

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

COMMITTEE SUBSTITUTE
FOR

SENATE BILL 1163

By: David

COMMITTEE SUBSTITUTE

An Act relating to impaired driving; repealing 47 O.S. 2011, Section 6-212.3, as last amended by Section 8, Chapter 392, O.S.L. 2017 (47 O.S. Supp. 2017, Section 6-212.3), which relates to installation of an ignition interlock device; requiring certain ignition interlock device; providing procedures for certain exception; directing certain restrictions to driving privileges; directing issuance of restricted driver license; directing deposit of fees; stating purpose of expenditure of funds; directing establishment of Impaired Driver Accountability Program; directing deposit of fees; directing promulgation of rules; authorizing certain IDAP program agreement; authorizing certain program administration fee; requiring certain verification; stating eligibility for restricted driver license; directing updated records upon completion; stating program length; directing apportionment of monies collected; repealing 47 O.S. 2011, Section 753, as last amended by Section 12, Chapter 392, O.S.L. 2017 (47 O.S. Supp. 2017, Section 753), which relates to refusal to submit to test; providing for blood or breath test; authorizing acceptable manner; repealing 47 O.S. 2011, Section 754, as amended by Section 13, Chapter 392, O.S.L. 2017 (47 O.S. Supp. 2017, Section 754), which relates to modification of revocation; establishing requirements for certain notice; repealing 47 O.S. 2011, Section 755, which relates to chemical tests; providing for codification; and providing a provisional effective date.

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

2 SECTION 1. REPEALER 47 O.S. 2011, Section 6-212.3, as last
3 amended by Section 8, Chapter 392, O.S.L. 2017 (47 O.S. Supp. 2017,
4 Section 6-212.3), is hereby repealed.

5 SECTION 2. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 6-212.5 of Title 47, unless
7 there is created a duplication in numbering, reads as follows:

8 Whenever the installation of an ignition interlock device is
9 allowed or required by law, the Department shall require the device
10 to be installed upon any vehicle owned or leased, as reflected on
11 the vehicle registration or title, by an employer of the person for
12 use by the person, except when the employer requests the ignition
13 interlock device not be installed. The request shall be in writing
14 and notarized on the official letterhead of the employer and
15 provided by the employer to the Department; provided, a request
16 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;

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;
23 or
24

1 3. When the person has had a prior revocation pursuant to
2 paragraph 2 of subsection A of Section 4 of Enrolled Senate Bill No.
3 1164 of the 2nd Session of the 56th Oklahoma Legislature or as a
4 result of a test result or a test refusal.

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

7 B. Upon receipt of a report of an interlock violation, as
8 defined by the rules of the Board of Tests for Alcohol and Drug
9 Influence. The Department of Public Safety may revoke, suspend or
10 restrict the driving privileges of the person.

11 C. 1. Upon request and a determination of eligibility, the
12 Department shall issue a restricted driver license to the person,
13 upon payment of a restricted driver license fee of Fifty Dollars
14 (\$50.00) and the Impaired Driver Accountability Program (IDAP)
15 program administration fee, as provided in Section 8 of Enrolled
16 Senate Bill No. 1164 of the 2nd Session of the 56th Oklahoma
17 Legislature. The restricted driver license and the driving record
18 of the person shall indicate by an appropriate restriction that the
19 person is only authorized to operate a vehicle upon which an
20 approved ignition interlock device is installed.

21 2. The restricted driver license fee authorized by this section
22 shall be credited to the Department of Public Safety Restricted
23 Revolving Fund. All monies accruing to the credit of the Department
24 of Public Safety Restricted Revolving Fund from such driver license

1 fees shall be budgeted and expended solely for the purpose of
2 administering the provisions of the IDAP.

3 SECTION 3. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 6-212.6 of Title 47, unless
5 there is created a duplication in numbering, reads as follows:

6 A. The Department shall establish the Impaired Driver
7 Accountability Program (IDAP) at the Department of Public Safety.
8 Fees collected by the Department for admission into the program
9 shall be deposited in the Department of Public Safety Restricted
10 Revolving Fund for support of the program. The Department shall
11 promulgate rules necessary to administer the IDAP including, but not
12 limited to, establishing the criteria for eligibility and successful
13 completion of the program.

14 B. The Department may enter into an IDAP program agreement with
15 the person if:

16 1. The Department receives the request for IDAP participation
17 on a form designated by the Department within fifteen (15) calendar
18 days from the date that notice was given pursuant to Section 2 of
19 this act;

20 2. The Department receives payment of the Two-Hundred-Dollar
21 (\$200.00) program administration fee within forty-five (45) days of
22 the date notice was given pursuant to Section 7 of this act;

23 3. The Department receives an ignition interlock device
24 installation verification issued in accordance with the rules of the

1 Board of Tests for Alcohol and Drug Influence within forty-five (45)
2 days from the date notice was given pursuant to Section 7 of this
3 act; and

4 4. The person is eligible for an Oklahoma restricted driver
5 license on the date the person enters into the IDAP agreement.

6 C. Upon successful completion of the program, the records of
7 the Department will be updated to indicate the person's completion
8 of the program without revocation. No reinstatement fee will be
9 charged to the person.

