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HOUSE OF REPRESENTATIVES
CONFERENCE COMMITTEE REPORT

Mr. President:
Mr. Speaker:

The Conference Committee, to which was referred

HB1441

By: Turner of the House and Standridge of the Senate

Title: Motor vehicles; ignition interlock devices; effective date.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from its amendment; and
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

House Action _____ Date _____ Senate Action _____ Date _____

HB1441 CCR2 (A)
HOUSE CONFEREES

Cannaday, Ed

Christian, Mike



Grau, Randy



Hardin, Tommy



Hoskin, Chuck

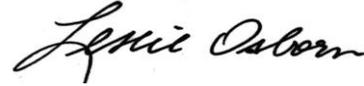
Jordan, Fred



Martin, Steve



Osborn, Leslie



Ownbey, Pat

Pruett, R. C.



Renegar, Brian



Ritze, Mike



Vaughan, Steve



Walker, Ken



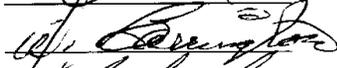
HB1441 CCR2 A

SENATE CONFEREES

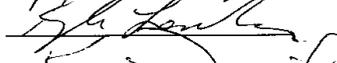
Standridge



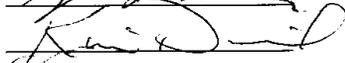
Barrington



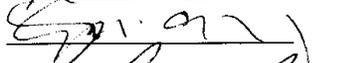
Loveless



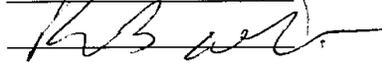
David



McAffrey



Ballenger



House Action _____ Date _____ Senate Action _____ Date _____

House Action _____ Date _____ Senate Action _____ Date _____

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 2ND CONFERENCE COMMITTEE
4 SUBSTITUTE

4 FOR ENGROSSED

5 HOUSE BILL NO. 1441

By: Turner and Derby of the
House

6 and

7 Standridge of the Senate

8
9
10 2ND CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to motor vehicles; amending 47 O.S.
12 2011, Section 6-205.1, which relates to driver
13 license revocation and denial of driving privileges;
14 clarifying modification requirements; amending 47
15 O.S. 2011, Section 6-212.3, as amended by Section 6,
16 Chapter 283, O.S.L. 2012 (47 O.S. Supp. 2012, Section
17 6-212.3), which relates to ignition interlock
18 devices; modifying conditions for which certain
19 requests shall not be accepted; amending 47 O.S.
20 2011, Section 11-902, as last amended by Section 2 of
21 Enrolled House Bill No. 1069 of the 1st Session of
22 the 54th Oklahoma Legislature, which relates to
23 penalties for driving under the influence; making
24 certain acts unlawful; amending 47 O.S. 2011, Section
754.1, as amended by Section 14, Chapter 283, O.S.L.
2012 (47 O.S. Supp. 2012, Section 754.1), which
relates to driver license modification; modifying
conditions for which certain requests shall not be
accepted; repealing 47 O.S. 2011, Section 11-902, as
last amended by Section 3 of Enrolled House Bill No.
1743 of the 1st Session of the 54th Oklahoma
Legislature; and providing an effective date.

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

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

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

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

16 2. A revocation pursuant to paragraph 2 of subsection A of
17 Section 6-205 of this title, or to Section 753 or 754 of this title
18 shall be for a period of one (1) year or longer if driving
19 privileges are modified pursuant to the provisions of this paragraph
20 if within ten (10) years preceding the date of arrest relating
21 thereto, as 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 to 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 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 one-year period of revocation may be modified; provided, any
9 modification under this paragraph shall apply to Class D motor
10 vehicles only. ~~Provided, further, whether or not the person is~~
11 ~~eligible for, applies for, or is granted a~~ For any modification, the
12 person shall be required to install an ignition interlock device or
13 devices, pursuant to Section 754.1 of this title, ~~during the~~
14 ~~mandatory.~~ The period of revocation and the period of interlock
15 installation shall run concurrently and each shall be for no less
16 than one (1) year; or

