

1 ENGROSSED SENATE  
2 BILL NO. 712

By: David and Scott of the  
Senate

3 and

4 Kannady of the House

5  
6  
7 An Act relating to motor vehicles; amending 47 O.S.  
8 2011, Section 2-116, as amended by Section 3, Chapter  
392, O.S.L. 2017 (47 O.S. Supp. 2018, Section 2-116),  
9 which relates to giving of notice; modifying required  
notice; amending 47 O.S. 2011, Section 6-204, as  
10 amended by Section 4, Chapter 292, O.S.L. 2017 (47  
O.S. Supp. 2018, Section 6-204), which relates to  
11 court orders to surrender license; modifying certain  
deferral procedures; amending 47 O.S. 2011, Section  
12 6-205, as last amended by Section 5, Chapter 392,  
O.S.L. 2017 (47 O.S. Supp. 2018, Section 6-205),  
13 which relates to mandatory revocation of driving  
privileges; modifying certain revocation procedures;  
14 amending 47 O.S. 2011, Sections 6-205.1, as last  
amended by Section 6, Chapter 392, O.S.L. 2017, 6-  
211, 6-212, as last amended by Section 7, Chapter  
15 392, O.S.L. 2017, 6-212.2 and 6-212.3, as last  
amended by Section 8, Chapter 392, O.S.L. 2017 (47  
16 O.S. Supp. 2018, Sections 6-205.1, 6-212 and 6-  
212.3), which relate to the cancellation, required  
17 completion of alcohol and drug assessment, suspension  
or revocation of driver licenses; modifying and  
18 adding qualifiers that provide for revocation or  
denial of driving privileges for persons convicted of  
19 driving under the influence; reducing specific  
revocation time periods; deleting ignition interlock  
20 installation requirement after driver license  
reinstatement; deleting certain revocation extension  
21 requirement; providing statutory references; allowing  
for the modification of a revocation upon request;  
22 removing certain ignition interlock requirements;  
requiring modification of revocation upon request for  
23 persons convicted of certain drug crimes; clarifying  
mandatory revocation provision that prohibits the  
24 Department of Public Safety or courts from granting

1 driving privileges; clarifying procedures for filing  
2 appeals to the district court; deleting time period  
3 and hearing requirements for petitions related to  
4 implied consent revocations; removing procedure that  
5 requires the submission of revocation orders issued  
6 under certain circumstances; clarifying driving  
7 privilege reinstatement guidelines; removing  
8 requirement that the Department establish the  
9 Impaired Driver Accountability Program (IDAP);  
10 deleting fee collection and deposit requirements;  
11 removing authority of the Department to enter into  
12 IDAP agreements with persons under certain  
13 circumstances; deleting all guidelines and procedures  
14 related to IDAP; removing authority of the Department  
15 to revoke, suspend or restrict driving privileges for  
16 ignition interlock violations; deleting reference to  
17 IDAP administration fee; requiring installation of  
18 ignition interlock device to run concurrently with  
19 court orders; providing installation of ignition  
20 interlock be credited toward requirements related to  
21 court orders or other diversionary programs;  
22 establishing monthly maintenance fee; directing  
23 ignition interlock device providers to submit reports  
24 of violations; authorizing the Department to extend  
periods of ignition interlock under certain  
circumstances; providing limitations on extension  
periods; authorizing persons to request informal  
hearing prior to ignition interlock extension;  
directing the Department to promulgate certain rules;  
directing the Department to establish IDAP; directing  
deposit of fees into certain revolving fund;  
directing promulgation of rules; authorizing the  
Department to enter into IDAP agreements under  
certain circumstances; authorizing program  
administration fee; requiring certain verification;  
directing updated records upon completion of program;  
stating program length; providing guidelines for  
extending program period and requests for informal  
hearings; directing apportionment of monies  
collected; establishing requirements for providing  
notice of IDAP to certain persons; amending 47 O.S.  
2011, Section 11-902a, as amended by Section 9,  
Chapter 392, O.S.L. 2017 (47 O.S. Supp. 2018, Section  
11-902a), which relates to use of a motor vehicle  
without ignition interlock device; deleting penalties  
for certain unlawful acts; providing single penalty  
provision for unlawful acts; removing bond condition

1 that requires ignition interlock device for persons  
2 charged with second and subsequent offense; deleting  
3 time period requirements and ignition interlock  
4 device removal provision; amending 47 O.S. 2011,  
5 Sections 751, as amended by Section 10, Chapter 392,  
6 O.S.L. 2017, 752, as amended by Section 11, Chapter  
7 392, O.S.L. 2017, 753, as last amended by Section 12,  
8 Chapter 392, O.S.L. 2017, 754, as amended by Section  
9 13, Chapter 392, O.S.L. 2017 and 754.1, as last  
10 amended by Section 14, Chapter 392, O.S.L. 2017 (47  
11 O.S. Supp. 2018, Sections 751, 752, 753, 754 and  
12 754.1), which relate to implied consent to test or  
13 determine presence of alcohol, the administration of  
14 tests, refusal to submit to test, the surrender of  
15 driver licenses and procedures for modifying the  
16 revocation or denial of driving privileges;  
17 permitting designation of testing by law enforcement;  
18 authorizing alternate testing; modifying allowable  
19 specimens; authorizing certain revocation or denial;  
20 requiring certain reinstatement; removing exception  
21 that requires seizure of driver license; decreasing  
22 time period that authorizes the operation of vehicles  
23 by certain persons; requiring receipt forms to  
24 contain certain information; deleting procedures and  
requirements related to the release of controlled  
dangerous substances submitted for laboratory  
analysis; stating procedures for revoking or denying  
driving privileges when certain test reports reflect  
alcohol in the blood or breath of a person; stating  
when revocation or denial of driving privileges  
becomes effective; providing procedures and  
guidelines for appeal hearings before the district  
court; directing the district court to issue ruling  
after appeal hearing; providing statutory references;  
removing certain ignition interlock restriction for  
persons whose revocation has been modified; directing  
the district court to modify revocations or denials  
occurring pursuant to certain statutory provisions;  
requiring district courts to enter written orders  
directing the Department to allow driving under  
certain circumstances; providing for codification;  
and providing an effective date.

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

1       SECTION 1.       AMENDATORY       47 O.S. 2011, Section 2-116, as  
2 amended by Section 3, Chapter 392, O.S.L. 2017 (47 O.S. Supp. 2018,  
3 Section 2-116), is amended to read as follows:

4       Section 2-116. Whenever the Department of Public Safety is  
5 authorized or required to give any notice under this act or other  
6 law regulating the operation of vehicles, unless a different method  
7 of giving such notice is otherwise expressly prescribed, ~~or agreed~~  
8 ~~upon in writing by the Department and the person receiving notice,~~  
9 such notice shall be given either by personal delivery thereof to  
10 the person to be so notified or by deposit in the United States mail  
11 of such notice in an envelope with first class postage prepaid,  
12 addressed to such person at the ~~mailing~~ address as shown by the  
13 records of the Department. The giving of notice by mail is complete  
14 upon the expiration of ten (10) days after such deposit of ~~the~~ said  
15 ~~notice in the United States mail.~~ Proof of the giving of notice in  
16 either such manner may be made by the certificate of any officer or  
17 employee of the Department or affidavit of any person over eighteen  
18 (18) years of age, naming the person to whom such notice was given  
19 and specifying the ~~date~~ time, place and manner of the giving ~~of~~  
20 ~~notice~~ thereof. Failure of the person to receive notice because of  
21 failure to notify the Department of a change in his or her current  
22 mailing address, as required by Section 6-116 of this title, ~~or as~~  
23 ~~required by the rules of the Department,~~ shall not be sufficient  
24

1 grounds ~~to invalidate the giving of~~ for the person to protest the  
2 notice.

3 SECTION 2. AMENDATORY 47 O.S. 2011, Section 6-204, as  
4 amended by Section 4, Chapter 292, O.S.L. 2017 (47 O.S. Supp. 2018,  
5 Section 6-204), is amended to read as follows:

6 Section 6-204. A. Whenever any person is convicted of, ~~or~~  
7 ~~receives a deferred sentence for~~ any offense for which this title  
8 makes mandatory the revocation of the driving privilege of such  
9 person by the Department as provided in Section 6-205 of this title,  
10 the court in which ~~the~~ such conviction ~~or deferred sentence~~ occurred  
11 may require the surrender to it of all ~~proof of driving privileges~~  
12 driver licenses then held by the person so convicted ~~or sentenced~~  
13 and the court shall thereupon forward the same together with a  
14 record of such conviction ~~or deferred sentence~~ to the Department  
15 ~~within five (5) days after the conviction or deferred sentence~~  
16 ~~occurred.~~

17 B. Every court, including courts not of record, having  
18 jurisdiction over offenses committed under this act, or any other  
19 law of this state or municipal ordinance regulating the operation of  
20 motor vehicles on highways, shall forward to the Department a record  
21 of the conviction of any person in such court for a violation of any  
22 such laws other than regulations governing standing or parking, and  
23 may recommend the suspension of the driving privileges of the person  
24 so convicted.

1 C. ~~Whenever a person arrested for any offense for which this~~  
2 ~~title makes mandatory the revocation of the driving privilege of~~  
3 ~~such person by the Department of Public Safety as provided in~~  
4 ~~Section 6-205 of this title, and enters into a deferred prosecution~~  
5 ~~agreement related to such offense, the prosecutor shall forward to~~  
6 ~~the Department of Public Safety notice of the deferred prosecution~~  
7 ~~agreement. The notice of a deferred prosecution agreement provided~~  
8 ~~to the Department of Public Safety shall not be a violation of~~  
9 ~~Section 305.5 of Title 22 of the Oklahoma Statutes.~~

10 ~~D.~~ For the purposes of Section 6-101 et seq. of this title, the  
11 term "conviction" shall mean a final conviction or shall mean a  
12 forfeiture of bail or collateral deposited to secure a defendant's  
13 appearance in court, which forfeiture has not been vacated.

