

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 712, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator David

David-BHG-FS-Req#2036
3/11/2019 4:29 PM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

FLOOR SUBSTITUTE
FOR

SENATE BILL NO. 712

By: David of the Senate

and

Kannady of the House

FLOOR SUBSTITUTE

An Act relating to motor vehicles; amending 47 O.S. 2011, Section 2-116, as amended by Section 3, Chapter 392, O.S.L. 2017 (47 O.S. Supp. 2018, Section 2-116), which relates to giving of notice; modifying required notice; amending 47 O.S. 2011, Section 6-204, as amended by Section 4, Chapter 292, O.S.L. 2017 (47 O.S. Supp. 2018, Section 6-204), which relates to court orders to surrender license; modifying certain deferral procedures; amending 47 O.S. 2011, Section 6-205, as last amended by Section 5, Chapter 392, O.S.L. 2017 (47 O.S. Supp. 2018, Section 6-205), which relates to mandatory revocation of driving privileges; modifying certain revocation procedures; 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 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 O.S. Supp. 2018, Sections 6-205.1, 6-212 and 6-212.3), which relate to the cancellation, required completion of alcohol and drug assessment, suspension or revocation of driver licenses; modifying and adding qualifiers that provide for revocation or denial of driving privileges for persons convicted of driving under the influence; reducing specific revocation time periods; deleting ignition interlock installation requirement after driver license reinstatement; deleting certain revocation extension requirement; providing statutory references; allowing

1 for the modification of a revocation upon request;
2 removing certain ignition interlock requirements;
3 requiring modification of revocation upon request for
4 persons convicted of certain drug crimes; clarifying
5 mandatory revocation provision that prohibits the
6 Department of Public Safety or courts from granting
7 driving privileges; clarifying procedures for filing
8 appeals to the district court; deleting time period
9 and hearing requirements for petitions related to
10 implied consent revocations; removing procedure that
11 requires the submission of revocation orders issued
12 under certain circumstances; clarifying driving
13 privilege reinstatement guidelines; removing
14 requirement that the Department establish the
15 Impaired Driver Accountability Program (IDAP);
16 deleting fee collection and deposit requirements;
17 removing authority of the Department to enter into
18 IDAP agreements with persons under certain
19 circumstances; deleting all guidelines and procedures
20 related to IDAP; removing authority of the Department
21 to revoke, suspend or restrict driving privileges for
22 ignition interlock violations; deleting reference to
23 IDAP administration fee; requiring installation of
24 ignition interlock device to run concurrently with
court orders; providing installation of ignition
interlock be credited toward requirements related to
court orders or other diversionary programs;
establishing monthly maintenance fee; directing
ignition interlock device providers to submit reports
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 that requires ignition interlock device for persons charged with second and subsequent offense; deleting time period requirements and ignition interlock device removal provision; amending 47 O.S. 2011, Sections 751, as amended by Section 10, Chapter 392, O.S.L. 2017, 752, as amended by Section 11, Chapter 392, O.S.L. 2017, 753, as last amended by Section 12, Chapter 392, O.S.L. 2017, 754, as amended by Section 13, Chapter 392, O.S.L. 2017 and 754.1, as last amended by Section 14, Chapter 392, O.S.L. 2017 (47 O.S. Supp. 2018, Sections 751, 752, 753, 754 and 754.1), which relate to implied consent to test or determine presence of alcohol, the administration of tests, refusal to submit to test, the surrender of driver licenses and procedures for modifying the revocation or denial of driving privileges; permitting designation of testing by law enforcement; authorizing alternate testing; modifying allowable specimens; authorizing certain revocation or denial; requiring certain reinstatement; removing exception that requires seizure of driver license; decreasing time period that authorizes the operation of vehicles by certain persons; requiring receipt forms to 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

1 certain circumstances; providing for codification;
2 and providing an effective date.

