

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1441

6 By: Turner

7 COMMITTEE SUBSTITUTE

8 An Act relating to motor vehicles; amending 47 O.S.  
9 2011, Section 6-212.3, as amended by Section 6,  
10 Chapter 283, O.S.L. 2012 (47 O.S. Supp. 2012, Section  
11 6-212.3), which relates to ignition interlock  
12 devices; deleting exception to certain ignition  
13 interlock device requirement; amending 47 O.S. 2011,  
14 Section 754.1, as amended by Section 14, Chapter 283,  
15 O.S.L. 2012 (47 O.S. Supp. 2012, Section 754.1),  
16 which relates to driver license modification;  
17 deleting exception to certain ignition interlock  
18 device requirement; and providing an effective date.

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

20 SECTION 1. 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  
person as provided in subsection A of Section 6-205.1 of this title,  
the Department shall require the installation of an ignition

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

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

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

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

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

1 installation of an ignition interlock device approved by the Board  
2 of Tests for Alcohol and Drug Influence, at the expense of the  
3 person, as provided in subsection D of this section.

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

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

16 2. ~~When the person is employed by a relative who is within the~~  
17 ~~first degree of consanguinity or who resides in the same household.~~

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

20 D. 1. The requirements of subsection A or B, as applicable, of  
21 this section shall be a prerequisite and condition for reinstatement  
22 of driving privileges, in addition to other conditions for driving  
23 privilege reinstatement provided by law or by rule of the  
24 Department. Upon request and eligibility, the Department shall

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

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

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

24

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

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

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

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

17 I. The Department shall promulgate rules necessary to implement  
18 and administer this section.

19 SECTION 2. AMENDATORY 47 O.S. 2011, Section 754.1, as  
20 amended by Section 14, Chapter 283, O.S.L. 2012 (47 O.S. Supp. 2012,  
21 Section 754.1), is amended to read as follows:

22 Section 754.1 A. The Department of Public Safety, prior to an  
23 administrative hearing for a revocation or denial arising under the  
24 provisions of Sections 751 through 754 or Section 761 of this title

1 or under the provisions of Section 6-205.1 of this title, may modify  
2 the revocation or denial when it is determined by the Department  
3 that no other adequate means of transportation exists for the person  
4 whose driving privilege has been revoked or denied; provided, any  
5 modification under this paragraph shall apply to Class D motor  
6 vehicles only.

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

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

23  
24

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

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 3. This act shall become effective November 1, 2013.

4

5 54-1-7421 GRS 02/28/13

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24