14 SECTION 3. AMENDATORY 47 O.S. 2011, Section 6-205, as  
15 last amended by Section 5, Chapter 392, O.S.L. 2017 (47 O.S. Supp.  
16 2018, Section 6-205), is amended to read as follows:

17 Section 6-205. A. The Department of Public Safety shall  
18 immediately revoke the driving privilege of any person, whether  
19 adult or juvenile, ~~who~~ upon receiving a record of conviction, in any  
20 municipal, state or federal court within the United States, ~~receives~~  
21 ~~a deferred sentence, or a conviction, when such conviction has~~  
22 ~~become final, or a deferred prosecution, for~~ of any of the following  
23 offenses, when such conviction has become final:  
24

1        1. Manslaughter or negligent homicide resulting from the  
2 operation of a motor vehicle;

3        2. Driving, ~~operating~~ or being in actual physical control of a  
4 motor vehicle while under the influence of alcohol, any other  
5 intoxicating substance, or the combined influence of alcohol and any  
6 other intoxicating substance, ~~or any offense in violation of~~  
7 paragraph 1, 2, 3 or 4 of subsection A of Section 11-902 of this  
8 title or any offense in violation of Section 11-906.4 of this title.  
9 However, the Department shall not additionally revoke the driving  
10 privileges of the person pursuant to this subsection if the driving  
11 privilege of the person has been revoked because of a test result or  
12 test refusal pursuant to Section 753 or 754 of this title arising  
13 from the same circumstances which resulted in the conviction unless  
14 the revocation because of a test result or test refusal is set  
15 aside;

16        3. Any felony during the commission of which a motor vehicle is  
17 used;

18        4. Failure to stop and render aid as required under the laws of  
19 this state in the event of a motor vehicle accident resulting in the  
20 death or personal injury of another;

21        5. Perjury or the making of a false affidavit or statement  
22 under oath to the Department under the Uniform Vehicle Code or under  
23 any other law relating to the ownership or operation of motor  
24 vehicles;

1       6. A misdemeanor or felony conviction for unlawfully  
2 possessing, distributing, dispensing, manufacturing, trafficking,  
3 cultivating, selling, transferring, attempting or conspiring to  
4 possess, distribute, dispense, manufacture, traffic, sell, or  
5 transfer of a controlled dangerous substance as defined in the  
6 Uniform Controlled Dangerous Substances Act while using a motor  
7 vehicle;

8       7. Failure to pay for gasoline pumped into a vehicle pursuant  
9 to Section 1740 of Title 21 of the Oklahoma Statutes;

10       8. A misdemeanor conviction for a violation of Section 1465 of  
11 Title 21 of the Oklahoma Statutes;

12       9. A misdemeanor conviction for a violation of Section 609 of  
13 Title 37 of the Oklahoma Statutes;

14       10. Failure to obey a traffic control device as provided in  
15 Section 11-202 ~~or 11-703~~ of this title or a stop sign when such  
16 failure results in great bodily injury to any other person; or

17       11. Failure to stop or to remain stopped for school bus loading  
18 or unloading of children pursuant to Section 11-705 or 11-705.1 of  
19 this title.

20       B. The first license revocation under any provision of this  
21 section, except for paragraph 2, 6, 7 or 11 of subsection A of this  
22 section, shall be for a period of one (1) year. Such period shall  
23 not be modified.



1 C. A license revocation under any provision of this section,  
2 except for paragraph 2, 6, or 7 of subsection A of this section,  
3 shall be for a period of three (3) years if a prior revocation under  
4 this section, except under paragraph 2 of subsection A of this  
5 section, commenced within the preceding five-year period as shown by  
6 the records of the Department. Such period shall not be modified.

7 D. The period of license revocation under paragraph 2 or 6 of  
8 subsection A of this section shall be governed by the provisions of  
9 Section 6-205.1 of this title.

10 E. The first license revocation under paragraph 7 of subsection  
11 A of this section shall be for a period of six (6) months. A second  
12 or subsequent license revocation under paragraph 7 of subsection A  
13 of this section shall be for a period of one (1) year. Such periods  
14 shall not be modified.

15 F. The first license revocation under paragraph 11 of  
16 subsection A of this section shall be for a period of one (1) year.  
17 Such period may ~~not~~ be modified. Any appeal of the revocation of  
18 driving privilege under paragraph 11 of subsection A of this section  
19 shall be governed by Section 6-211 of this title, provided, any  
20 modification under this subsection shall apply to Class D motor  
21 vehicles only.

22 G. As used in this section, "great bodily injury" means bodily  
23 injury which creates a substantial risk of death or which causes  
24

1 serious, permanent disfigurement or protracted loss or impairment of  
2 the function of any bodily member or organ.

3 SECTION 4. AMENDATORY 47 O.S. 2011, Section 6-205.1, as  
4 last amended by Section 6, Chapter 392, O.S.L. 2017 (47 O.S. Supp.  
5 2018, Section 6-205.1), is amended to read as follows:

6 Section 6-205.1. A. The driving privilege of a person who is  
7 convicted of, ~~or receives a deferred sentence, or deferred~~  
8 ~~prosecution agreement for~~ any offense as provided in paragraph 2 of  
9 subsection A of Section 6-205 of this title, or a person who has  
10 refused to submit to a test or tests as provided in Section 753 of  
11 this title, or a person whose alcohol concentration is subject to  
12 the provisions of Section 754 of this title, unless the person has  
13 successfully completed, or is currently participating in, the  
14 Impaired Driver Accountability Program ~~in accordance with paragraph~~  
15 ~~E of Section 6-212 of this title,~~ shall be revoked or denied by the  
16 Department of Public Safety for the following period, as applicable:

17 1. The first license revocation pursuant to paragraph 2 of  
18 subsection A of Section 6-205 of this title or Section 753 or 754 of  
19 this title shall be for a ~~minimum period of one (1) year~~ period of  
20 one hundred eighty (180) days, or longer if driving privileges are  
21 modified pursuant to the provisions of this paragraph, which shall  
22 be modified upon request; provided, any modification under this  
23 paragraph shall apply to Class D driver licenses only. ~~Modification~~  
24 ~~requires the issuance of a modified driver license and the~~

1 ~~continuous installation of an ignition interlock device or devices~~  
2 ~~pursuant to Section 754.1 of this title for a period of not less~~  
3 ~~than one (1) year immediately preceding reinstatement of the~~  
4 ~~license. If the Department receives notice of any verified ignition~~  
5 ~~interlock violations, as determined by the Board of Tests for~~  
6 ~~Alcohol and Drug Influence, occurring within the last one hundred~~  
7 ~~eighty (180) days of the revocation period, the revocation period~~  
8 ~~shall be extended until such time the person completes a violation~~  
9 ~~free one hundred eighty (180) day period~~ For any modification, the  
10 person shall be required to install an ignition interlock device or  
11 devices, pursuant to Section 754.1 of this title. The period of  
12 revocation and the period of interlock installation shall run  
13 concurrently and each shall be for no less than one hundred eighty  
14 (180) days;

15 2. A revocation pursuant to paragraph 2 of subsection A of  
16 Section 6-205 of this title, or Section 753 or 754 of this title  
17 shall be for a ~~minimum~~ period of ~~twenty-four (24) months,~~ one (1)  
18 year, or longer if driving privileges are modified pursuant to the  
19 provisions of this paragraph, if within ten (10) years preceding the  
20 date of arrest relating thereto, as shown by the records of the  
21 Department:

22 a. a prior revocation commenced pursuant to paragraph 2  
23 or 6 of subsection A of Section 6-205 of this title,  
24 ~~or a revocation because of a test result or test~~

1           ~~refusal, or previous enrollment~~ Section 753 or 754 of  
2           this title, or completion of the Impaired Driver  
3           Accountability Program ~~pursuant to Section 6-212 of~~  
4           ~~this title~~, or

- 5           b.   the record of the person reflects a prior conviction  
6               in another jurisdiction which did not result in a  
7               revocation of Oklahoma driving privileges, for a  
8               violation substantially similar to paragraph 2 of  
9               subsection A of Section 6-205 of this title, and the  
10              person was not a resident or a licensee of Oklahoma at  
11              the time of the offense resulting in the conviction.

12   Such ~~twenty-four-month~~ one-year period of revocation ~~shall~~ may be  
13   modified upon request; provided, any modification under this  
14   paragraph shall apply to Class D driver licenses only. ~~Modification~~  
15   For any modification, the person shall ~~require the issuance of a~~  
16   ~~modified driver license and the installation of~~ be required to  
17   install an ignition interlock device or devices, pursuant to Section  
18   754.1 of this title ~~for a continuous period of not less than twenty-~~  
19   ~~four (24) months immediately preceding reinstatement of the license.~~  
20   ~~If the Department receives notice of any verified ignition interlock~~  
21   ~~violations, as determined by the Board of Tests for Alcohol and Drug~~  
22   ~~Influence, occurring within the last twelve (12) months of the~~  
23   ~~revocation.~~ The period, the of revocation and the period of  
24   interlock installation shall ~~be extended until such time the person~~

1 ~~completes a violation free twelve-month period~~ run concurrently and  
2 each shall be for no less than one (1) year; or

3 3. A revocation pursuant to paragraph 2 of subsection A of  
4 Section 6-205 of this title, ~~or a revocation because of a test~~  
5 ~~result or test refusal~~ Section 753 or 754 of this title shall be for  
6 a ~~minimum~~ period of ~~forty-eight (48) months if~~ three (3) years, or  
7 longer if driving privileges are modified pursuant to the provisions  
8 of this paragraph, if within ten (10) years preceding the date of  
9 arrest relating thereto, as shown by the records of the Department:

10 a. two or more prior revocations commenced pursuant to  
11 paragraph 2 or 6 of subsection A of Section 6-205 of  
12 this title, ~~or revocations because of a test result or~~  
13 ~~test refusal, or previous completion of the Impaired~~  
14 ~~Driver Accountability Program pursuant to Section 6-~~  
15 ~~212 of this title~~ Section 753 or 754 of this title,

16 b. a prior revocation commenced pursuant to paragraph 2  
17 or 6 of subsection A of Section 6-205 of this title or  
18 Section 753 or 754 of this title, and completion of  
19 the Impaired Driver Accountability Program,

20 c. the record of the person reflects two or more prior  
21 convictions in another jurisdiction which did not  
22 result in a revocation of Oklahoma driving privileges,  
23 for a violation substantially similar to paragraph 2  
24 of subsection A of Section 6-205 of this title, and

1 the person was not a resident or a licensee of  
2 Oklahoma at the time of the offense resulting in the  
3 conviction, or

4 ~~e.~~

5 d. any combination of two or more prior revocations, ~~or~~  
6 ~~previous~~ completion of the Impaired Driver  
7 Accountability Program, or convictions as described in  
8 subparagraphs a, b and ~~b~~ c of this paragraph.

9 Such ~~forty-eight-month~~ three-year period of revocation shall be  
10 modified upon request; provided, any modification under this  
11 paragraph shall apply to Class D driver licenses only. ~~Modification~~  
12 ~~requires the issuance of a modified driver license and the~~  
13 ~~installation of~~ For any modification, the person shall be required  
14 to install an ignition interlock device or devices, pursuant to  
15 Section 754.1 of this title ~~for a continuous.~~ The period of ~~not~~  
16 ~~less than forty-eight (48) months immediately preceding~~  
17 ~~reinstatement of the license. If the Department receives notice of~~  
18 ~~any verified ignition interlock violations, as determined by the~~  
19 ~~Board of Tests for Alcohol and Drug Influence, occurring within the~~  
20 ~~last twenty-four (24) months of the revocation and the~~ period, the  
21 ~~revocation period of interlock installation shall be extended until~~  
22 ~~such time the person completes a violation free twenty-four-month~~  
23 ~~period~~ run concurrently and each shall be for no less than three (3)  
24 years.

