

1 ENGROSSED HOUSE  
2 BILL NO. 1806

By: Banz of the House

and

Justice of the Senate

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7 An Act relating to driving under the influence;  
8 amending 47 O.S. 2011, Section 753, which relates to  
9 blood or breath test refusals; authorizing search  
10 warrant requests under certain circumstances;  
11 requiring reinstatement of driving privileges under  
12 certain circumstances; and providing an effective  
13 date.

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

15 SECTION 1. AMENDATORY 47 O.S. 2011, Section 753, is  
16 amended to read as follows:

17 Section 753. A. If a conscious person under arrest refuses to  
18 submit to testing of his or her blood or breath for the purpose of  
19 determining the alcohol concentration thereof, or to a test of his  
20 or her blood, saliva or urine for the purpose of determining the  
21 presence or concentration of any other intoxicating substance, or  
22 the combined influence of alcohol and any other intoxicating  
23 substance, none shall be given except upon the issuance of a search  
24 warrant or unless the investigating officer has probable cause to  
believe that the person under arrest, while intoxicated, has

1 operated the motor vehicle in such a manner as to have caused the  
2 death or serious physical injury of any other person or persons. In  
3 such event, such test otherwise authorized by law may be made in the  
4 same manner as if a search warrant had been issued for such test or  
5 tests. The sample shall be taken in a medically acceptable manner  
6 ~~at a hospital or other suitable health care facility~~ as authorized  
7 by Section 752 of this title. The Commissioner of Public Safety,  
8 upon the receipt of a sworn report of the law enforcement officer  
9 that the officer had reasonable grounds to believe the arrested  
10 person had been driving or was in actual physical control of a motor  
11 vehicle upon the public roads, highways, streets, turnpikes or other  
12 public place of this state while under the influence of alcohol, any  
13 other intoxicating substance, or the combined influence of alcohol  
14 and any other intoxicating substance and that the person had refused  
15 to submit to the test or tests, shall revoke the license to drive  
16 and any nonresident operating privilege for a period as provided by  
17 Section 6-205.1 of this title. If the person is a resident or a  
18 nonresident without a license or permit to operate a motor vehicle  
19 in this state, the Commissioner of Public Safety shall deny to the  
20 person the issuance of a license or permit for a period as provided  
21 by Section 6-205.1 of this title subject to a review as provided in  
22 Section 754 of this title. The revocation or denial shall become  
23 effective thirty (30) days after the arrested person is given  
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1 written notice thereof by the officer or by the Department as  
2 provided in Section 754 of this title.

3 B. The Department shall immediately reinstate the driving  
4 privilege of the person if:

5 1. The arrested person was required to submit to the testing of  
6 his or her blood or breath pursuant to the provisions of a search  
7 warrant despite his or her refusal to submit to testing; and

8 2. The Department receives a written blood or breath test  
9 report that reflects the arrested person did not have any measurable  
10 quantity of alcohol, any other intoxicating substance, or the  
11 combination of alcohol and any other intoxicating substance in the  
12 arrested person's blood or breath.

13 SECTION 2. This act shall become effective November 1, 2015.

14 Passed the House of Representatives the 16th day of February,  
15 2015.

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17 Presiding Officer of the House  
18 of Representatives

19 Passed the Senate the \_\_\_ day of \_\_\_\_\_, 2015.

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21 Presiding Officer of the Senate  
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