
17 imprisonment of at least five (5) days.

18 3. Any person who is convicted of a second felony offense  
19 pursuant to the provisions of this section or a violation pursuant  
20 to the provisions of any law of this state or another state  
21 prohibiting the offenses provided for in subsection A of this  
22 section, Section 11-904 of this title or paragraph 4 of subsection A  
23 of Section 852.1 of Title 21 of the Oklahoma Statutes shall  
24

1 participate in an assessment and evaluation pursuant to subsection G  
2 of this section and shall be sentenced to:

- 3 a. follow all recommendations made in the assessment and  
4 evaluation for treatment at the defendant's expense,  
5 two hundred forty (240) hours of community service and  
6 use of an ignition interlock device, as provided by  
7 subparagraph n of paragraph 1 of subsection A of  
8 Section 991a of Title 22 of the Oklahoma Statutes, or
- 9 b. placement in the custody of the Department of  
10 Corrections for not less than one (1) year and not to  
11 exceed ten (10) years and a fine of not more than Five  
12 Thousand Dollars (\$5,000.00), or
- 13 c. treatment, imprisonment and a fine within the  
14 limitations prescribed in subparagraphs a and b of  
15 this paragraph.

16 However, if the treatment in subsection G of this section does  
17 not include residential or inpatient treatment for a period of not  
18 less than ten (10) days, the person shall serve a term of  
19 imprisonment of at least ten (10) days.

20 4. Any person who is convicted of a third or subsequent felony  
21 offense pursuant to the provisions of this section or a violation  
22 pursuant to the provisions of any law of this state or another state  
23 prohibiting the offenses provided for in subsection A of this  
24 section, Section 11-904 of this title or paragraph 4 of subsection A

1 of Section 852.1 of Title 21 of the Oklahoma Statutes shall  
2 participate in an assessment and evaluation pursuant to subsection G  
3 of this section and shall be sentenced to:

4 a. follow all recommendations made in the assessment and  
5 evaluation for treatment at the defendant's expense,  
6 followed by not less than one (1) year of supervision  
7 and periodic testing at the defendant's expense, four  
8 hundred eighty (480) hours of community service, and  
9 use of an ignition interlock device, as provided by  
10 subparagraph n of paragraph 1 of subsection A of  
11 Section 991a of Title 22 of the Oklahoma Statutes, for  
12 a minimum of thirty (30) days, or

13 b. placement in the custody of the Department of  
14 Corrections for not less than one (1) year and not to  
15 exceed twenty (20) years and a fine of not more than  
16 Five Thousand Dollars (\$5,000.00), or

17 c. treatment, imprisonment and a fine within the  
18 limitations prescribed in subparagraphs a and b of  
19 this paragraph.

20 However, if the person does not undergo residential or inpatient  
21 treatment pursuant to subsection G of this section the person shall  
22 serve a term of imprisonment of at least ten (10) days.

23 5. Any person who, after a previous conviction of a violation  
24 of murder in the second degree or manslaughter in the first degree

1 in which the death was caused as a result of driving under the  
2 influence of alcohol or other intoxicating substance, is convicted  
3 of a violation of this section shall be guilty of a felony and shall  
4 be punished by imprisonment in the custody of the Department of  
5 Corrections for not less than five (5) years and not to exceed  
6 twenty (20) years, and a fine of not more than Ten Thousand Dollars  
7 (\$10,000.00).

8 6. Provided, however, a conviction from another state shall not  
9 be used to enhance punishment pursuant to the provisions of this  
10 subsection if that conviction is based on a blood or breath alcohol  
11 concentration of less than eight-hundredths (0.08).

12 7. In any case in which a defendant is charged with a second or  
13 subsequent driving under the influence of alcohol or other  
14 intoxicating substance offense within any municipality with a  
15 municipal court other than a court of record, the charge shall be  
16 presented to the county's district attorney and filed with the  
17 district court of the county within which the municipality is  
18 located.