1 B. The driving privilege of a person who is convicted of any  
2 offense as provided in paragraph 6 of subsection A of Section 6-205  
3 of this title shall be revoked or denied by the Department of Public  
4 Safety for the following period, as applicable:

5 1. The first license revocation shall be for one hundred eighty  
6 (180) days, which ~~may~~ shall be modified upon request; provided, for  
7 license revocations for a misdemeanor charge of possessing a  
8 controlled dangerous substance, the provisions of this paragraph  
9 shall apply to any such revocations by the Department on or after  
10 January 1, 1993; provided further, any modification under this  
11 paragraph shall apply to Class D ~~motor vehicles~~ driver licenses  
12 only;

13 2. A revocation shall be for a period of one (1) year if within  
14 ten (10) years preceding the date of arrest relating thereto, as  
15 shown by the records of the Department:

- 16 a. a prior revocation commenced pursuant to paragraph 2  
17 or 6 of subsection A of Section 6-205 of this title,  
18 or ~~a revocation because of a test result or test~~  
19 ~~refusal, previous participation or completion of the~~  
20 ~~Impaired Driver Accountability Program pursuant to~~  
21 ~~Section 6-212 of this title~~ Section 753 or 754 of this  
22 title, or
- 23 b. a prior revocation commenced pursuant to paragraph 2  
24 or 6 of subsection A of Section 6-205 of this title or

1           Section 753 or 754 of this title, and completion of  
2           the Impaired Driver Accountability Program, or

3           c.   the record of the person reflects a prior conviction  
4           in another jurisdiction which did not result in a  
5           revocation of Oklahoma driving privileges, for a  
6           violation substantially similar to paragraph 2 or 6 of  
7           subsection A of Section 6-205 of this title, and the  
8           person was not a resident or a licensee of Oklahoma at  
9           the time of the offense resulting in the conviction.

10          Such period shall not be modified; or

11          3.   A revocation shall be for a period of three (3) years if  
12          within ten (10) years preceding the date of arrest relating thereto,  
13          as shown by the records of the Department:

14               a.   two or more prior revocations commenced pursuant to  
15               paragraph 2 or 6 of subsection A of Section 6-205 of  
16               this title, ~~or a revocation because of a test result~~  
17               ~~or test refusal, previous participation or completion~~  
18               ~~of the Impaired Driver Accountability Program pursuant~~  
19               ~~to Section 6-212 of this title~~ Section 753 or 754 of  
20               this title,

21               b.   a prior revocation commenced pursuant to paragraph 2  
22               or 6 of subsection A of Section 6-205 of this title or  
23               Section 753 or 754 of this title, and completion of  
24               the Impaired Driver Accountability Program,



1        c.    the record of the person reflects two or more prior  
2                convictions in another jurisdiction which did not  
3                result in a revocation of Oklahoma driving privileges,  
4                for a violation substantially similar to paragraph 2  
5                or 6 of subsection A of Section 6-205 of this title,  
6                and the person was not a resident or licensee of  
7                Oklahoma at the time of the offense resulting in the  
8                conviction, or

9        ~~e.~~

10       d.    any combination of two or more prior revocations,  
11                completion of the Impaired Driver Accountability  
12                Program, or convictions as described in subparagraphs  
13                a and b or c of this paragraph.

14        Such period shall not be modified.

15        The revocation of the driving privilege of any person under this  
16        subsection shall not run concurrently with any other withdrawal of  
17        driving privilege resulting from a different incident and which  
18        requires the driving privilege to be withdrawn for a prescribed  
19        amount of time. A denial based on a conviction of any offense as  
20        provided in paragraph 6 of subsection A of Section 6-205 of this  
21        title shall become effective on the first day the convicted person  
22        is otherwise eligible to apply for and be granted driving ~~privilege~~  
23        privileges if the person was not eligible to do so at the time of  
24        the conviction.

1 C. For the purposes of this ~~subsection~~ section:

2 1. The term "conviction" includes a juvenile delinquency  
3 adjudication by a court or any notification from a court pursuant to  
4 Section 6-107.1 of this title; and

5 2. The term "revocation" includes a denial of driving  
6 privileges by the Department.

7 D. Each period of revocation not subject to modification shall  
8 be mandatory and neither the Department nor any court ~~may~~ shall  
9 grant driving privileges based upon hardship or otherwise for the  
10 duration of that period. Each period of revocation, subject to  
11 modification as provided for in this section, shall be modified upon  
12 request as provided for in Section 754.1 of this title or Section 11  
13 of this act; provided, any modification under this paragraph shall  
14 apply to Class D driver licenses only.

15 E. Any appeal of a revocation or denial of driving privileges  
16 shall be governed by Section 6-211 of this title.

17 SECTION 5. AMENDATORY 47 O.S. 2011, Section 6-211, is  
18 amended to read as follows:

19 Section 6-211. A. Any person denied driving privileges, or  
20 whose driving privilege has been canceled, denied, suspended or  
21 revoked by the Department, except where such cancellation, denial,  
22 suspension or revocation is mandatory, under the provisions of  
23 Section 6-205 of this title, or disqualified by the Department,  
24 under the provisions of Section 6-205.2 or 761 of this title, shall

1 have the right of appeal to the district court as hereinafter  
2 provided. Proceedings before the district court shall be exempt  
3 from the provisions of the Oklahoma Pleading and Discovery codes,  
4 except that the appeal shall be by petition, without responsive  
5 pleadings. The district court is hereby vested with original  
6 jurisdiction to hear ~~said~~ the petition.

7 B. A person whose driving privilege is denied, canceled,  
8 revoked or suspended due to inability to meet standards prescribed  
9 by law, or due to an out-of-state conviction or violation, or due to  
10 an excessive point accumulation on the traffic record, or for an  
11 unlawful license issued, may appeal in the county in which the  
12 person resides.

13 C. Any person whose driving privilege is canceled, denied,  
14 suspended or revoked may appeal to the district court in the county  
15 in which the offense was committed upon which the Department based  
16 its order.

17 D. A person whose driving privilege is ~~revoked or denied or who~~  
18 ~~is denied a hearing~~ subject to revocation pursuant to Section 753 or  
19 754 of this title may appeal to the district court in the county in  
20 which the arrest occurred relating to the test refusal or test  
21 result, as shown by the records of the Department.

22 E. The petition shall be filed within thirty (30) days after  
23 the ~~order~~ notice of revocation pursuant to Section 753 or 754 of  
24 this title has been served upon the person, ~~except a petition~~

1 ~~relating to an implied consent revocation shall be filed within~~  
2 ~~thirty (30) days after the Department gives notice to the person~~  
3 ~~that the revocation is sustained as provided in Section 754 of this~~  
4 ~~title. It shall be the duty of the district court to enter an order~~  
5 ~~setting the matter for hearing not less than fifteen (15) days and~~  
6 ~~not more than thirty (30) days from the date the petition is filed.~~  
7 A certified copy of petition and order for hearing shall be served  
8 forthwith by the clerk of the court upon the Commissioner of Public  
9 Safety by certified mail at the Department of Public Safety,  
10 Oklahoma City, Oklahoma.

11 F. ~~At a hearing on a revocation by the Department pursuant to~~  
12 ~~the implied consent laws as provided in Sections 6-205.1, 753 and~~  
13 ~~754 of this title, the court shall not consider the merits of the~~  
14 ~~revocation action unless a written request for an administrative~~  
15 ~~hearing was timely submitted to the Department and the person~~  
16 ~~actually exercised the opportunity to appear as provided in Section~~  
17 ~~754 of this title and the Department entered an order sustaining the~~  
18 ~~revocation.~~

19 G. Upon a hearing relating to a revocation or disqualification  
20 pursuant to a conviction for an offense enumerated in Section 6-205,  
21 ~~761, or~~ 6-205.2 or 761 of this title, the court shall not consider  
22 the propriety or merits of the revocation or disqualification  
23 action, except to correct the identity of the person convicted as  
24 shown by records of the Department.

1       ~~H. In the event the Department declines to modify, as provided~~  
2 ~~in Section 754.1 of this title, a revocation order issued pursuant~~  
3 ~~to Section 753, Section 754, paragraph 2 of subsection A of Section~~  
4 ~~6-205 or Section 6-205.1 of this title, which is subject to~~  
5 ~~modification pursuant to Section 11-906.4 of this title or Section~~  
6 ~~6-205.1 of this title, a~~

7       G. A petition for modification may be included with the appeal  
8 or separately filed at any time, and the district court may, in its  
9 discretion, modify the revocation as provided for in Section 755 of  
10 this title; provided, any modification under this subsection shall  
11 apply to Class D ~~motor vehicles~~ driver licenses only.

12       ~~F.~~ H. The court shall take testimony and examine the facts and  
13 circumstances, including all of the records on file in the office of  
14 the Department of Public Safety relative to the offense committed  
15 and the driving record of the person, and determine from the facts,  
16 circumstances, and records whether or not the petitioner is entitled  
17 to driving privileges or shall be subject to the order of denial,  
18 cancellation, suspension or revocation issued by the Department.  
19 ~~The court may also determine whether or not, from the person's~~  
20 ~~previous driving record, the order was for a longer period of time~~  
21 ~~than such facts and circumstances warranted. In case the court~~  
22 finds that the order was not justified, the court may sustain the  
23 appeal, vacate the order of the Department and direct that driving  
24 privileges be restored to the petitioner, if otherwise eligible.

1 ~~The court may, in case it determines the order was justified, but~~  
2 ~~that the period of the suspension or revocation was excessive, enter~~  
3 ~~an order modifying the same as provided by law.~~

4 ~~J.~~ I. The testimony of any hearing pursuant to this section  
5 shall be taken by the court stenographer and preserved for the  
6 purpose of appeal and, in case the Department files notice of appeal  
7 from the order of the court as provided herein, the court shall  
8 order and direct the court clerk to prepare and furnish a complete  
9 transcript of all pleadings and proceedings, together with a  
10 complete transcript taken at ~~said~~ the hearing at no cost to the  
11 Department, except the cost of transcribing.