3
4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

8 Section 2-116. Whenever the Department of Public Safety is
9 authorized or required to give any notice under this act or other
10 law regulating the operation of vehicles, unless a different method
11 of giving such notice is otherwise expressly prescribed, ~~or agreed~~
12 ~~upon in writing by the Department and the person receiving notice,~~
13 such notice shall be given either by personal delivery thereof to
14 the person to be so notified or by deposit in the United States mail
15 of such notice in an envelope with first class postage prepaid,
16 addressed to such person at the ~~mailing~~ address as shown by the
17 records of the Department. The giving of notice by mail is complete
18 upon the expiration of ten (10) days after such deposit of ~~the~~ said
19 ~~notice in the United States mail.~~ Proof of the giving of notice in
20 either such manner may be made by the certificate of any officer or
21 employee of the Department or affidavit of any person over eighteen
22 (18) years of age, naming the person to whom such notice was given
23 and specifying the ~~date~~ time, place and manner of the giving ~~of~~
24 ~~notice~~ thereof. Failure of the person to receive notice because of

1 failure to notify the Department of a change in his or her current
2 mailing address, as required by Section 6-116 of this title, ~~or as~~
3 ~~required by the rules of the Department,~~ shall not be sufficient
4 grounds ~~to invalidate the giving of~~ for the person to protest the
5 notice.

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

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

20 B. Every court, including courts not of record, having
21 jurisdiction over offenses committed under this act, or any other
22 law of this state or municipal ordinance regulating the operation of
23 motor vehicles on highways, shall forward to the Department a record
24 of the conviction of any person in such court for a violation of any

1 such laws other than regulations governing standing or parking, and
2 may recommend the suspension of the driving privileges of the person
3 so convicted.

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

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

17 SECTION 3. AMENDATORY 47 O.S. 2011, Section 6-205, as
18 last amended by Section 5, Chapter 392, O.S.L. 2017 (47 O.S. Supp.
19 2018, Section 6-205), is amended to read as follows:

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

1 ~~become final, or a deferred prosecution, for~~ of any of the following
2 offenses, when such conviction has become final:

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

5 2. ~~Driving, operating~~ or being in actual physical control of a
6 motor vehicle while under the influence of alcohol, any other
7 intoxicating substance, or the combined influence of alcohol and any
8 other intoxicating substance, ~~or any offense~~ violation of paragraph
9 1, 2, 3 or 4 of in subsection A of Section 11-902 of this title or
10 any ~~offense in~~ violation of Section 11-906.4 of this title.

11 However, the Department shall not additionally revoke the driving
12 privileges of the person pursuant to this subsection if the driving
13 privilege of the person has been revoked because of a test result or
14 test refusal pursuant to Section 753 or 754 of this title arising
15 from the same circumstances which resulted in the conviction unless
16 the revocation because of a test result or test refusal is set
17 aside;

18 3. Any felony during the commission of which a motor vehicle is
19 used;

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

23 5. Perjury or the making of a false affidavit or statement
24 under oath to the Department under the Uniform Vehicle Code or under

1 any other law relating to the ownership or operation of motor
2 vehicles;

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

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

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

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

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

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

22 B. The first license revocation under any provision of this
23 section, except for paragraph 2, 6, 7 or 11 of subsection A of this
24

1 section, shall be for a period of one (1) year. Such period shall
2 not be modified.

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

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

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

17 F. The first license revocation under paragraph 11 of
18 subsection A of this section shall be for a period of one (1) year.
19 Such period may ~~not~~ be modified. Any appeal of the revocation of
20 driving privilege under paragraph 11 of subsection A of this section
21 shall be governed by Section 6-211 of this title, provided, any
22 modification under this subsection shall apply to Class D motor
23 vehicles only.
24

1 G. As used in this section, "great bodily injury" means bodily
2 injury which creates a substantial risk of death or which causes
3 serious, permanent disfigurement or protracted loss or impairment of
4 the function of any bodily member or organ.

5 SECTION 4. AMENDATORY 47 O.S. 2011, Section 6-205.1, as
6 last amended by Section 6, Chapter 392, O.S.L. 2017 (47 O.S. Supp.
7 2018, Section 6-205.1), is amended to read as follows:

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

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

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

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

1 a. a prior revocation commenced pursuant to paragraph 2
2 or 6 of subsection A of Section 6-205 of this title,
3 ~~or a revocation because of a test result or test~~
4 ~~refusal, or previous enrollment~~ Section 753 or 754 of
5 this title, or completion of the Impaired Driver
6 Accountability Program ~~pursuant to Section 6-212 of~~
7 ~~this title~~, or