19 D. Any person who is convicted of a violation of driving under  
20 the influence with a blood or breath alcohol concentration of  
21 fifteen-hundredths (0.15) or more pursuant to this section shall be  
22 deemed guilty of aggravated driving under the influence. A person  
23 convicted of aggravated driving under the influence shall  
24 participate in an assessment and evaluation pursuant to subsection G

1 of this section and shall comply with all recommendations for  
2 treatment. Such person shall be sentenced to:

3 1. Not less than one (1) year of supervision and periodic  
4 testing at the defendant's expense; and

5 2. An ignition interlock device or devices, as provided by  
6 subparagraph n of paragraph 1 of subsection A of Section 991a of  
7 Title 22 of the Oklahoma Statutes, for a minimum of ninety (90)  
8 days.

9 Nothing in this subsection shall preclude the defendant from  
10 being charged or punished as provided in paragraph 1, 2, 3, 4 or 5  
11 of subsection C of this section. Any person who is convicted  
12 pursuant to the provisions of this subsection shall be guilty of a  
13 misdemeanor for a first offense and shall be punished as provided in  
14 paragraph 1 of subsection C of this section. Any person who, during  
15 the period of any court-imposed probationary term or within ten (10)  
16 years of the completion of the execution of any sentence or deferred  
17 judgment, commits a second violation of this subsection shall, upon  
18 conviction, be guilty of a felony and shall be punished as provided  
19 in paragraph 2 of subsection C of this section. Any person who  
20 commits a second felony offense pursuant to this subsection shall,  
21 upon conviction, be guilty of a felony and shall be punished as  
22 provided in paragraph 3 of subsection C of this section. Any person  
23 who commits a third or subsequent felony offense pursuant to the  
24 provisions of this subsection shall, upon conviction, be guilty of a

1 felony and shall be punished as provided in paragraph 4 of  
2 subsection C of this section.

3 E. When a person is sentenced to imprisonment in the custody of  
4 the Department of Corrections, the person shall be processed through  
5 the Lexington Assessment and Reception Center or at a place  
6 determined by the Director of the Department of Corrections. The  
7 Department of Corrections shall classify and assign the person to  
8 one or more of the following:

9 1. The Department of Mental Health and Substance Abuse Services  
10 pursuant to paragraph 1 of subsection A of Section 612 of Title 57  
11 of the Oklahoma Statutes; or

12 2. A correctional facility operated by the Department of  
13 Corrections with assignment to substance abuse treatment.

14 F. The Department of Public Safety is hereby authorized to  
15 reinstate any suspended or revoked driving privilege when the person  
16 meets the statutory requirements which affect the existing driving  
17 privilege.

18 G. Any person who is found guilty of a violation of the  
19 provisions of this section shall be ordered to participate in an  
20 alcohol and drug substance abuse evaluation and assessment program  
21 offered by a certified assessment agency or certified assessor for  
22 the purpose of evaluating and assessing the receptivity to treatment  
23 and prognosis of the person and shall, at the expense of the  
24 defendant, follow all recommendations made in the assessment and

1 evaluation for treatment. The court shall order the person to  
2 reimburse the agency or assessor for the evaluation and assessment.  
3 The fee for an evaluation and assessment shall be the amount  
4 provided in subsection C of Section 3-460 of Title 43A of the  
5 Oklahoma Statutes. The evaluation and assessment shall be conducted  
6 at a certified assessment agency, the office of a certified assessor  
7 or at another location as ordered by the court. The agency or  
8 assessor shall, within seventy-two (72) hours from the time the  
9 person is evaluated and assessed, submit a written report to the  
10 court for the purpose of assisting the court in its sentencing  
11 determination. The court shall, as a condition of any sentence  
12 imposed, including deferred and suspended sentences, require the  
13 person to participate in and successfully complete all  
14 recommendations from the evaluation, such as an alcohol and  
15 substance abuse treatment program pursuant to Section 3-452 of Title  
16 43A of the Oklahoma Statutes. If such report indicates that the  
17 evaluation and assessment shows that the defendant would benefit  
18 from a ten-hour or twenty-four-hour alcohol and drug substance abuse  
19 course or a treatment program or both, the court shall, as a  
20 condition of any sentence imposed, including deferred and suspended  
21 sentences, require the person to follow all recommendations  
22 identified by the evaluation and assessment and ordered by the  
23 court. No person, agency or facility operating an evaluation and  
24 assessment program certified by the Department of Mental Health and