12 ~~K.~~ J. In order to stay or supersede any order of the  
13 Department, the petitioner may execute and file a cash appeal bond  
14 in the sum of Two Hundred Fifty Dollars (\$250.00) with the clerk of  
15 the court, to be approved by the court clerk. A certified copy of  
16 the bond shall be served along with the notice of hearing and  
17 petition.

18 The bond shall be to the State of Oklahoma and conditioned that  
19 the petitioner will prosecute the appeal with due diligence and  
20 during pendency of the appeal abide by and not violate any of the  
21 laws of this state or any other state in the operation of a motor  
22 vehicle, and that the petitioner will abide by and perform the final  
23 judgment of the court therein, and in case the appeal is finally  
24 denied the appellant will pay all court costs incurred in the appeal

1 in the district court. If the petitioner is convicted of a traffic  
2 offense during the pendency of the appeal or fails to prosecute the  
3 appeal with due diligence, the bond may be forfeited to the court  
4 fund upon application by the Department and after hearing before the  
5 court in which the appeal is pending.

6 ~~L.~~ K. After filing and approval of the appeal bond and the  
7 furnishing thereof to the Department as hereby provided, the  
8 Department shall restore driving privileges to the person if  
9 otherwise eligible, and the person shall be permitted to operate a  
10 motor vehicle pending the appeal, under terms and conditions as  
11 prescribed in the bond which shall include the installation of an  
12 ignition interlock device on every motor vehicle operated by the  
13 person, pursuant to Section 754.1 or 755 of this title, if the  
14 person was denied modification pursuant to any provision of  
15 paragraph 2 of subsection A of Section 6-205 or Section 6-205.1, 753  
16 or 754 of this title; provided, however, if the order of the  
17 Department is sustained in final judgment, the court shall, in such  
18 final judgment, enter an order extending the period of suspension or  
19 revocation for such time as the petitioner was permitted to operate  
20 motor vehicles under the provisions of an appeal bond, and the court  
21 shall also in such final judgment direct and require the immediate  
22 surrender of any driver license or licenses to the Department.

1       ~~M.~~ L. An appeal may be taken by the person or by the Department  
2 from the order or judgment of the district court to the Supreme  
3 Court of the State of Oklahoma as otherwise provided by law.

4       SECTION 6.       AMENDATORY       47 O.S. 2011, Section 6-212, as  
5 last amended by Section 7, Chapter 392, O.S.L. 2017 (47 O.S. Supp.  
6 2018, Section 6-212), is amended to read as follows:

7       Section 6-212. A. The Department of Public Safety shall not  
8 assess and collect multiple reinstatement fees when reinstating the  
9 driving privilege of any person having more than one suspension or  
10 revocation affecting the person's driving privilege at the time of  
11 reinstatement.

12       B. The Department shall:

13       1. Suspend or revoke a person's driving privilege as delineated  
14 within the Oklahoma Statutes; and

15       2. Require any person having more than one suspension or  
16 revocation affecting the person's driving privilege to meet the  
17 statutory requirements for each action as a condition precedent to  
18 the reinstatement of any driving privilege. Provided, however,  
19 reinstatement fees shall not be cumulative, and a single  
20 reinstatement fee, as provided for in subsection C of this section,  
21 shall be paid for all suspensions or revocations as shown by the  
22 Department's records at the time of reinstatement.

23       C. Whenever a person's privilege to operate a motor vehicle is  
24 suspended or revoked pursuant to any provision as authorized by the



1 Oklahoma Statutes, the license or privilege to operate a motor  
2 vehicle shall remain under suspension or revocation and shall not be  
3 reinstated until:

4 1. The expiration of each such revocation or suspension order  
5 ~~and the satisfaction of all terms and conditions of the revocation;~~

6 2. The person has paid to the Department:

7 a. if such privilege is suspended or revoked pursuant to  
8 Section 1115.5 of Title 22 of the Oklahoma Statutes or  
9 pursuant to any provisions of this title, except as  
10 provided in subparagraph b of this paragraph, a  
11 processing fee of Twenty-five Dollars (\$25.00) for  
12 each such suspension or revocation as shown by the  
13 Department's records, or

14 b. (1) if such privilege is suspended or revoked ~~because~~  
15 ~~of a test result or test refusal, or~~ pursuant to  
16 the provisions of Section 6-205, 6-205.1, 7-612, 753, 754 or 761 of this title or pursuant to  
17 subsection A of Section 7-605 of this title for a  
18 conviction for failure to maintain the mandatory  
19 motor vehicle insurance required by law or  
20 pursuant to subsection B of Section 6-206 of this  
21 title for a suspension other than for points  
22 accumulation, a processing fee of Seventy-five  
23 Dollars (\$75.00) for each such suspension or  
24

1 revocation as shown by the Department's records,  
2 and a special assessment trauma-care fee of Two  
3 Hundred Dollars (\$200.00) to be deposited into  
4 the Trauma Care Assistance Revolving Fund created  
5 in Section 1-2530.9 of Title 63 of the Oklahoma  
6 Statutes, for each suspension or revocation as  
7 shown by the records of the Department, and

8 (2) in addition to any other fees required by this  
9 section, if such privilege is suspended or  
10 revoked pursuant to an arrest on or after  
11 November 1, 2008, under the provisions of  
12 paragraph 2 or 6 of subsection A of Section 6-205  
13 of this title or of Section 753, 754 or 761 of  
14 this title ~~or because of a test result or test~~  
15 ~~refusal~~, a fee of Fifteen Dollars (\$15.00), which  
16 shall be apportioned pursuant to the provisions  
17 of Section 3-460 of Title 43A of the Oklahoma  
18 Statutes; and

19 3. The person has paid to the Department a single reinstatement  
20 fee of, beginning on July 1, 2013, and any year thereafter, Twenty-  
21 five Dollars (\$25.00).

22 D. The Department of Public Safety is hereby authorized to  
23 enter into agreements with persons whose license to operate a motor  
24 vehicle or commercial motor vehicle has been suspended or revoked,

1 for issuance of a provisional license that ~~allows~~ would allow such  
2 persons to drive:

3 1. Between their place of residence and their place of  
4 employment or potential employment;

5 2. During the scope and course of their employment;

6 3. Between their place of residence and a college, university  
7 or technology center;

8 4. Between their place of residence and their child's school or  
9 day care provider;

10 5. Between their place of residence and a place of worship; or

11 6. Between their place of residence and any court-ordered  
12 treatment program,

13 with the condition that such persons pay a minimum of Twenty-five  
14 Dollars (\$25.00) per month toward the satisfaction of all  
15 outstanding driver license or commercial driver license

16 reinstatement fees. The Department shall develop rules and

17 procedures to establish such a provisional driver license program

18 and such rules and procedures shall include, but not be limited to,

19 eligibility criteria, proof of insurance, proof of enrollment or

20 employment, and any provisional license fees. Any violation of law

21 by the person holding the provisional license that would result in

22 the suspension or revocation of a driver license shall result in the

23 revocation of the provisional license and such person shall be

24 ineligible for future application for a provisional driver license.

1       ~~E. No later than June 30, 2018, the Department shall establish~~  
2 ~~the Impaired Driver Accountability Program (IDAP) at the Department~~  
3 ~~of Public Safety. Fees collected by the Department for admission~~  
4 ~~into the program shall be deposited in the Department of Public~~  
5 ~~Safety Restricted Revolving Fund for support of the program. The~~  
6 ~~Department shall promulgate rules necessary to implement the~~  
7 ~~Impaired Driver Accountability Program.~~

8       ~~F. The Department may enter into an IDAP program agreement with~~  
9 ~~the person if:~~

10       ~~1. The Department receives the request for IDAP participation~~  
11 ~~pursuant to this section within fifteen (15) calendar days from the~~  
12 ~~date reflected on the dated receipt issued by an officer to the~~  
13 ~~person pursuant to subsection B of Section 754 of this title, on the~~  
14 ~~form provided by the Department;~~

15       ~~2. The Department receives payment of the Two Hundred Dollars~~  
16 ~~(\$200.00) program administration fee within forty-five (45) days of~~  
17 ~~the date notice was given pursuant to Section 2-116 of this title;~~

18       ~~3. The Department receives the proof of installation of an~~  
19 ~~ignition interlock device approved in accordance with the rules of~~  
20 ~~the Board of Tests for Alcohol and Drug Influence within forty-five~~  
21 ~~(45) days from the date notice was given pursuant to Section 2-116~~  
22 ~~of this title; and~~

23       ~~4. The Department receives proof of the driving privileges of~~  
24 ~~the person including, but not limited to, out-of-state driver~~

~~licenses and licenses obtained at any time before or after entry into the program within forty-five (45) days from the date notice was given pursuant to Section 2-116 of this title.~~

~~G. Upon successful completion of the program, the driving record of the person will be updated to indicate their completion of the program without revocation and no reinstatement fee will be charged to the person.~~

~~H. The program length shall be:~~

~~1. A minimum of six (6) months for a person subject to revocation pursuant to paragraph 1 of subsection A of Section 6-205.1 of this title. If the Department receives notice of any verified ignition interlock violations, as determined by the Board of Tests for Alcohol and Drug Influence, within the last three (3) months of the program period, the program period shall be extended until such time the person completes a violation free three-month period;~~

~~2. A minimum of twelve (12) months for a person subject to revocation pursuant to paragraph 2 of subsection A of Section 6-205.1 of this title. If the Department receives notice of any verified ignition interlock violations, as determined by the Board of Tests for Alcohol and Drug Influence, within the last six (6) months of the program period, the program period shall be extended until such time the person completes a violation free six-month period;~~

1       ~~3. A minimum of twenty four (24) months for a person subject to~~  
2 ~~revocation pursuant to paragraph 3 of subsection A of Section 6-~~  
3 ~~205.1 of this title. If the Department receives notice of any~~  
4 ~~verified ignition interlock violations, as determined by the Board~~  
5 ~~of Tests for Alcohol and Drug Influence, within the last twelve (12)~~  
6 ~~months of the program period, the program period shall be extended~~  
7 ~~until such time the person completes a violation free twelve month~~  
8 ~~period.~~

9       ~~I. Completion of the program is contingent upon the compliance~~  
10 ~~of the person with the rules of the Department.~~

11       ~~J.~~ Effective July 1, 2002, and for each fiscal year thereafter:

12       1. Two Hundred Fifty Thousand Dollars (\$250,000.00) of all  
13 monies collected each month pursuant to this section shall be  
14 apportioned as provided in Section 1104 of this title, except as  
15 otherwise provided in this section; and

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

20       SECTION 7.       AMENDATORY       47 O.S. 2011, Section 6-212.2, is  
21 amended to read as follows:

22       Section 6-212.2. A. Whenever the records of the Department of  
23 Public Safety reflect a conviction of a person pursuant to Section  
24 11-902 of this title or an alcohol- or drug-related revocation or

1 suspension of the driving privileges of that person pursuant to the  
2 provisions of paragraph 2 or 6 of subsection A of Section 6-205 or  
3 to Section 6-205.1, 6-206, 753, 754 or 761 of this title, the person  
4 shall participate in an alcohol and drug assessment and evaluation  
5 by an assessment agency or assessment personnel certified by the  
6 Department of Mental Health and Substance Abuse Services for the  
7 purpose of evaluating the person's receptivity to treatment and  
8 prognosis. As determined by the assessment, the person shall enroll  
9 in, attend and successfully complete the appropriate alcohol and  
10 drug substance abuse course certified by the Department of Mental  
11 Health and Substance Abuse Services or an alcohol or other drug  
12 treatment program or both. The alcohol and drug substance abuse  
13 course shall consist of either ten (10) hours or twenty-four (24)  
14 hours of instruction and shall conform with the provisions of  
15 Section 3-453 of Title 43A of the Oklahoma Statutes. No citizen  
16 shall be compelled to travel more than seventy (70) miles from the  
17 citizen's place of residence to attend a course or evaluation  
18 program required herein. For purposes of this subsection, the  
19 requirement for alcohol and drug substance abuse evaluation shall be  
20 considered satisfied if the person is evaluated by an assessment  
21 agency or assessment personnel certified for that purpose, all  
22 recommendations identified by the evaluation are satisfied by the  
23 person, and a report of such evaluation and completion is presented  
24 to the court prior to sentencing and to the Department.