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

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

1 ~~Influence, occurring within the last twelve (12) months of the~~
2 ~~revocation. The period, the of revocation and the period of~~
3 ~~interlock installation shall be extended until such time the person~~
4 ~~completes a violation free twelve-month period run concurrently and~~
5 ~~each shall be for no less than one (1) year; or~~

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

- 13 a. two or more prior revocations commenced pursuant to
14 paragraph 2 or 6 of subsection A of Section 6-205 of
15 this title, ~~or revocations because of a test result or~~
16 ~~test refusal, or previous completion of the Impaired~~
17 ~~Driver Accountability Program pursuant to Section 6-~~
18 ~~212 of this title~~ Section 753 or 754 of this title,
19 b. a prior revocation commenced pursuant to paragraph 2
20 or 6 of subsection A of Section 6-205 of this title or
21 Section 753 or 754 of this title, and completion of
22 the Impaired Driver Accountability Program,
23 c. the record of the person reflects two or more prior
24 convictions in another jurisdiction which did not

1 result in a revocation of Oklahoma driving privileges,
2 for a violation substantially similar to paragraph 2
3 of subsection A of Section 6-205 of this title, and
4 the person was not a resident or a licensee of
5 Oklahoma at the time of the offense resulting in the
6 conviction, or

7 ~~e.~~

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

12 Such ~~forty-eight-month~~ three-year period of revocation shall be
13 modified upon request; provided, any modification under this
14 paragraph shall apply to Class D driver licenses only. ~~Modification~~
15 ~~requires the issuance of a modified driver license and the~~
16 ~~installation of~~ For any modification, the person shall be required
17 to install an ignition interlock device or devices, pursuant to
18 Section 754.1 of this title ~~for a continuous.~~ The period of ~~not~~
19 ~~less than forty-eight (48) months immediately preceding~~
20 ~~reinstatement of the license. If the Department receives notice of~~
21 ~~any verified ignition interlock violations, as determined by the~~
22 ~~Board of Tests for Alcohol and Drug Influence, occurring within the~~
23 ~~last twenty-four (24) months of the revocation and the period, the~~
24 ~~revocation period~~ of interlock installation shall ~~be extended until~~

1 ~~such time the person completes a violation free twenty-four-month~~
2 ~~period~~ run concurrently and each shall be for no less than three (3)
3 years.

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

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

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

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

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

5 c. 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 or 6 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 period shall not be modified; or

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

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

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,

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

11 ~~e.~~

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

16 Such period shall not be modified.

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

1 privileges if the person was not eligible to do so at the time of
2 the conviction.

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

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

7 2. The term "revocation" includes a denial of driving
8 privileges by the Department.

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

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

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

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

1 Section 6-205 of this title, or disqualified by the Department,
2 under the provisions of Section 6-205.2 or 761 of this title, shall
3 have the right of appeal to the district court as hereinafter
4 provided. Proceedings before the district court shall be exempt
5 from the provisions of the Oklahoma Pleading and Discovery codes,
6 except that the appeal shall be by petition, without responsive
7 pleadings. The district court is hereby vested with original
8 jurisdiction to hear ~~said~~ the petition.

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

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

19 D. A person whose driving privilege is ~~revoked or denied or who~~
20 ~~is denied a hearing~~ subject to revocation pursuant to Section 753 or
21 754 of this title may appeal to the district court in the county in
22 which the arrest occurred relating to the test refusal or test
23 result, as shown by the records of the Department.
24

1 E. The petition shall be filed within thirty (30) days after
2 the ~~order~~ notice of revocation pursuant to Section 753 or 754 of
3 this title has been served upon the person, ~~except a petition~~
4 ~~relating to an implied consent revocation shall be filed within~~
5 ~~thirty (30) days after the Department gives notice to the person~~
6 ~~that the revocation is sustained as provided in Section 754 of this~~
7 ~~title.~~ It shall be the duty of the district court to enter an order
8 setting the matter for hearing not less than fifteen (15) days and
9 not more than thirty (30) days from the date the petition is filed.
10 A certified copy of petition and order for hearing shall be served
11 forthwith by the clerk of the court upon the Commissioner of Public
12 Safety by certified mail at the Department of Public Safety,
13 Oklahoma City, Oklahoma.