1 Substance Abuse Services shall solicit or refer any person evaluated  
2 and assessed pursuant to this section for any treatment program or  
3 substance abuse service in which such person, agency or facility has  
4 a vested interest; however, this provision shall not be construed to  
5 prohibit the court from ordering participation in or any person from  
6 voluntarily utilizing a treatment program or substance abuse service  
7 offered by such person, agency or facility. If a person is  
8 sentenced to imprisonment in the custody of the Department of  
9 Corrections and the court has received a written evaluation report  
10 pursuant to the provisions of this subsection, the report shall be  
11 furnished to the Department of Corrections with the judgment and  
12 sentence. Any evaluation and assessment report submitted to the  
13 court pursuant to the provisions of this subsection shall be handled  
14 in a manner which will keep such report confidential from the  
15 general public's review. Nothing contained in this subsection shall  
16 be construed to prohibit the court from ordering judgment and  
17 sentence in the event the defendant fails or refuses to comply with  
18 an order of the court to obtain the evaluation and assessment  
19 required by this subsection. If the defendant fails or refuses to  
20 comply with an order of the court to obtain the evaluation and  
21 assessment, the Department of Public Safety shall not reinstate  
22 driving privileges until the defendant has complied in full with  
23 such order. Nothing contained in this subsection shall be construed  
24 to prohibit the court from ordering judgment and sentence and any

1 other sanction authorized by law for failure or refusal to comply  
2 with an order of the court.

3 H. Any person who is found guilty of a violation of the  
4 provisions of this section may be required by the court to attend a  
5 victims impact panel program, if such a program is offered in the  
6 county where the judgment is rendered, and to pay a fee, not less  
7 than Fifteen Dollars (\$15.00) nor more than Twenty-five Dollars  
8 (\$25.00) as set by the governing authority of the program and  
9 approved by the court, to the program to offset the cost of  
10 participation by the defendant, if in the opinion of the court the  
11 defendant has the ability to pay such fee.

12 I. Any person who is found guilty of a felony violation of the  
13 provisions of this section shall be required to submit to electronic  
14 monitoring as authorized and defined by Section 991a of Title 22 of  
15 the Oklahoma Statutes.

16 J. Any person who is found guilty of a violation of the  
17 provisions of this section who has been sentenced by the court to  
18 perform any type of community service shall not be permitted to pay  
19 a fine in lieu of performing the community service.

20 K. When a person is found guilty of a violation of the  
21 provisions of this section, the court shall order, in addition to  
22 any other penalty, the defendant to pay a one-hundred-dollar  
23 assessment to be deposited in the Drug Abuse Education and Treatment  
24

1 Revolving Fund created in Section 2-503.2 of Title 63 of the  
2 Oklahoma Statutes, upon collection.

3 L. 1. When a person is eighteen (18) years of age or older,  
4 and is the driver, operator, or person in physical control of a  
5 vehicle, and is convicted of violating any provision of this section  
6 while transporting or having in the motor vehicle any child less  
7 than eighteen (18) years of age, the fine shall be enhanced to  
8 double the amount of the fine imposed for the underlying driving  
9 under the influence (DUI) violation which shall be in addition to  
10 any other penalties allowed by this section.

11 2. Nothing in this subsection shall prohibit the prosecution of  
12 a person pursuant to Section 852.1 of Title 21 of the Oklahoma  
13 Statutes who is in violation of any provision of this section or  
14 Section 11-904 of this title.

15 M. Any plea of guilty, nolo contendere or finding of guilt for  
16 a violation of this section or a violation pursuant to the  
17 provisions of any law of this state or another state prohibiting the  
18 offenses provided for in subsection A of this section, Section 11-  
19 904 of this title, or paragraph 4 of subsection A of Section 852.1  
20 of Title 21 of the Oklahoma Statutes, shall constitute a conviction  
21 of the offense for the purpose of this section for a period of ten  
22 (10) years following the completion of any court-imposed  
23 probationary term.