1       B. If the assessment agency or assessment personnel in section  
2 A determines that the person would likely benefit from a United  
3 States Food and Drug Administration-approved medication-assisted  
4 treatment that is indicated for alcohol dependence or opioid  
5 dependence, the assessment agency or assessment personnel shall  
6 refer the defendant to a licensed physician for further evaluation.  
7 Only a licensed physician may recommend that a defendant take  
8 medication-assisted treatment, and the defendant shall maintain the  
9 right to refuse the medication.

10       C. The requirements of subsection A of this section shall be a  
11 condition for reinstatement of driving privileges, in addition to  
12 other conditions for driving privilege reinstatement provided by  
13 law.

14       SECTION 8.       AMENDATORY       47 O.S. 2011, Section 6-212.3, as  
15 last amended by Section 8, Chapter 392, O.S.L. 2017 (47 O.S. Supp.  
16 2018, Section 6-212.3), is amended to read as follows:

17       Section 6-212.3. A. Whenever the installation of an ignition  
18 interlock device is allowed or required by law, the Department shall  
19 require the device to be installed upon any vehicle owned or leased,  
20 as reflected on the vehicle registration, by an employer of the  
21 person for use by the person, except when the employer requests the  
22 ignition interlock device not be installed. The request shall be in  
23 writing and notarized on the official letterhead of the employer and  
24 provided by the employer to the Department; provided, a request



1 shall not be accepted by the Department under the following  
2 circumstances:

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

6 2. When the person is employed by a relative who is within the  
7 first degree of consanguinity or who resides in the same household;  
8 or

9 3. When the person has had a prior revocation pursuant to  
10 paragraph 2 of subsection A of Section 6-205 of this title or ~~as a~~  
11 ~~result of a test result or a test refusal~~ Section 753 or 754 of this  
12 title.

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

15 B. ~~The Department of Public Safety may revoke, suspend or~~  
16 ~~restrict the driving privileges of the person upon receipt of a~~  
17 ~~report of a verified ignition interlock violation as defined by the~~  
18 ~~Board of Tests for Alcohol and Drug Influence.~~

19 ~~C.~~ 1. Upon request and eligibility, the Department shall issue  
20 a restricted driver license to the person, upon payment of a  
21 restricted driver license fee of Fifty Dollars (\$50.00) and ~~the IDAP~~  
22 ~~program administration fee, as provided in Section 6-212 of this~~  
23 ~~title,~~ all other appropriate fees by the person. The restricted  
24 driver license and the driving record of the person shall indicate

1 by an appropriate restriction that the person is only authorized to  
2 operate a vehicle upon which an approved and properly functioning  
3 ignition interlock device is installed. If the person is operating  
4 a motor vehicle owned or leased by an employer who has not given  
5 permission for an ignition interlock device to be installed, the  
6 employer shall provide the person with a letter, on official  
7 letterhead of the employer, which the person shall carry in his or  
8 her immediate possession at all times when operating a motor vehicle  
9 and shall display for examination and inspection upon demand of a  
10 peace officer.

11 2. The restricted driver license fee authorized by this section  
12 shall be remitted to the State Treasurer to be credited to the  
13 Department of Public Safety Restricted Revolving Fund. All monies  
14 accruing to the credit of the Department of Public Safety Restricted  
15 Revolving Fund from the restricted driver license fees shall be  
16 budgeted and expended solely for the purpose of administering the  
17 provisions of this section.

18 3. The installation of an ignition interlock device, as  
19 required by this section, shall not be construed to authorize the  
20 person to drive unless the person is otherwise eligible to drive.

21 C. Installation of an ignition interlock device pursuant to  
22 subsection A of this section shall run concurrently with a court  
23 order, if any, for installation of an ignition interlock device  
24 pursuant to the same conviction.

1       D. Installation of an ignition interlock device pursuant to any  
2 court order, Impaired Driver Accountability Program or other  
3 diversionary program shall be credited towards any requirement for  
4 the installation of an ignition interlock device pursuant to any  
5 court order, Impaired Driver Accountability Program or other  
6 diversionary program arising out of the same incident.

7       E. The person shall be required to have installed an ignition  
8 interlock device approved by the Board of Tests for Alcohol and Drug  
9 Influence, at the person's own expense, and comply with all  
10 provisions of law regarding ignition interlock devices.

11       F. The ignition interlock device manufacturer shall report  
12 violations, if any, in accordance with the rules of the Board of  
13 Tests for Alcohol and Drug Influence for each ignition interlock  
14 device installed pursuant to this section and Section 6-205.1 of  
15 this title.

16       G. Pursuant to Section 6-205.1 of this title, the Department  
17 shall extend the period of ignition interlock of the person for a  
18 report from the Board of Tests for Alcohol and Drug Influence of a  
19 reportable violation by the person as defined in the rules of the  
20 Board of Tests for Alcohol and Drug Influence. A restriction  
21 imposed under this section or Section 6-205.1 of this title shall  
22 remain in effect until the department receives a declaration from  
23 the Board of Tests for Alcohol and Drug Influence, in a form  
24 provided or approved by the department, certifying that there have

1 been no reportable violations in the one hundred eighty (180)  
2 consecutive days prior to the date of release. The Department shall  
3 send notice in accordance with Section 2-116 of this title prior to  
4 extending the period of ignition interlock. Upon request, made  
5 within fifteen (15) days of completion of the notice, the person  
6 shall have the right to an informal hearing before the Department  
7 prior to any extension of the period of ignition interlock. The  
8 hearing shall be limited to the issues of the validity of the  
9 ignition interlock violation and the identity of the person  
10 committing the violation. Should the person's release date occur  
11 after the Department has received the informal hearing request but  
12 before the informal hearing, the period of ignition interlock of the  
13 person shall be extended pending the final judgment of the  
14 Department.

15 H. The Department shall promulgate rules necessary to implement  
16 and administer the provisions of this section.

17 SECTION 9. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 6-212.5 of Title 47, unless  
19 there is created a duplication in numbering, reads as follows:

20 A. The Department of Public Safety shall establish the Impaired  
21 Driver Accountability Program (IDAP) at the Department of Public  
22 Safety. Fees collected by the Department for admission into the  
23 program shall be deposited in the Department of Public Safety  
24 Restricted Revolving Fund for support of the program. The

1 Department shall promulgate rules necessary to administer the  
2 program.

3 B. The Department may enter into an IDAP agreement with the  
4 person if:

5 1. The Department receives the request for IDAP participation  
6 within thirty (30) calendar days from the date that notice was given  
7 pursuant to Section 7 of this act;

8 2. The Department receives payment of the program  
9 administration fee of Two Hundred Dollars (\$200.00) within forty-  
10 five (45) days of the date notice was given pursuant to Section 7 of  
11 this act;

12 3. The Department receives an ignition interlock device  
13 installation verification issued in accordance with the rules of the  
14 Board of Tests for Alcohol and Drug Influence within forty-five (45)  
15 days from the date notice was given pursuant to Section 7 of this  
16 act; and

17 4. The person is not otherwise ineligible for driving  
18 privileges in Oklahoma on the date the person enters into the IDAP  
19 agreement.

20 C. Upon successful completion of the program, the records of  
21 the Department will be updated to indicate completion of the program  
22 by the person without revocation. No reinstatement fee will be  
23 charged to the person.

24 D. The program length shall be:

1        1. A minimum of six (6) months for a person subject to  
2 revocation pursuant to paragraph 1 of subsection A of Section 6-  
3 205.1 of Title 47 of the Oklahoma Statutes. A restriction imposed  
4 under this section shall remain in effect until the department  
5 receives a declaration from the Board of Tests for Alcohol and Drug  
6 Influence, in a form provided or approved by the department,  
7 certifying that there have been no reportable violations in the  
8 sixty (60) consecutive days prior to the date of release. If the  
9 Department receives notice of any ignition interlock reportable  
10 violations, as determined by the Board of Tests for Alcohol and Drug  
11 Influence, the program period shall be extended for a period of  
12 sixty (60) days;

13        2. A minimum of twelve (12) months for a person subject to  
14 revocation pursuant to paragraph 2 of subsection A of Section 6-  
15 205.1 of Title 47 of the Oklahoma Statutes. A restriction imposed  
16 under this section shall remain in effect until the department  
17 receives a declaration from the Board of Tests for Alcohol and Drug  
18 Influence, in a form provided or approved by the department,  
19 certifying that there have been no reportable violations in the one  
20 hundred twenty (120) consecutive days prior to the date of release.  
21 If the Department receives notice of any ignition interlock  
22 reportable violations, as determined by the Board of Tests for  
23 Alcohol and Drug Influence, the program period shall be extended for  
24 a period of one hundred twenty (120) days; or

1        3. A minimum of thirty-six (36) months for a person subject to  
2 revocation pursuant to paragraph 3 of subsection A of Section 6-  
3 205.1 of Title 47 of the Oklahoma Statutes. A restriction imposed  
4 under this section shall remain in effect until the department  
5 receives a declaration from the Board of Tests for Alcohol and Drug  
6 Influence, in a form provided or approved by the department,  
7 certifying that there have been no reportable violations in the one  
8 (1) year prior to the date of release. If the Department receives  
9 notice of any ignition interlock reportable violations, as  
10 determined by the Board of Tests for Alcohol and Drug Influence, the  
11 program period shall be extended for a period of one (1) year.

