

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 54th Legislature (2013)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1441

By: Turner of the House

and

Standridge of the Senate

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10 COMMITTEE SUBSTITUTE

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

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

23 SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-212.3, as
24 amended by Section 6, Chapter 283, O.S.L. 2012 (47 O.S. Supp. 2012,
 Section 6-212.3), is amended to read as follows:

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

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

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

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

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

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

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

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

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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

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1 accruing to the credit of the Department of Public Safety Restricted
2 Revolving Fund from restricted driver license fees shall be budgeted
3 and expended solely for the purpose of administering the provisions
4 of this section.

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

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

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

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

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

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1 I. The Department shall promulgate rules necessary to implement
2 and administer this section.

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

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

15 B. As a prerequisite and condition of any modification, the
16 person shall be required to have installed an ignition interlock
17 device approved by the Board of Tests for Alcohol and Drug
18 Influence, at the person's own expense, upon every motor vehicle
19 operated by the person. The Department shall require, as a
20 condition of modification, the device to be installed upon any
21 vehicle owned or leased, as reflected on the vehicle registration,
22 by an employer of the person for use by the person, ~~except when the~~
23 ~~employer requests the ignition interlock device not be installed.~~

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1 ~~The request shall be in writing and notarized on the official~~
2 ~~letterhead of the employer and provided by the person to the~~
3 ~~Department; provided, a request shall not be accepted by the~~
4 ~~Department under the following circumstances:~~

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

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

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

13 C. Upon the issuance of a modification order pursuant to this
14 section or Section 755 of this title, or under the provisions of
15 paragraph 1, 2, or 3 of subsection A or paragraph 1, 2, or 3 of
16 subsection B of Section 6-205.1 of this title, for a violation of
17 this title, the person shall pay a modification fee of One Hundred
18 Seventy-five Dollars (\$175.00) to the Department. For each
19 modification fee collected pursuant to the provisions of this
20 subsection, One Hundred Dollars (\$100.00) shall be remitted to the
21 State Treasurer to be credited to the General Revenue Fund in the
22 State Treasury and Seventy-five Dollars (\$75.00) shall be remitted
23 to the State Treasurer to be credited to the Department of Public
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1 Safety Restricted Revolving Fund. All monies accruing to the credit
2 of the Department of Public Safety Restricted Revolving Fund from
3 modification fees shall be budgeted and expended solely for the
4 purpose of administering the provisions of this section and Section
5 755 of this title.

6 D. The Board of Tests for Alcohol and Drug Influence shall
7 promulgate such rules as are necessary to implement and administer
8 the provisions of this subsection relating to ignition interlock
9 devices and the providers of such devices.

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

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12 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/28/2013 -
13 DO PASS, As Amended and Coauthored.

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