24

1 N. If qualified by knowledge, skill, experience, training or  
2 education, a witness shall be allowed to testify in the form of an  
3 opinion or otherwise solely on the issue of impairment, but not on  
4 the issue of specific alcohol concentration level, relating to the  
5 following:

6 1. The results of any standardized field sobriety test  
7 including, but not limited to, the horizontal gaze nystagmus (HGN)  
8 test administered by a person who has completed training in  
9 standardized field sobriety testing; or

10 2. Whether a person was under the influence of one or more  
11 impairing substances and the category of such impairing substance or  
12 substances. A witness who has received training and holds a current  
13 certification as a drug recognition expert shall be qualified to  
14 give the testimony in any case in which such testimony may be  
15 relevant.

16 SECTION 4. AMENDATORY 47 O.S. 2011, Section 754.1, as  
17 amended by Section 14, Chapter 283, O.S.L. 2012 (47 O.S. Supp. 2012,  
18 Section 754.1), is amended to read as follows:

19 Section 754.1. A. The Department of Public Safety, prior to an  
20 administrative hearing for a revocation or denial arising under the  
21 provisions of Sections 751 through 754 or Section 761 of this title  
22 or under the provisions of Section 6-205.1 of this title, may modify  
23 the revocation or denial when it is determined by the Department  
24 that no other adequate means of transportation exists for the person

1 whose driving privilege has been revoked or denied; provided, any  
2 modification under this paragraph shall apply to Class D motor  
3 vehicles only.

4 B. As a prerequisite and condition of any modification, the  
5 person shall be required to have installed an ignition interlock  
6 device approved by the Board of Tests for Alcohol and Drug  
7 Influence, at the person's own expense, upon every motor vehicle  
8 operated by the person. The Department shall require, as a  
9 condition of modification, the device to be installed upon any  
10 vehicle owned or leased, as reflected on the vehicle registration,  
11 by an employer of the person for use by the person, except when the  
12 employer requests the ignition interlock device not be installed.  
13 The request shall be in writing and notarized on the official  
14 letterhead of the employer and provided by the person to the  
15 Department; provided, a request shall not be accepted by the  
16 Department under the following circumstances:

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

20 2. When the person is employed by a relative who either is  
21 within the first degree of consanguinity or who resides in the same  
22 household; or

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

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

6        C. Upon the issuance of a modification order pursuant to this  
7 section or Section 755 of this title, or under the provisions of  
8 paragraph 1, 2, or 3 of subsection A or paragraph 1, 2, or 3 of  
9 subsection B of Section 6-205.1 of this title, for a violation of  
10 this title, the person shall pay a modification fee of One Hundred  
11 Seventy-five Dollars (\$175.00) to the Department. For each  
12 modification fee collected pursuant to the provisions of this  
13 subsection, One Hundred Dollars (\$100.00) shall be remitted to the  
14 State Treasurer to be credited to the General Revenue Fund in the  
15 State Treasury and Seventy-five Dollars (\$75.00) shall be remitted  
16 to the State Treasurer to be credited to the Department of Public  
17 Safety Restricted Revolving Fund. All monies accruing to the credit  
18 of the Department of Public Safety Restricted Revolving Fund from  
19 modification fees shall be budgeted and expended solely for the  
20 purpose of administering the provisions of this section and Section  
21 755 of this title.

22        D. The Board of Tests for Alcohol and Drug Influence shall  
23 promulgate such rules as are necessary to implement and administer  
24

1 the provisions of this subsection relating to ignition interlock  
2 devices and the providers of such devices.

3 SECTION 5. This act shall become effective November 1, 2013."  
4 Passed the Senate the 16th day of April, 2013.

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\_\_\_\_\_  
Presiding Officer of the Senate

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8 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
9 2013.