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

- 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 of revocation may be modified; provided, any
16 modification under this paragraph shall apply to Class D motor
17 vehicles only. ~~Provided, further, whether or not the person is~~
18 ~~eligible for, applies for, or is granted a~~ For any 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. The period of revocation and the period of interlock
22 installation shall run concurrently and each shall be for no less
23 than three (3) years.
24

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

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

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

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

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

1 Such period shall not be modified; or

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

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

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

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

18 Such period shall not be modified.

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

1 title shall become effective on the first day the convicted person
2 is otherwise eligible to apply for and be granted driving privilege
3 if the person was not eligible to do so at the time of the
4 conviction.

5 C. For the purposes of this subsection:

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

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

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

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

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

23 Section 6-212.3 A. Whenever the records of the Department of
24 Public Safety reflect the revocation of the driving privilege of a

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

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

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

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

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

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

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

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

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

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

24

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

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

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

1 Revolving Fund from restricted driver license fees shall be budgeted
2 and expended solely for the purpose of administering the provisions
3 of this section.

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

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

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

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

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

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

1 SECTION 3. AMENDATORY 47 O.S. 2011, Section 11-902, as
2 last amended by Section 2 of Enrolled House Bill No. 1069 of the 1st
3 Session of the 54th Oklahoma Legislature, is amended to read as
4 follows:

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

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

15 2. Is under the influence of alcohol;

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

22 4. Is under the influence of any intoxicating substance other
23 than alcohol which may render such person incapable of safely
24 driving or operating a motor vehicle; or

1 ~~4.~~ 5. Is under the combined influence of alcohol and any other
2 intoxicating substance which may render such person incapable of
3 safely driving or operating a motor vehicle.

4 B. The fact that any person charged with a violation of this
5 section is or has been lawfully entitled to use alcohol or a
6 controlled dangerous substance or any other intoxicating substance
7 shall not constitute a defense against any charge of violating this
8 section.

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

- 12 a. participate in an assessment and evaluation pursuant
13 to subsection G of this section and shall follow all
14 recommendations made in the assessment and evaluation,
- 15 b. be punished by imprisonment in jail for not less than
16 ten (10) days nor more than one (1) year, and
- 17 c. be fined not more than One Thousand Dollars
18 (\$1,000.00).

19 2. Any person who, during the period of any court-imposed
20 probationary term or within ten (10) years of the date following the
21 completion of the execution of any sentence or deferred judgment for
22 a violation of this section or a violation pursuant to the
23 provisions of any law of this state or another state prohibiting the
24 offenses provided in subsection A of this section, Section 11-904 of

1 this title or paragraph 4 of subsection A of Section 852.1 of Title
2 21 of the Oklahoma Statutes, commits a second offense pursuant to
3 the provisions of this section or has a prior conviction in a
4 municipal criminal court of record for the violation of a municipal
5 ordinance prohibiting the offense provided for in subsection A of
6 this section and within ten (10) years of the date following the
7 completion of the execution of such sentence or deferred judgment
8 commits a second offense pursuant to the provisions of this section
9 shall, upon conviction, be guilty of a felony and shall participate
10 in an assessment and evaluation pursuant to subsection G of this
11 section and shall be sentenced to:

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

22 However, if the treatment in subsection G of this section does
23 not include residential or inpatient treatment for a period of not
24

1 less than five (5) days, the person shall serve a term of
2 imprisonment of at least five (5) days.

3 3. Any person who is convicted of a second felony offense
4 pursuant to the provisions of this section or a violation pursuant
5 to the provisions of any law of this state or another state
6 prohibiting the offenses provided for in subsection A of this
7 section, Section 11-904 of this title or paragraph 4 of subsection A
8 of Section 852.1 of Title 21 of the Oklahoma Statutes shall
9 participate in an assessment and evaluation pursuant to subsection G
10 of this section and shall be sentenced to:

11 a. follow all recommendations made in the assessment and
12 evaluation for treatment at the defendant's expense,
13 two hundred forty (240) hours of community service and
14 use of an ignition interlock device, as provided by
15 subparagraph n of paragraph 1 of subsection A of
16 Section 991a of Title 22 of the Oklahoma Statutes, or

17 b. placement in the custody of the Department of
18 Corrections for not less than one (1) year and not to
19 exceed ten (10) years and a fine of not more than Five
20 Thousand Dollars (\$5,000.00), or

21 c. treatment, imprisonment and a fine within the
22 limitations prescribed in subparagraphs a and b of
23 this paragraph.