12        E. Prior to an extension of the program period, the Department  
13 shall send notice of the extension in accordance with Section 2-116  
14 of Title 47 of the Oklahoma Statutes. Upon request, which shall be  
15 made within fifteen (15) days of receipt of the notice, the person  
16 shall have the right to an informal hearing before the Department  
17 prior to any extension of the program. The hearing shall be limited  
18 to the issues of the validity of the ignition interlock reportable  
19 violation and the identity of the person committing the violation.  
20 Should the person's release date occur after the Department has  
21 received the informal hearing request but before the informal  
22 hearing, the period of ignition interlock of the person shall be  
23 extended pending the final judgment of the Department.

24        F. Effective July 1, 2020, and for each fiscal year thereafter:

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

5        2. Except as otherwise provided in this section, all other  
6 monies collected in excess of Two Hundred Fifty Thousand Dollars  
7 (\$250,000.00) each month shall be deposited in the General Revenue  
8 Fund.

9        SECTION 10.        NEW LAW        A new section of law to be codified  
10 in the Oklahoma Statutes as Section 6-212.6 of Title 47, unless  
11 there is created a duplication in numbering, reads as follows:

12        Any person subject to revocation of driving privileges pursuant  
13 to Section 753 or 754 of Title 47 of the Oklahoma Statutes shall be  
14 given a dated notice advising the person of the availability of the  
15 Impaired Driver Accountability Program on a form prescribed by the  
16 Department of Public Safety. The notice shall be given together  
17 with the notice of revocation by the officer as required by Section  
18 753 or 754 of Title 47 of the Oklahoma Statutes, or by the  
19 Department in accordance with Section 2-116 of Title 47 of the  
20 Oklahoma Statutes.

21        SECTION 11.        AMENDATORY        47 O.S. 2011, Section 11-902a, as  
22 amended by Section 9, Chapter 392, O.S.L. 2017 (47 O.S. Supp. 2018,  
23 Section 11-902a), is amended to read as follows:



1       Section 11-902a. A. No person shall knowingly authorize or  
2 permit a motor vehicle owned or under the control of that person  
3 which is not equipped with an ignition interlock device to be driven  
4 upon any street or highway of this state by any person who is  
5 required to have an ignition interlock device installed upon the  
6 vehicle of that person. ~~A violation of this subsection shall be a~~  
7 ~~misdemeanor and shall be punishable by a fine of not more than Five~~  
8 ~~Hundred Dollars (\$500.00) or by imprisonment in the county jail for~~  
9 ~~not more than six (6) months, or by both such fine and imprisonment.~~

10       B. No person shall willfully attempt to interfere in any way  
11 with the intended and proper functioning of an ignition interlock  
12 device installed in a vehicle as required by law, or intentionally  
13 fail to return an ignition interlock device when it is no longer  
14 required in the vehicle or upon request by the owner of the device.  
15 ~~A violation of this subsection shall be a misdemeanor and shall be~~  
16 ~~punishable by a fine of not more than Five Hundred Dollars (\$500.00)~~  
17 ~~or by imprisonment in the county jail for not more than six (6)~~  
18 ~~months or by both such fine and imprisonment.~~

19       C. No person granted permission to drive a motor vehicle on the  
20 condition of installation of an ignition interlock device shall  
21 drive any vehicle that is not equipped with an ignition interlock  
22 device unless driving a vehicle of an employer in accordance with  
23 ~~Section 754.1 or~~ subsection A of Section 6-212.3 of this title.

1        D. A violation of ~~this~~ subsection C of this section shall be a  
2 misdemeanor and shall be punishable by a fine of not more than Five  
3 Hundred Dollars (\$500.00), or by imprisonment in the county jail for  
4 not more than six (6) months, or by both such fine and imprisonment.

5        ~~D. The court shall require, as a condition of any bond, the~~  
6 ~~installation of an ignition interlock device, approved by the Board~~  
7 ~~of Tests for Alcohol and Drug Influence, on any vehicle operated by~~  
8 ~~the defendant charged with a second or subsequent offense under~~  
9 ~~Section 11-902 of this title. The period of time for which the~~  
10 ~~ignition interlock device is required to be installed pursuant to~~  
11 ~~this section shall not be credited toward any time period for which~~  
12 ~~an ignition interlock device is required to be installed pursuant to~~  
13 ~~Section 6-205.1 of this title. The period of time for which the~~  
14 ~~ignition interlock device is required to be installed pursuant to~~  
15 ~~this section shall be credited toward any time period for which~~  
16 ~~ignition interlock device installation is required under the~~  
17 ~~Impaired Driver Accountability Program. If the person charged~~  
18 ~~successfully completes the Impaired Driver Accountability Program~~  
19 ~~before a plea or verdict in their criminal case, the court may~~  
20 ~~remove the ignition interlock device requirement from the bond.~~

21        SECTION 12.        AMENDATORY        47 O.S. 2011, Section 751, as  
22 amended by Section 10, Chapter 392, O.S.L. 2017 (47 O.S. Supp. 2018,  
23 Section 751), is amended to read as follows:  
24

1       Section 751. A. 1. Any person who operates a motor vehicle  
2 upon the public roads, highways, streets, turnpikes or other public  
3 place or upon any private road, street, alley or lane which provides  
4 access to one or more single or multi-family dwellings within this  
5 state shall be deemed to have given consent to a test or tests of  
6 such person's blood or breath, for the purpose of determining the  
7 alcohol concentration as defined in Section 756 of this title, and  
8 such person's blood, saliva or urine for determining the presence or  
9 concentration of any other intoxicating substance therein as defined  
10 in this section, if arrested for any offense arising out of acts  
11 alleged to have been committed while the person was operating or in  
12 actual physical control of a motor vehicle upon the public roads,  
13 highways, streets, turnpikes or other public place or upon any  
14 private road, street, alley or lane which provides access to one or  
15 more single or multi-family dwellings while under the influence of  
16 alcohol or other intoxicating substance, or the combined influence  
17 of alcohol and any other intoxicating substance, or if the person is  
18 involved in a traffic accident that resulted in the immediate death  
19 or serious injury of any person and is removed from the scene of the  
20 accident to a hospital or other health care facility outside the  
21 State of Oklahoma before a law enforcement officer can effect an  
22 arrest.

23       2. A law enforcement officer, having reasonable grounds to  
24 believe that such person was operating or in actual physical control

1 of a motor vehicle while under the influence may direct the  
2 administration of or administer the test or tests.

3 ~~3.~~ As used in this title, the term "other intoxicating  
4 substance" shall mean any controlled dangerous substance as defined  
5 in the Uniform Controlled Dangerous Substances Act and any other  
6 substance, other than alcohol, which is capable of being ingested,  
7 inhaled, injected or absorbed into the human body and is capable of  
8 adversely affecting the central nervous system, vision, hearing or  
9 other sensory or motor functions.

10 B. ~~Breath~~ The law enforcement agency by which the arresting  
11 officer is employed may designate, in accordance with the rules of  
12 the Board of Tests for Alcohol and Drug Influence, hereinafter  
13 referred to as the Board, whether blood or breath is to be tested  
14 for the alcohol concentration thereof, and whether blood, saliva or  
15 urine is to be tested for the presence or concentration of any other  
16 intoxicating substance therein.

17 In the event that law enforcement agency does not designate the  
18 test to be administered, breath shall be the substance tested for  
19 alcohol concentration ~~unless a law enforcement officer requests a~~  
20 ~~blood test in accordance with the provisions of this section.~~ Blood  
21 may also be tested to determine the alcohol concentration ~~or the~~  
22 ~~presence or concentration of other intoxicating substances or a~~  
23 ~~combination thereof in the event~~ that breath

1       ~~1. There are signs of intoxication by substances other than~~  
2 ~~alcohol, or a combination of alcohol and other intoxicating~~  
3 ~~substances;~~

4       ~~2. Breath cannot be tested to determine the alcohol~~  
5 ~~concentration thereof because of the unavailability~~ lack of an  
6 approved device or qualified person to administer a breath test or  
7 because such;

8       ~~3. A breath test for any other reason cannot be administered in~~  
9 ~~accordance with the rules of the Board;~~

10       ~~4. The person whose breath is to be tested is incapable of~~  
11 ~~submitting to and successfully completing a breath test, by reason~~  
12 ~~of illness or injury or other physical disability; or~~

13       ~~5. The person is transported a medical facility for medical~~  
14 ~~examination or treatment prior to the timely administration of a~~  
15 ~~breath test.~~

16       In the event the law enforcement agency does not designate the  
17 test to be administered, blood, saliva or urine shall be the  
18 substance tested for the presence or concentration of any other  
19 intoxicating substance or the combination of alcohol and any other  
20 intoxicating substance.

21       C. In the event the person is incapable of submitting to and  
22 successfully completing, by reason of illness or injury or other  
23 physical disability, the test to be administered, an alternate test  
24 may be administered in accordance with the rules of the Board.

1        D. Any person who is unconscious or otherwise incapable of  
2 refusing to submit to a test of such person's blood or breath to  
3 determine the alcohol concentration thereof, or to a test of such  
4 person's blood, saliva or urine to determine the presence or  
5 concentration of any other intoxicating substance therein, shall be  
6 deemed not to have withdrawn the consent provided by subsection A of  
7 this section, and such test may be administered as provided herein.

8        An unconscious person who has been issued a citation by a law  
9 enforcement officer for one of the offenses listed in subsection A  
10 of this section is arrested for purposes of this section. The  
11 arresting officer must leave a copy of the citation with the  
12 arrested person which may be accomplished by handing it to the  
13 arrested person, or by leaving it with the personal effects of the  
14 arrested party, so as to inform the unconscious person of the  
15 arrest.

16        Any person who has been arrested for one of the offenses listed  
17 in subsection A of this section who is unconscious or injured and  
18 who requires immediate medical treatment as determined by a treating  
19 physician may be released on the person's own recognizance for  
20 medical reasons by the arresting officer. The arresting officer who  
21 releases an arrested person on the person's own recognizance must  
22 indicate the release on the face of the citation. Any person  
23 released on his or her own recognizance for medical reasons shall  
24 remain at liberty pending the filing of charges.

1     ~~D.~~ E. In addition to any test designated by the arresting  
2 officer, the arrested person ~~is entitled to a blood~~ may also  
3 designate any additional test to be administered to determine the  
4 concentration of alcohol, or the presence or concentration of any  
5 other intoxicating substance or the combination of alcohol and any  
6 other intoxicating substance. The cost of such additional test  
7 shall be at the expense of the arrested person.