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Presiding Officer of the House  
of Representatives

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1 ENGROSSED HOUSE  
2 BILL NO. 1441

By: Turner of the House

and

Standridge of the Senate

3  
4  
5  
6  
7 An Act relating to motor vehicles; amending 47 O.S.  
8 2011, Section 6-205.1, which relates to driver  
9 license revocation and denial of driving privileges;  
10 prohibiting modification of certain revocation  
11 period; amending 47 O.S. 2011, Section 6-212.3, as  
12 amended by Section 6, Chapter 283, O.S.L. 2012 (47  
13 O.S. Supp. 2012, Section 6-212.3), which relates to  
14 ignition interlock devices; modifying conditions for  
15 which certain requests shall not be accepted;  
16 amending 47 O.S. 2011, Section 754.1, as amended by  
17 Section 14, Chapter 283, O.S.L. 2012 (47 O.S. Supp.  
18 2012, Section 754.1), which relates to driver license  
19 modification; modifying conditions for which certain  
20 requests shall not be accepted; and providing an  
21 effective date.

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

23 SECTION 6. AMENDATORY 47 O.S. 2011, Section 6-205.1, is  
24 amended to read as follows:

Section 6-205.1 A. The driving privilege of a person who is  
convicted of any offense as provided in paragraph 2 of subsection A  
of Section 6-205 of this title, or a person who has refused to  
submit to a test or tests as provided in Section 753 of this title,  
or a person whose alcohol concentration is subject to the provisions

1 of Section 754 of this title, shall be revoked or denied by the  
2 Department of Public Safety for the following period, as applicable:

3 1. The first license revocation pursuant to paragraph 2 of  
4 subsection A of Section 6-205 of this title or to Section 753 or 754  
5 of this title shall be for one hundred eighty (180) days, which may  
6 be modified; provided, any modification under this paragraph shall  
7 apply to Class D motor vehicles only;

8 2. A revocation pursuant to paragraph 2 of subsection A of  
9 Section 6-205 of this title, or to Section 753 or 754 of this title  
10 shall be for a period of one (1) year if within ten (10) years  
11 preceding the date of arrest relating thereto, as shown by the  
12 records of the Department:

13 a. a prior revocation commenced pursuant to paragraph 2  
14 or 6 of subsection A of Section 6-205 of this title,  
15 or to Section 753 or 754 of this title, or

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

23 Such one-year period ~~may~~ of revocation shall not be modified;

24 ~~provided, any modification under this paragraph shall apply to Class~~

1 ~~D motor vehicles only.~~ Provided, ~~further,~~ whether or not the person  
2 is eligible for, applies for, or is granted a modification, the  
3 person shall be required to install an ignition interlock device or  
4 devices, pursuant to Section 754.1 of this title, during the  
5 mandatory period of revocation; or

6 3. A revocation pursuant to paragraph 2 of subsection A of  
7 Section 6-205 of this title, or to Section 753 or 754 of this title  
8 shall be for a period of three (3) years if within ten (10) years  
9 preceding the date of arrest relating thereto, as shown by the  
10 records of the Department:

11 a. two or more prior revocations commenced pursuant to  
12 paragraph 2 or 6 of subsection A of Section 6-205 of  
13 this title, or to Section 753 or 754 of this title,

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

22 c. any combination of two or more prior revocations or  
23 convictions as described in subparagraphs a and b of  
24 this paragraph.

1 Such three-year period ~~may~~ of revocation shall not be modified;  
2 ~~provided, any modification under this paragraph shall apply to Class~~  
3 ~~D motor vehicles only.~~ Provided, ~~further,~~ whether or not the person  
4 is eligible for, applies for, or is granted a modification, the  
5 person shall be required to install an ignition interlock device or  
6 devices, pursuant to Section 754.1 of this title, during the  
7 mandatory period of revocation.

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

12 1. The first license revocation shall be for one hundred eighty  
13 (180) days, which may be modified; provided, for license revocations  
14 for a misdemeanor charge of possessing a controlled dangerous  
15 substance, the provisions of this paragraph shall apply to any such  
16 revocations by the Department on or after January 1, 1993; provided  
17 further, any modification under this paragraph shall apply to Class  
18 D motor vehicles 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 under Section 753 or 754 of this title, or

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

8 Such period shall not be modified; or

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

12           a.    two or more prior revocations commenced pursuant to  
13                    paragraph 2 or 6 of subsection A of Section 6-205 of  
14                    this title, or under Section 753 or 754 of this title,

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

23           c.    any combination of two or more prior revocations as  
24                    described in subparagraphs a and b or this paragraph.