24

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

5 4. Any person who is convicted of a third or subsequent felony
6 offense pursuant to the provisions of this section or a violation
7 pursuant to the provisions of any law of this state or another state
8 prohibiting the offenses provided for in subsection A of this
9 section, Section 11-904 of this title or paragraph 4 of subsection A
10 of Section 852.1 of Title 21 of the Oklahoma Statutes shall
11 participate in an assessment and evaluation pursuant to subsection G
12 of this section and shall be sentenced to:

13 a. follow all recommendations made in the assessment and
14 evaluation for treatment at the defendant's expense,
15 followed by not less than one (1) year of supervision
16 and periodic testing at the defendant's expense, four
17 hundred eighty (480) hours of community service, and
18 use of an ignition interlock device, as provided by
19 subparagraph n of paragraph 1 of subsection A of
20 Section 991a of Title 22 of the Oklahoma Statutes, for
21 a minimum of thirty (30) days, or

22 b. placement in the custody of the Department of
23 Corrections for not less than one (1) year and not to
24

1 exceed twenty (20) years and a fine of not more than
2 Five Thousand Dollars (\$5,000.00), or

3 c. treatment, imprisonment and a fine within the
4 limitations prescribed in subparagraphs a and b of
5 this paragraph.

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

9 5. Any person who, after a previous conviction of a violation
10 of murder in the second degree or manslaughter in the first degree
11 in which the death was caused as a result of driving under the
12 influence of alcohol or other intoxicating substance, is convicted
13 of a violation of this section shall be guilty of a felony and shall
14 be punished by imprisonment in the custody of the Department of
15 Corrections for not less than five (5) years and not to exceed
16 twenty (20) years, and a fine of not more than Ten Thousand Dollars
17 (\$10,000.00).

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

22 7. In any case in which a defendant is charged with a second or
23 subsequent driving under the influence of alcohol or other
24 intoxicating substance offense within any municipality with a

1 municipal court other than a court of record, the charge shall be
2 presented to the county's district attorney and filed with the
3 district court of the county within which the municipality is
4 located.

5 D. Any person who is convicted of a violation of driving under
6 the influence with a blood or breath alcohol concentration of
7 fifteen-hundredths (0.15) or more pursuant to this section shall be
8 deemed guilty of aggravated driving under the influence. A person
9 convicted of aggravated driving under the influence shall
10 participate in an assessment and evaluation pursuant to subsection G
11 of this section and shall comply with all recommendations for
12 treatment. Such person shall be sentenced to:

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

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

19 Nothing in this subsection shall preclude the defendant from
20 being charged or punished as provided in paragraph 1, 2, 3, 4 or 5
21 of subsection C of this section. Any person who is convicted
22 pursuant to the provisions of this subsection shall be guilty of a
23 misdemeanor for a first offense and shall be punished as provided in
24 paragraph 1 of subsection C of this section. Any person who, during

1 the period of any court-imposed probationary term or within ten (10)
2 years of the completion of the execution of any sentence or deferred
3 judgment, commits a second violation of this subsection shall, upon
4 conviction, be guilty of a felony and shall be punished as provided
5 in paragraph 2 of subsection C of this section. Any person who
6 commits a second felony offense pursuant to this subsection shall,
7 upon conviction, be guilty of a felony and shall be punished as
8 provided in paragraph 3 of subsection C of this section. Any person
9 who commits a third or subsequent felony offense pursuant to the
10 provisions of this subsection shall, upon conviction, be guilty of a
11 felony and shall be punished as provided in paragraph 4 of
12 subsection C of this section.