10 D. The program length(s) shall be:

11 1. A minimum of six (6) months for a person subject to
12 revocation pursuant to paragraph 1 of subsection A of Section 4 of
13 Enrolled Senate Bill No. 1164 of the 2nd Session of the 56th
14 Oklahoma Legislature. If, within the last three (3) months of the
15 program period, the Department receives a report of an interlock
16 violation, as defined by the rules of the Board of Tests for Alcohol
17 and Drug Influence, the program period shall be extended until such
18 time that the person completes a violation-free three-month period;

19 2. A minimum of twelve (12) months for a person subject to
20 revocation pursuant to paragraph 2 of subsection A of Section 4 of
21 Enrolled Senate Bill No. 1164 of the 2nd Session of the 56th
22 Oklahoma Legislature. If within the last six (6) months of the
23 program period the Department receives a report of an interlock
24 violation as defined by the rules of the Board of Tests for Alcohol

1 and Drug Influence, the program period shall be extended until such
2 time that the person completes a violation-free six-month period;

3 3. A minimum of twenty-four (24) months for a person subject to
4 revocation pursuant to paragraph 3 of subsection A of Section 4 of
5 Enrolled Senate Bill No. 1164 of the 2nd Session of the 56th
6 Oklahoma Legislature. If within the last eighteen (18) months of
7 the program period the Department receives a report of an interlock
8 violation, as defined by the rules of the Board of Tests for Alcohol
9 and Drug Influence, the program period shall be extended until such
10 time that the person completes a violation-free twelve-month period;

11 E. Completion of the program is contingent upon the person's
12 compliance with the rules of the Department.

13 F. Effective July 1, 2002, and for each fiscal year thereafter:

14 1. Two Hundred Fifty Thousand Dollars (\$250,000.00) of all
15 monies collected each month pursuant to this section shall be
16 apportioned as provided in Section 1104 of Title 47 of the Oklahoma
17 Statutes, except as otherwise provided in this section; and

18 2. Except as otherwise provided in this section, all other
19 monies collected in excess of Two Hundred Fifty Thousand Dollars
20 (\$250,000.00) each month shall be deposited in the General Revenue
21 Fund.

22 SECTION 4. REPEALER 47 O.S. 2011, Section 753, as last
23 amended by Section 12, Chapter 392, O.S.L. 2017 (47 O.S. Supp. 2017,
24 Section 753), is hereby repealed.

1 SECTION 5. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 753a of Title 47, unless there
3 is created a duplication in numbering, reads as follows:

4 If a conscious person under arrest refuses to submit to testing
5 of his or her blood or breath for the purpose of determining the
6 alcohol concentration thereof, or to a test of his or her blood,
7 saliva or urine for the purpose of determining the presence or
8 concentration of any other intoxicating substance, or the combined
9 influence of alcohol and any other intoxicating substance, none
10 shall be given except upon the issuance of a search warrant or
11 unless the investigating officer has probable cause to believe that
12 the person under arrest, while intoxicated, has operated the motor
13 vehicle in such a manner as to have caused the death or serious
14 physical injury of any other person or persons. In such event, such
15 test otherwise authorized by law may be made in the same manner as
16 if a search warrant had been issued for such test or tests. The
17 sample shall be taken in a medically acceptable manner as authorized
18 by Section 752 of Title 47 of the Oklahoma Statutes.

19 SECTION 6. REPEALER 47 O.S. 2011, Section 754, as amended
20 by Section 13, Chapter 392, O.S.L. 2017 (47 O.S. Supp. 2017, Section
21 754), is hereby repealed.

22 SECTION 7. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 754a of Title 47, unless there
24 is created a duplication in numbering, reads as follows:

1 Any arrested person who is under twenty-one (21) years of age
2 and has any measurable quantity of alcohol in the person's blood or
3 breath, or any person twenty-one (21) years of age or older whose
4 alcohol concentration is eight-hundredths of one percent (0.08%) or
5 more as shown by a breath test administered according to the
6 provisions of this title, or any arrested person who has refused to
7 submit to a breath or blood test, shall be issued a dated notice
8 advising the arrested person of the availability of the Impaired
9 Driver Accountability Program on a form prescribed by the Department
10 of Public Safety. The giving of this notice is effective when the
11 notice is delivered to the arrested person, or to the custodian of
12 the arrested person at a detention facility or to an employee of a
13 health care provider attending to the arrested person at a medical
14 facility. Proof of providing this notice may be made by affidavit
15 of the person giving the notice. A copy of the notice form issued
16 to the arrested person shall be submitted to the Department within
17 seventy-two (72) hours of being issued to the arrested person. The
18 failure of the officer to timely file this notice with the
19 Department shall not affect the authority of the Department to
20 revoke the driving privilege of the arrested person after
21 conviction.

22 SECTION 8. REPEALER 47 O.S. 2011, Section 755, is hereby
23 repealed.

24 SECTION 9. The provisions of this act shall not become

effective as law unless Enrolled Senate Bill No. 1164 of the 2nd Session of the 56th Oklahoma Legislature becomes effective as law.

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