8     A sufficient quantity of any ~~blood~~ specimen obtained at the  
9 ~~request~~ designation of the arrested person shall be available to the  
10 law enforcement agency employing the arresting officer. Such  
11 specimens shall be treated in accordance with the rules applicable  
12 to the specimens obtained by an arresting officer.

13     F. When a law enforcement officer has determined that the blood  
14 alcohol content of an individual is to be tested for the presence or  
15 concentration of alcohol, other intoxicating substance, or the  
16 combination of alcohol and any other intoxicating substance, the law  
17 enforcement officer shall inform the individual to be tested that  
18 the withdrawal of blood shall only be performed by certain medical  
19 personnel as provided for in Section 752 of this title.

20     SECTION 13.       AMENDATORY       47 O.S. 2011, Section 752, as  
21 amended by Section 11, Chapter 392, O.S.L. 2017 (47 O.S. Supp. 2018,  
22 Section 752), is amended to read as follows:

23     Section 752. A. Only a licensed medical doctor, licensed  
24 osteopathic physician, licensed chiropractic physician, registered

1 nurse, licensed practical nurse, physician's assistant, certified by  
2 the State Board of Medical Licensure and Supervision, an employee of  
3 a hospital or other health care facility authorized by the hospital  
4 or health care facility to withdraw blood, or ~~personnel licensed in~~  
5 ~~accordance with Section 1-2505 of Title 63 of the Oklahoma Statutes~~  
6 ~~as Intermediate Emergency Medical Technicians. Advanced Emergency~~  
7 ~~Medical Technicians or Paramedics~~ other qualified person authorized  
8 by the Board of Tests for Alcohol and Drug Influence acting at the  
9 request of a law enforcement officer may withdraw blood for the  
10 purpose of ~~determining the presence and~~ having a determination made  
11 of its concentration of alcohol or the presence or concentration of  
12 other intoxicating substance, ~~or a combination thereof~~. Only  
13 qualified persons authorized by the Board may collect breath, saliva  
14 or urine, or administer tests of breath under the provisions of this  
15 title.

16 B. If the person authorized to withdraw blood as specified in  
17 subsection A of this section is presented with a written statement:

18 1. Authorizing blood withdrawal signed by the person whose  
19 blood is to be withdrawn;

20 2. Signed by a duly authorized peace officer that the person  
21 whose blood is to be withdrawn has agreed to the withdrawal of  
22 blood;

23 3. Signed by a duly authorized peace officer that the person  
24 whose blood is to be withdrawn has been placed under arrest and that



1 the officer has probable cause to believe that the person, while  
2 intoxicated, has operated a motor vehicle in such manner as to have  
3 caused the death or serious physical injury of another person, or  
4 the person has been involved in a traffic accident and has been  
5 removed from the scene of the accident that resulted in the death or  
6 great bodily injury, as defined in subsection B of Section 646 of  
7 Title 21 of the Oklahoma Statutes, of any person to a hospital or  
8 other health care facility outside the State of Oklahoma before the  
9 law enforcement officer was able to effect an arrest for such  
10 offense; or

11 4. In the form of an order from a district court that blood be  
12 withdrawn, the person authorized to withdraw the blood and the  
13 hospital or other health care facility where the withdrawal occurs  
14 may rely on such a statement or order as evidence that the person  
15 has consented to or has been required to submit to the clinical  
16 procedure and shall not require the person to sign any additional  
17 consent or waiver form. In such a case, the person authorized to  
18 perform the procedure, the employer of such person, and the hospital  
19 or other health care facility shall not be liable in any action  
20 alleging lack of consent or lack of informed consent.

21 C. No person specified in subsection A of this section, no  
22 employer of such person, and no hospital or other health care  
23 facility where blood is withdrawn shall incur any civil or criminal  
24 liability as a result of the proper withdrawal of blood when acting

1 at the request of a law enforcement officer by the provisions of  
2 Section 751 or 753 of this title, or when acting in reliance upon a  
3 signed statement or court order as provided in this section, if the  
4 act is performed in a reasonable manner according to generally  
5 accepted clinical practice. No person specified in subsection A of  
6 this section shall incur any civil or criminal liability as a result  
7 of the proper collection of breath, saliva or urine when acting at  
8 the request of a law enforcement officer under the provisions of  
9 Section 751 or 753 of this title or when acting pursuant to a court  
10 order.

11 D. The blood, breath, saliva or urine specimens obtained shall  
12 be tested by the appropriate test as determined by the Board, or  
13 tested by a laboratory that is exempt from the Board rules pursuant  
14 to Section 759 of this title, to determine the alcohol concentration  
15 thereof, or the presence or concentration of any other intoxicating  
16 substance which might have affected the ability of the person tested  
17 to operate a motor vehicle safely.

18 E. When blood is withdrawn or saliva or urine is collected for  
19 testing of its alcohol concentration or other intoxicating substance  
20 presence or concentration, at the request of a law enforcement  
21 officer, a sufficient quantity of the same specimen shall be  
22 obtained to enable the tested person, at his or her own option and  
23 expense, to have an independent analysis made of such specimen. The  
24 excess blood, saliva or urine specimen shall be retained by a

1 laboratory approved by the Board, in accordance with the rules and  
2 regulations of the Board, or by a laboratory that is exempt from the  
3 Board rules pursuant to Section 759 of this title, for sixty (60)  
4 days from the date of collection. At any time within that period,  
5 the tested person or his or her attorney may direct that such blood,  
6 saliva or urine specimen be sent or delivered to a laboratory of his  
7 or her own choosing and approved by the Board for an independent  
8 analysis. Neither the tested person, nor any agent of such person,  
9 shall have access to the additional blood, saliva or urine specimen  
10 prior to the completion of the independent analysis, except the  
11 analyst performing the independent analysis and agents of the  
12 analyst.

13 F. When a test of breath is performed for the purpose of  
14 determining the alcohol concentration thereof, except when such test  
15 is performed by means of an automated analyzer as designated by the  
16 Board, a sufficient quantity of breath, or of the alcohol content of  
17 a fixed or measured quantity of breath, shall be obtained, in  
18 accordance with the rules and regulations of the Board, to enable  
19 the tested person, at his or her own option and expense, to have an  
20 independent analysis thereof, except the analyst performing the  
21 independent analysis and agents of the analyst.

22 G. The costs of collecting blood, breath, saliva or urine  
23 specimens for the purpose of determining the alcohol or other  
24 intoxicating substance thereof, by or at the direction of a law

1 enforcement officer, shall be borne by the law enforcement agency  
2 employing such officer; provided, if the person is convicted for any  
3 offense involving the operation of a motor vehicle while under the  
4 influence of or while impaired by alcohol or an intoxicating  
5 substance, or both, as a direct result of the incident which caused  
6 the collection of blood, saliva or urine specimens, an amount equal  
7 to the costs shall become a part of the court costs of the person  
8 and shall be collected by the court and remitted to the law  
9 enforcement agency bearing the costs. The cost of collecting,  
10 retaining and sending or delivering to an independent laboratory the  
11 excess specimens of blood, breath, saliva or urine for independent  
12 analysis at the option of the tested person shall also be borne by  
13 such law enforcement agency. The cost of the independent analysis  
14 of such specimen of blood, breath, saliva or urine shall be borne by  
15 the tested person at whose option such analysis is performed. The  
16 tested person, or his or her agent, shall make all necessary  
17 arrangements for the performance of such independent analysis other  
18 than the forwarding or delivery of such specimen.

19 ~~G.~~ H. Tests of blood or breath for the purpose of determining  
20 the alcohol concentration thereof, and tests of blood, saliva or  
21 urine for the purpose of determining the presence or concentration  
22 of any other intoxicating substance therein, under the provisions of  
23 this title, whether administered by or at the direction of a law  
24 enforcement officer or administered independently, at the option of

1 the tested person, on the excess specimen of such person's blood,  
2 breath, saliva or urine, to be considered valid and admissible in  
3 evidence under the provisions of this title, shall have been  
4 administered or performed in accordance with the rules and  
5 regulations of the Board, or performed by a laboratory that is  
6 exempt from the Board rules pursuant to Section 759 of this title.

7 ~~H.~~ I. Any person who has been arrested for any offense arising  
8 out of acts alleged to have been committed while the person was  
9 operating or in actual physical control of a motor vehicle while  
10 under the influence of alcohol, any other intoxicating substance or  
11 the combined influence of alcohol and any other intoxicating  
12 substance who is not requested by a law enforcement officer to  
13 submit to a test shall be entitled to have an independent test of  
14 his or her blood, breath, saliva or urine which is appropriate as  
15 determined by the Board for the purpose of determining its alcohol  
16 concentration or the presence or concentration of any other  
17 intoxicating substance therein, performed by a person of his or her  
18 own choosing who is qualified as stipulated in this section. The  
19 arrested person shall bear the responsibility for making all  
20 necessary arrangements for the administration of such independent  
21 test and for the independent analysis of any specimens obtained, and  
22 bear all costs thereof. The failure or inability of the arrested  
23 person to obtain an independent test shall not preclude the  
24 admission of other competent evidence bearing upon the question of

1 whether such person was under the influence of alcohol, or any other  
2 intoxicating substance or the combined influence of alcohol and any  
3 other intoxicating substance.

4 ~~I.~~ J. Any agency or laboratory certified by the Board or any  
5 agency or laboratory that is exempt from the Board rules pursuant to  
6 Section 759 of this title, which analyses ~~saliva,~~ breath, blood, or  
7 urine shall make available a written report of the results of the  
8 test administered by or at the direction of the law enforcement  
9 officer to:

- 10 1. The tested person, or his or her attorney;
- 11 2. The Commissioner of Public Safety; and
- 12 3. The Fatality Analysis Reporting System (FARS) analyst of the  
13 state, upon request.