13 E. When a person is sentenced to imprisonment in the custody of
14 the Department of Corrections, the person shall be processed through
15 the Lexington Assessment and Reception Center or at a place
16 determined by the Director of the Department of Corrections. The
17 Department of Corrections shall classify and assign the person to
18 one or more of the following:

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

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

24 Successful completion of a Department_of_Corrections-approved

1 substance abuse treatment program shall satisfy the recommendation
2 for a ten-hour or twenty-four-hour alcohol and drug substance abuse
3 course or treatment program or both. Successful completion of an
4 approved Department of Corrections substance abuse treatment program
5 may precede or follow the required assessment.

6 F. The Department of Public Safety is hereby authorized to
7 reinstate any suspended or revoked driving privilege when the person
8 meets the statutory requirements which affect the existing driving
9 privilege.

10 G. Any person who is found guilty of a violation of the
11 provisions of this section shall be ordered to participate in an
12 alcohol and drug substance abuse evaluation and assessment program
13 offered by a certified assessment agency or certified assessor for
14 the purpose of evaluating and assessing the receptivity to treatment
15 and prognosis of the person and shall follow all recommendations
16 made in the assessment and evaluation for treatment. The court
17 shall order the person to reimburse the agency or assessor for the
18 evaluation and assessment. Payment shall be remitted by the
19 defendant or on behalf of the defendant by any third party;
20 provided, no state-appropriated funds are utilized. The fee for an
21 evaluation and assessment shall be the amount provided in subsection
22 C of Section 3-460 of Title 43A of the Oklahoma Statutes. The
23 evaluation and assessment shall be conducted at a certified
24 assessment agency, the office of a certified assessor or at another

1 location as ordered by the court. The agency or assessor shall,
2 within seventy-two (72) hours from the time the person is evaluated
3 and assessed, submit a written report to the court for the purpose
4 of assisting the court in its sentencing determination. The court
5 shall, as a condition of any sentence imposed, including deferred
6 and suspended sentences, require the person to participate in and
7 successfully complete all recommendations from the evaluation, such
8 as an alcohol and substance abuse treatment program pursuant to
9 Section 3-452 of Title 43A of the Oklahoma Statutes. If such report
10 indicates that the evaluation and assessment shows that the
11 defendant would benefit from a ten-hour or twenty-four-hour alcohol
12 and drug substance abuse course or a treatment program or both, the
13 court shall, as a condition of any sentence imposed, including
14 deferred and suspended sentences, require the person to follow all
15 recommendations identified by the evaluation and assessment and
16 ordered by the court. No person, agency or facility operating an
17 evaluation and assessment program certified by the Department of
18 Mental Health and Substance Abuse Services shall solicit or refer
19 any person evaluated and assessed pursuant to this section for any
20 treatment program or substance abuse service in which such person,
21 agency or facility has a vested interest; however, this provision
22 shall not be construed to prohibit the court from ordering
23 participation in or any person from voluntarily utilizing a
24 treatment program or substance abuse service offered by such person,

1 agency or facility. If a person is sentenced to imprisonment in the
2 custody of the Department of Corrections and the court has received
3 a written evaluation report pursuant to the provisions of this
4 subsection, the report shall be furnished to the Department of
5 Corrections with the judgment and sentence. Any evaluation and
6 assessment report submitted to the court pursuant to the provisions
7 of this subsection shall be handled in a manner which will keep such
8 report confidential from the general public's review. Nothing
9 contained in this subsection shall be construed to prohibit the
10 court from ordering judgment and sentence in the event the defendant
11 fails or refuses to comply with an order of the court to obtain the
12 evaluation and assessment required by this subsection. If the
13 defendant fails or refuses to comply with an order of the court to
14 obtain the evaluation and assessment, the Department of Public
15 Safety shall not reinstate driving privileges until the defendant
16 has complied in full with such order. Nothing contained in this
17 subsection shall be construed to prohibit the court from ordering
18 judgment and sentence and any other sanction authorized by law for
19 failure or refusal to comply with an order of the court.