14 F. ~~At a hearing on a revocation by the Department pursuant to~~
15 ~~the implied consent laws as provided in Sections 6-205.1, 753 and~~
16 ~~754 of this title, the court shall not consider the merits of the~~
17 ~~revocation action unless a written request for an administrative~~
18 ~~hearing was timely submitted to the Department and the person~~
19 ~~actually exercised the opportunity to appear as provided in Section~~
20 ~~754 of this title and the Department entered an order sustaining the~~
21 ~~revocation.~~

22 G. Upon a hearing relating to a revocation or disqualification
23 pursuant to a conviction for an offense enumerated in Section 6-205,
24 ~~761, or~~ 6-205.2 or 761 of this title, the court shall not consider

1 the propriety or merits of the revocation or disqualification
2 action, except to correct the identity of the person convicted as
3 shown by records of the Department.

4 ~~H. In the event the Department declines to modify, as provided~~
5 ~~in Section 754.1 of this title, a revocation order issued pursuant~~
6 ~~to Section 753, Section 754, paragraph 2 of subsection A of Section~~
7 ~~6-205 or Section 6-205.1 of this title, which is subject to~~
8 ~~modification pursuant to Section 11-906.4 of this title or Section~~
9 ~~6-205.1 of this title, a~~

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

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

1 finds that the order was not justified, the court may sustain the
2 appeal, vacate the order of the Department and direct that driving
3 privileges be restored to the petitioner, if otherwise eligible.
4 ~~The court may, in case it determines the order was justified, but~~
5 ~~that the period of the suspension or revocation was excessive, enter~~
6 ~~an order modifying the same as provided by law.~~

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

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

21 The bond shall be to the State of Oklahoma and conditioned that
22 the petitioner will prosecute the appeal with due diligence and
23 during pendency of the appeal abide by and not violate any of the
24 laws of this state or any other state in the operation of a motor

1 vehicle, and that the petitioner will abide by and perform the final
2 judgment of the court therein, and in case the appeal is finally
3 denied the appellant will pay all court costs incurred in the appeal
4 in the district court. If the petitioner is convicted of a traffic
5 offense during the pendency of the appeal or fails to prosecute the
6 appeal with due diligence, the bond may be forfeited to the court
7 fund upon application by the Department and after hearing before the
8 court in which the appeal is pending.

9 ~~H.~~ K. After filing and approval of the appeal bond and the
10 furnishing thereof to the Department as hereby provided, the
11 Department shall restore driving privileges to the person if
12 otherwise eligible, and the person shall be permitted to operate a
13 motor vehicle pending the appeal, under terms and conditions as
14 prescribed in the bond which shall include the installation of an
15 ignition interlock device on every motor vehicle operated by the
16 person, pursuant to Section 754.1 or 755 of this title, if the
17 person was denied modification pursuant to any provision of
18 paragraph 2 of subsection A of Section 6-205 or Section 6-205.1, 753
19 or 754 of this title; provided, however, if the order of the
20 Department is sustained in final judgment, the court shall, in such
21 final judgment, enter an order extending the period of suspension or
22 revocation for such time as the petitioner was permitted to operate
23 motor vehicles under the provisions of an appeal bond, and the court
24

1 shall also in such final judgment direct and require the immediate
2 surrender of any driver license or licenses to the Department.

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

6 SECTION 6. AMENDATORY 47 O.S. 2011, Section 6-212, as
7 last amended by Section 7, Chapter 392, O.S.L. 2017 (47 O.S. Supp.
8 2018, Section 6-212), is amended to read as follows:

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

14 B. The Department shall:

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

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

1 C. Whenever a person's privilege to operate a motor vehicle is
2 suspended or revoked pursuant to any provision as authorized by the
3 Oklahoma Statutes, the license or privilege to operate a motor
4 vehicle shall remain under suspension or revocation and shall not be
5 reinstated until:

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

8 2. The person has paid to the Department:

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

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

1 accumulation, a processing fee of Seventy-five
2 Dollars (\$75.00) for each such suspension or
3 revocation as shown by the Department's records,
4 and a special assessment trauma-care fee of Two
5 Hundred Dollars (\$200.00) to be deposited into
6 the Trauma Care Assistance Revolving Fund created
7 in Section 1-2530.9 of Title 63 of the Oklahoma
8 Statutes, for each suspension or revocation as
9 shown by the records of the Department, and

