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CORRECTED

HOUSE OF REPRESENTATIVES - FLOOR VERSION

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

HOUSE BILL 1806

By: Banz of the House

and

Justice of the Senate

AS INTRODUCED

An Act relating to driving under the influence; amending 47 O.S. 2011, Section 753, which relates to blood or breath test refusals; authorizing search warrant requests under certain circumstances; and providing an effective date.

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

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

Section 753. If a conscious person under arrest refuses to submit to testing of his or her blood or breath for the purpose of determining the alcohol concentration thereof, or to a test of his or her blood, saliva or urine for the purpose of determining the presence or concentration of any other intoxicating substance, or the combined influence of alcohol and any other intoxicating

1 substance, none shall be given, except upon the issuance of a search
2 warrant or unless the investigating officer has probable cause to
3 believe that the person under arrest, while intoxicated, has
4 operated the motor vehicle in such a manner as to have caused the
5 death or serious physical injury of any other person or persons. In
6 such event, such test otherwise authorized by law may be made in the
7 same manner as if a search warrant had been issued for such test or
8 tests. The sample shall be taken in a medically acceptable manner
9 at a hospital or other suitable health care facility. The
10 Commissioner of Public Safety, upon the receipt of a sworn report of
11 the law enforcement officer that the officer had reasonable grounds
12 to believe the arrested person had been driving or was in actual
13 physical control of a motor vehicle upon the public roads, highways,
14 streets, turnpikes or other public place of this state while under
15 the influence of alcohol, any other intoxicating substance, or the
16 combined influence of alcohol and any other intoxicating substance
17 and that the person had refused to submit to the test or tests,
18 shall revoke the license to drive and any nonresident operating
19 privilege for a period as provided by Section 6-205.1 of this title.
20 If the person is a resident or a nonresident without a license or
21 permit to operate a motor vehicle in this state, the Commissioner of
22 Public Safety shall deny to the person the issuance of a license or
23 permit for a period as provided by Section 6-205.1 of this title
24 subject to a review as provided in Section 754 of this title. The

1 revocation or denial shall become effective thirty (30) days after
2 the arrested person is given written notice thereof by the officer
3 or by the Department as provided in Section 754 of this title.

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

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6 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND CIVIL PROCEDURE,
7 dated 02/05/2015 - DO PASS, As Coauthored.
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