20 H. Any person who is found guilty of a violation of the
21 provisions of this section may be required by the court to attend a
22 victims impact panel program, as defined in subsection H of Section
23 991a of Title 22 of the Oklahoma Statutes, if such a program is
24 offered in the county where the judgment is rendered, and to pay a

1 fee, of not less than Fifteen Dollars (\$15.00) nor more than ~~Twenty~~
2 ~~five Dollars (\$25.00)~~ Sixty Dollars (\$60.00) as set by the governing
3 authority of the program and approved by the court, to the program
4 to offset the cost of participation by the defendant, if in the
5 opinion of the court the defendant has the ability to pay such fee.

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

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

14 K. When a person is found guilty of a violation of the
15 provisions of this section, the court shall order, in addition to
16 any other penalty, the defendant to pay a one-hundred-dollar
17 assessment to be deposited in the Drug Abuse Education and Treatment
18 Revolving Fund created in Section 2-503.2 of Title 63 of the
19 Oklahoma Statutes, upon collection.

20 L. 1. When a person is eighteen (18) years of age or older,
21 and is the driver, operator, or person in physical control of a
22 vehicle, and is convicted of violating any provision of this section
23 while transporting or having in the motor vehicle any child less
24 than eighteen (18) years of age, the fine shall be enhanced to

1 double the amount of the fine imposed for the underlying driving
2 under the influence (DUI) violation which shall be in addition to
3 any other penalties allowed by this section.

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

8 M. Any plea of guilty, nolo contendere or finding of guilt for
9 a violation of this section or a violation pursuant to the
10 provisions of any law of this state or another state prohibiting the
11 offenses provided for in subsection A of this section, Section 11-
12 904 of this title, or paragraph 4 of subsection A of Section 852.1
13 of Title 21 of the Oklahoma Statutes, shall constitute a conviction
14 of the offense for the purpose of this section for a period of ten
15 (10) years following the completion of any court-imposed
16 probationary term.

17 N. If qualified by knowledge, skill, experience, training or
18 education, a witness shall be allowed to testify in the form of an
19 opinion or otherwise solely on the issue of impairment, but not on
20 the issue of specific alcohol concentration level, relating to the
21 following:

22 1. The results of any standardized field sobriety test
23 including, but not limited to, the horizontal gaze nystagmus (HGN)

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1 test administered by a person who has completed training in
2 standardized field sobriety testing; or

3 2. Whether a person was under the influence of one or more
4 impairing substances and the category of such impairing substance or
5 substances. A witness who has received training and holds a current
6 certification as a drug recognition expert shall be qualified to
7 give the testimony in any case in which such testimony may be
8 relevant.

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

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

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

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

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

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

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

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

21 C. Upon the issuance of a modification order pursuant to this
22 section or Section 755 of this title, or under the provisions of
23 paragraph 1, 2, or 3 of subsection A or paragraph 1, 2, or 3 of
24 subsection B of Section 6-205.1 of this title, for a violation of

1 this title, the person shall pay a modification fee of One Hundred
2 Seventy-five Dollars (\$175.00) to the Department. For each
3 modification fee collected pursuant to the provisions of this
4 subsection, One Hundred Dollars (\$100.00) shall be remitted to the
5 State Treasurer to be credited to the General Revenue Fund in the
6 State Treasury and Seventy-five Dollars (\$75.00) shall be remitted
7 to the State Treasurer to be credited to the Department of Public
8 Safety Restricted Revolving Fund. All monies accruing to the credit
9 of the Department of Public Safety Restricted Revolving Fund from
10 modification fees shall be budgeted and expended solely for the
11 purpose of administering the provisions of this section and Section
12 755 of this title.

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

17 SECTION 5. REPEALER 47 O.S. 2011, Section 11-902, as
18 last amended by Section 3 of Enrolled House Bill No. 1743 of the 1st
19 Session of the 54th Oklahoma Legislature, is hereby repealed.

20 SECTION 6. This act shall become effective October 1, 2013.

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