1 Such period shall not be modified.

2 The revocation of the driving privilege of any person under this  
3 subsection shall not run concurrently with any other withdrawal of  
4 driving privilege resulting from a different incident and which  
5 requires the driving privilege to be withdrawn for a prescribed  
6 amount of time. A denial based on a conviction of any offense as  
7 provided in paragraph 6 of subsection A of Section 6-205 of this  
8 title shall become effective on the first day the convicted person  
9 is otherwise eligible to apply for and be granted driving privilege  
10 if the person was not eligible to do so at the time of the  
11 conviction.

12 C. For the purposes of this subsection:

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

16 2. The term "revocation" includes a denial of driving  
17 privileges by the Department.

18 D. Each period of revocation not subject to modification shall  
19 be mandatory and neither the Department nor any court shall grant  
20 driving privileges based upon hardship or otherwise for the duration  
21 of that period. Each period of revocation, subject to modification  
22 as provided for in this section, may be modified as provided for in  
23 Section 754.1 or 755 of this title; provided, any modification under  
24 this paragraph shall apply to Class D motor vehicles only.

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

3 SECTION 7. AMENDATORY 47 O.S. 2011, Section 6-212.3, as  
4 amended by Section 6, Chapter 283, O.S.L. 2012 (47 O.S. Supp. 2012,  
5 Section 6-212.3), is amended to read as follows:

6 Section 6-212.3 A. Whenever the records of the Department of  
7 Public Safety reflect the revocation of the driving privilege of a  
8 person as provided in subsection A of Section 6-205.1 of this title,  
9 the Department shall require the installation of an ignition  
10 interlock device, at the expense of the person, as provided in  
11 subsection D of this section, after the mandatory period of  
12 revocation, as prescribed by Section 6-205.1 of this title, for the  
13 following period, as applicable:

14 1. For a first revocation and if the person refused to submit  
15 to a test or tests, or had a blood or breath alcohol concentration  
16 of fifteen hundredths (0.15) or more, for a period of one and one-  
17 half (1 1/2) years following the mandatory period of revocation or  
18 until the driving privileges of the person are reinstated, whichever  
19 is longer;

20 2. For a second revocation, for a period of four (4) years  
21 following the mandatory period of revocation or until the driving  
22 privileges of the person are reinstated, whichever is longer; or

23 3. For a third or subsequent revocation, for a period of five  
24 (5) years following the mandatory period of revocation or until the

1 driving privileges of the person are reinstated, whichever is  
2 longer.

3 B. Whenever the records of the Department of Public Safety  
4 reflect a person is classified as an excessive user of alcohol or of  
5 a combination of alcohol and any other intoxicating substance, and  
6 inimical to public safety, in accordance with rules promulgated by  
7 the Department, the person shall, upon request for reinstatement of  
8 driving privileges from revocation or suspension based upon the  
9 conviction or the status as an excessive user, provide proof of  
10 installation of an ignition interlock device approved by the Board  
11 of Tests for Alcohol and Drug Influence, at the expense of the  
12 person, as provided in subsection D of this section.

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

22 1. When the person is self-employed or owns part or all of the  
23 company or corporation, or exercises control over some part of the  
24 business which owns or leases the vehicle; ~~or~~

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

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

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

9       D. 1. The requirements of subsection A or B, as applicable, of  
10 this section shall be a prerequisite and condition for reinstatement  
11 of driving privileges, in addition to other conditions for driving  
12 privilege reinstatement provided by law or by rule of the  
13 Department. Upon request and eligibility, the Department shall  
14 issue a restricted driver license to the person, upon payment of a  
15 restricted driver license fee of Fifty Dollars (\$50.00) and all  
16 other appropriate fees by the person. The restricted driver license  
17 and the driving record of the person shall indicate by an  
18 appropriate restriction that the person is only authorized to  
19 operate a vehicle upon which an ignition interlock is installed. If  
20 the person is operating a motor vehicle owned or leased by an  
21 employer who has not given permission for an ignition interlock  
22 device to be installed, the employer shall provide the person with a  
23 letter, on official letterhead of the employer, which the person  
24 shall carry in his or her immediate possession at all times when

1 operating a motor vehicle and shall display for examination and  
2 inspection upon demand of a peace officer.

