

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 1050

By: Loring

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5
6 AS INTRODUCED

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
warrant requests under certain circumstances; and
providing an effective date.

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

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

16 Section 753. If a conscious person under arrest refuses to
17 submit to testing of his or her blood or breath for the purpose of
18 determining the alcohol concentration thereof, or to a test of his
19 or her blood, saliva or urine for the purpose of determining the
20 presence or concentration of any other intoxicating substance, or
21 the combined influence of alcohol and any other intoxicating
22 substance, none shall be given without a court order, unless the
23 investigating officer has probable cause to believe that the person
24 under arrest, while intoxicated, has operated the motor vehicle in

1 such a manner as to have caused the death or serious physical injury
2 of any other person or persons. In such event, such test otherwise
3 authorized by law ~~may~~ shall be made in the same manner as if a
4 search warrant had been issued for such test or tests. The sample
5 shall be taken in a medically acceptable manner ~~at a hospital or~~
6 ~~other suitable health care facility~~ as authorized by Section 752 of
7 this title. The Commissioner of Public Safety, upon the receipt of
8 a sworn report of the law enforcement officer that the officer had
9 reasonable grounds to believe the arrested person had been driving
10 or was in actual physical control of a motor vehicle upon the public
11 roads, highways, streets, turnpikes or other public place of this
12 state while under the influence of alcohol, any other intoxicating
13 substance, or the combined influence of alcohol and any other
14 intoxicating substance and that the person had refused to submit to
15 the test or tests, shall revoke the license to drive and any
16 nonresident operating privilege for a period as provided by Section
17 6-205.1 of this title. If the person is a resident or a nonresident
18 without a license or permit to operate a motor vehicle in this
19 state, the Commissioner of Public Safety shall deny to the person
20 the issuance of a license or permit for a period as provided by
21 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 SECTION 2. This act shall become effective November 1, 2015.

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5 55-1-5369 GRS 12/18/14
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