14 The results of the tests provided for in this title shall be  
15 admissible in civil actions.

16 SECTION 14. AMENDATORY 47 O.S. 2011, Section 753, as  
17 last amended by Section 12, Chapter 392, O.S.L. 2017 (47 O.S. Supp.  
18 2018, Section 753), is amended to read as follows:

19 Section 753. A. If a conscious person under arrest refuses to  
20 submit to testing of his or her blood or breath for the purpose of  
21 determining the alcohol concentration thereof, or to a test of his  
22 or her blood, saliva or urine for the purpose of determining the  
23 presence or concentration of any other intoxicating substance, or  
24 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 as authorized by Section 752 of this title. The Commissioner of  
10 Public Safety, upon the receipt of a sworn report of the law  
11 enforcement officer that the officer had reasonable grounds to  
12 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 or that the person had refused to submit to the test or tests, shall  
18 revoke the license to drive and any nonresident operating privilege  
19 for a period provided by Section 6-205.1 of this title. If the  
20 person is a resident or nonresident without a license or permit to  
21 operate a motor vehicle in this state, the Commissioner of Public  
22 Safety shall deny to the person the issuance of a license or permit  
23 for a period provided by Section 6-205.1 of this title subject to a  
24 review as provided in Section 754 of this title. The revocation or

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

4 B. ~~It shall be a misdemeanor, punishable by a fine of not more~~  
5 ~~than One Thousand Dollars (\$1,000.00) and not more than ten (10)~~  
6 ~~days in jail, or by both fine and imprisonment, for a conscious~~  
7 ~~person under arrest for driving while impaired, driving under the~~  
8 ~~influence or while under the influence being in actual physical~~  
9 ~~control of a motor vehicle upon the public roads, highways, streets,~~  
10 ~~turnpikes or other public place or upon any private road, street,~~  
11 ~~alley or lane which provides access to one of more single or multi-~~  
12 ~~family dwellings within this state to refuse to submit to a test of~~  
13 ~~the breath of the person for the purpose of determining the alcohol~~  
14 ~~concentration thereof~~

15 The Department shall immediately reinstate the driving privilege  
16 of the person if:

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

20 2. The Department receives a written blood or breath test  
21 report that reflects the arrested person did not have any measurable  
22 quantity of alcohol, or any other intoxicating substance, or the  
23 combination of alcohol and any other intoxicating substance in the  
24 arrested person's blood or breath.



1       SECTION 15.       AMENDATORY       47 O.S. 2011, Section 754, as  
2 amended by Section 13, Chapter 392, O.S.L. 2017 (47 O.S. Supp. 2018,  
3 Section 754), is amended to read as follows:

4       Section 754. A. Any arrested person who is under twenty-one  
5 (21) years of age and has any measurable quantity of alcohol in the  
6 person's blood or breath, or any person twenty-one (21) years of age  
7 or older whose alcohol concentration is eight-hundredths (0.08) or  
8 more as shown by a breath test administered according to the  
9 provisions of this title, or any arrested person who has refused to  
10 submit to a breath or blood test, shall immediately surrender his or  
11 her driver license, permit or other evidence of driving privilege to  
12 the arresting law enforcement officer. ~~Except in cases where the~~  
13 ~~arrested person submitted to a test of their blood, the~~ The officer  
14 shall seize any driver license, permit, or other evidence of driving  
15 privilege surrendered by or found on the arrested person during a  
16 search. ~~The evidence of driving privilege seized by the officer~~  
17 ~~shall be delivered to the Department of Public Safety. The~~  
18 ~~Department shall destroy the evidence of driving privilege upon~~  
19 ~~receipt thereof.~~

20       B. If the evidence of driving privilege surrendered to or  
21 seized by the officer has not expired and otherwise appears valid,  
22 the officer shall issue to the arrested person a dated receipt for  
23 that driver license, permit, or other evidence of driving privilege  
24 on a form prescribed by the Department of Public Safety. This

1 receipt shall be recognized as a ~~temporary restricted~~ driver license  
2 and shall authorize the arrested person to operate a motor vehicle  
3 for a period not to exceed ~~forty-five (45)~~ thirty (30) days. The  
4 receipt form shall contain and constitute a notice of revocation of  
5 driving privilege by the Department effective in thirty (30) days.

6 The evidence of driving privilege and a copy of the receipt form  
7 issued to the arrested person shall be attached to the sworn report  
8 of the officer and shall be submitted by mail or in person to the  
9 Department within seventy-two (72) hours of the issuance of the  
10 receipt. The failure of the officer to timely file this report  
11 shall not affect the authority of the Department to revoke the  
12 driving privilege of the arrested person.

13 C. ~~When any alleged controlled dangerous substance has been~~  
14 ~~submitted to the laboratory of the OSBI for analysis, and the~~  
15 ~~analysis shows that the submitted material is a controlled dangerous~~  
16 ~~substance, the distribution of which constitutes a felony under the~~  
17 ~~laws of this state, no portion of the substance shall be released to~~  
18 ~~any other person or laboratory absent an order of a district court.~~  
19 ~~The defendant shall additionally be required to submit to the court~~  
20 ~~a procedure for transfer and analysis of the subject material to~~  
21 ~~ensure the integrity of the sample and to prevent the material from~~  
22 ~~being used in any illegal manner~~ Upon receipt of a written blood or  
23 breath test report reflecting that the arrested person, if under  
24 twenty-one (21) years of age, had any measurable quantity of alcohol

1 in the person's blood or breath, or, if the arrested person is  
2 twenty-one (21) years of age or older, a blood or breath alcohol  
3 concentration of eight-hundredths (0.08) or more, accompanied by a  
4 sworn report from a law enforcement officer that the officer had  
5 reasonable grounds to believe the arrested person had been operating  
6 or was in actual physical control of a motor vehicle while under the  
7 influence of alcohol as prohibited by law, the Department shall  
8 revoke or deny the driving privilege of the arrested person for a  
9 period as provided by Section 6-205.1 of this title, unless the  
10 person has successfully completed or is currently participating in  
11 the Impaired Driver Accountability Program. Revocation or denial of  
12 the driving privilege of the arrested person shall become effective  
13 thirty (30) days after the arrested person is given written notice  
14 thereof by the officer as provided in this section or by the  
15 Department as provided in Section 2-116 of this title.

16 D. The appeal hearing before the district court shall be  
17 conducted in accordance with Section 6-211 of this title. The  
18 hearing shall cover the issues of whether the officer had reasonable  
19 grounds to believe the person had been operating or was in actual  
20 physical control of a vehicle upon the public roads, highways,  
21 streets, turnpikes or other public place of this state while under  
22 the influence of alcohol, any other intoxicating substance or the  
23 combined influence of alcohol and any other intoxicating substance  
24

1 as prohibited by law, and whether the person was placed under  
2 arrest.

3 1. If the revocation or denial is based upon a breath or blood  
4 test result and a sworn report from a law enforcement officer, the  
5 scope of the hearing shall also cover the issues as to whether:

6 a. if timely requested by the person, the person was not  
7 denied a breath or blood test,

8 b. the specimen was obtained from the person within two  
9 (2) hours of the arrest of the person,

10 c. the person, if under twenty-one (21) years of age, was  
11 advised that driving privileges would be revoked or  
12 denied if the test result reflected the presence of  
13 any measurable quantity of alcohol,

14 d. the person, if twenty-one (21) years of age or older,  
15 was advised that driving privileges would be revoked  
16 or denied if the test result reflected an alcohol  
17 concentration of eight-hundredths (0.08) or more, and

18 e. the test result in fact reflects the alcohol  
19 concentration.

20 2. If the revocation or denial is based upon the refusal of the  
21 person to submit to a breath or blood test, reflected in a sworn  
22 report by a law enforcement officer, the scope of the hearing shall  
23 also include whether:

24 a. the person refused to submit to the test or tests, and

1           b. the person was informed that driving privileges would  
2           be revoked or denied if the person refused to submit  
3           to the test or tests.

4           E. After the hearing, the district court shall order the  
5           revocation or denial either rescinded or sustained.

6           SECTION 16.           AMENDATORY           47 O.S. 2011, Section 754.1, as  
7           last amended by Section 14, Chapter 392, O.S.L. 2017 (47 O.S. Supp.  
8           2018, Section 754.1), is amended to read as follows:

9           Section 754.1. A. Modification of a revocation or denial  
10          arising under the provisions of Section 6-205.1 of this title or  
11          under the provisions of Sections 751 through 754 or 761 of this  
12          title shall apply to Class D ~~motor vehicles~~ driver licenses only.

13          B. As a prerequisite and condition of any modification, the  
14          person shall be required to have installed an ignition interlock  
15          device approved by the Board of Tests for Alcohol and Drug  
16          Influence, at the person's own expense, upon any motor vehicle  
17          operated by the person. ~~A person whose revocation is modified may~~  
18          ~~only operate a motor vehicle equipped with an approved ignition~~  
19          ~~interlock device.~~ The Department shall require, as a condition of  
20          modification, the device to be installed upon any vehicle owned or  
21          leased, as reflected on the vehicle registration, by an employer of  
22          the person for use by the ~~person~~ employer, except when the employer  
23          requests the ignition interlock device not be installed. The  
24          request shall be in writing and notarized on the official letterhead

1 of the employer and provided by the ~~employer~~ person to the  
2 Department; provided, a request shall not be accepted by the  
3 Department under the following circumstances:

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

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

10 3. When the person has had a prior revocation pursuant to  
11 paragraph 2 of subsection A of Section 6-205 of this title or to  
12 Section 753 or 754 of this title.

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

15 C. Upon the issuance of a modification order pursuant to this  
16 section, Section 11 of this act, or under the provisions of  
17 paragraph 1, 2, or 3 of subsection A or paragraph 1, 2, or 3 of  
18 subsection B of Section 6-205.1 of this title, for a violation of  
19 this title, the person shall pay a modification fee of One Hundred  
20 Seventy-five Dollars (\$175.00) to the Department. For each  
21 modification fee collected pursuant to the provisions of this  
22 subsection, One Hundred Dollars (\$100.00) shall be remitted to the  
23 State Treasurer to be credited to the General Revenue Fund in the  
24 State Treasury and Seventy-five Dollars (\$75.00) shall be remitted

1 to the State Treasurer to be credited to the Department of Public  
2 Safety Restricted Revolving Fund. All monies accruing to the credit  
3 of the Department of Public Safety Restricted Revolving Fund from  
4 modification fees shall be budgeted and expended solely for the  
5 purpose of administering the provisions of this section and Section  
6 11 of this act.

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

11 SECTION 17. NEW LAW A new section of law to be codified  
12 in the Oklahoma Statutes as Section 754.2 of Title 47, unless there  
13 is created a duplication in numbering, reads as follows:

14 The district court shall modify, upon request, the revocation or  
15 denial occurring pursuant to Section 753 or 754 of Title 47 of the  
16 Oklahoma Statutes. The district court shall enter a written order  
17 directing the Department of Public Safety to allow driving, subject  
18 to the limitations of Section 6-205.1 of Title 47 of the Oklahoma  
19 Statutes and the requirement of an ignition interlock device as  
20 provided in Section 754.1 of Title 47 of the Oklahoma Statutes;  
21 provided, any modification under this paragraph shall apply to Class  
22 D driver licenses only.

23 SECTION 18. This act shall become effective November 1, 2019.  
24

1 Passed the Senate the 13th day of March, 2019.

2  
3 \_\_\_\_\_  
4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2019.

7  
8 \_\_\_\_\_  
9 Presiding Officer of the House  
10 of Representatives