3       2. The restricted driver license fee authorized by this section  
4 shall be remitted to the State Treasurer to be credited to the  
5 Department of Public Safety Restricted Revolving Fund. All monies  
6 accruing to the credit of the Department of Public Safety Restricted  
7 Revolving Fund from restricted driver license fees shall be budgeted  
8 and expended solely for the purpose of administering the provisions  
9 of this section.

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

13       E. Installation of an ignition interlock device pursuant to  
14 subsection A or B of this section shall run concurrently with a  
15 court order, if any, for installation of an ignition interlock  
16 device, or devices pursuant to the same conviction.

17       F. The person shall pay the monthly maintenance fee, not to  
18 exceed Twenty-five Dollars (\$25.00) per month, for each ignition  
19 interlock device installed pursuant to this section. The person  
20 shall comply with all provisions of law regarding ignition interlock  
21 devices.

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

1 H. Pursuant to Section 6-113 of this title, the Department may  
2 revoke or suspend the driving privileges of the person for reports  
3 from the provider which indicate attempts by the person to operate a  
4 motor vehicle when the person is under the influence of alcohol.

5 I. The Department shall promulgate rules necessary to implement  
6 and administer this section.

7 SECTION 8. AMENDATORY 47 O.S. 2011, Section 754.1, as  
8 amended by Section 14, Chapter 283, O.S.L. 2012 (47 O.S. Supp. 2012,  
9 Section 754.1), is amended to read as follows:

10 Section 754.1 A. The Department of Public Safety, prior to an  
11 administrative hearing for a revocation or denial arising under the  
12 provisions of Sections 751 through 754 or Section 761 of this title  
13 or under the provisions of Section 6-205.1 of this title, may modify  
14 the revocation or denial when it is determined by the Department  
15 that no other adequate means of transportation exists for the person  
16 whose driving privilege has been revoked or denied; provided, any  
17 modification under this paragraph shall apply to Class D motor  
18 vehicles only.

19 B. As a prerequisite and condition of any modification, the  
20 person shall be required to have installed an ignition interlock  
21 device approved by the Board of Tests for Alcohol and Drug  
22 Influence, at the person's own expense, upon every motor vehicle  
23 operated by the person. The Department shall require, as a  
24 condition of modification, the device to be installed upon any

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

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

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

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

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

19 C. Upon the issuance of a modification order pursuant to this  
20 section or Section 755 of this title, or under the provisions of  
21 paragraph 1, 2, or 3 of subsection A or paragraph 1, 2, or 3 of  
22 subsection B of Section 6-205.1 of this title, for a violation of  
23 this title, the person shall pay a modification fee of One Hundred  
24 Seventy-five Dollars (\$175.00) to the Department. For each

1 modification fee collected pursuant to the provisions of this  
2 subsection, One Hundred Dollars (\$100.00) shall be remitted to the  
3 State Treasurer to be credited to the General Revenue Fund in the  
4 State Treasury and Seventy-five Dollars (\$75.00) shall be remitted  
5 to the State Treasurer to be credited to the Department of Public  
6 Safety Restricted Revolving Fund. All monies accruing to the credit  
7 of the Department of Public Safety Restricted Revolving Fund from  
8 modification fees shall be budgeted and expended solely for the  
9 purpose of administering the provisions of this section and Section  
10 755 of this title.

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

15 SECTION 9. This act shall become effective November 1, 2013.

16 Passed the House of Representatives the 13th day of March, 2013.

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\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

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Passed the Senate the \_\_\_ day of \_\_\_\_\_, 2013.

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Presiding Officer of the Senate

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