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

21 3. The person has paid to the Department a single reinstatement
22 fee of, beginning on July 1, 2013, and any year thereafter, Twenty-
23 five Dollars (\$25.00).
24

1 D. The Department of Public Safety is hereby authorized to
2 enter into agreements with persons whose license to operate a motor
3 vehicle or commercial motor vehicle has been suspended or revoked,
4 for issuance of a provisional license that ~~allows~~ would allow such
5 persons to drive:

6 1. Between their place of residence and their place of
7 employment or potential employment;

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

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

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

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

14 6. Between their place of residence and any court-ordered
15 treatment program,

16 with the condition that such persons pay a minimum of Twenty-five
17 Dollars (\$25.00) per month toward the satisfaction of all

18 outstanding driver license or commercial driver license

19 reinstatement fees. The Department shall develop rules and

20 procedures to establish such a provisional driver license program

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

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

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

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

1 the suspension or revocation of a driver license shall result in the
2 revocation of the provisional license and such person shall be
3 ineligible for future application for a provisional driver license.

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

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

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

18 ~~2. The Department receives payment of the Two Hundred Dollars~~
19 ~~(\$200.00) program administration fee within forty five (45) days of~~
20 ~~the date notice was given pursuant to Section 2-116 of this title;~~

21 ~~3. The Department receives the proof of installation of an~~
22 ~~ignition interlock device approved in accordance with the rules of~~
23 ~~the Board of Tests for Alcohol and Drug Influence within forty five~~
24

~~(45) days from the date notice was given pursuant to Section 2-116 of this title; and~~

~~4. The Department receives proof of the driving privileges of 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~~

1 ~~of Tests for Alcohol and Drug Influence, within the last six (6)~~
2 ~~months of the program period, the program period shall be extended~~
3 ~~until such time the person completes a violation free six-month~~
4 ~~period;~~

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

13 ~~I. Completion of the program is contingent upon the compliance~~
14 ~~of the person with the rules of the Department.~~

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

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

20 2. Except as otherwise provided in this section, all other
21 monies collected in excess of Two Hundred Fifty Thousand Dollars
22 (\$250,000.00) each month shall be deposited in the General Revenue
23 Fund.
24

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

3 Section 6-212.2. A. Whenever the records of the Department of
4 Public Safety reflect a conviction of a person pursuant to Section
5 11-902 of this title or an alcohol- or drug-related revocation or
6 suspension of the driving privileges of that person pursuant to the
7 provisions of paragraph 2 or 6 of subsection A of Section 6-205 or
8 to Section 6-205.1, 6-206, 753, 754 or 761 of this title, the person
9 shall participate in an alcohol and drug assessment and evaluation
10 by an assessment agency or assessment personnel certified by the
11 Department of Mental Health and Substance Abuse Services for the
12 purpose of evaluating the person's receptivity to treatment and
13 prognosis. As determined by the assessment, the person shall enroll
14 in, attend and successfully complete the appropriate alcohol and
15 drug substance abuse course certified by the Department of Mental
16 Health and Substance Abuse Services or an alcohol or other drug
17 treatment program or both. The alcohol and drug substance abuse
18 course shall consist of either ten (10) hours or twenty-four (24)
19 hours of instruction and shall conform with the provisions of
20 Section 3-453 of Title 43A of the Oklahoma Statutes. No citizen
21 shall be compelled to travel more than seventy (70) miles from the
22 citizen's place of residence to attend a course or evaluation
23 program required herein. For purposes of this subsection, the
24 requirement for alcohol and drug substance abuse evaluation shall be

1 considered satisfied if the person is evaluated by an assessment
2 agency or assessment personnel certified for that purpose, all
3 recommendations identified by the evaluation are satisfied by the
4 person, and a report of such evaluation and completion is presented
5 to the court prior to sentencing and to the Department.

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

15 C. The requirements of subsection A of this section shall be a
16 condition for reinstatement of driving privileges, in addition to
17 other conditions for driving privilege reinstatement provided by
18 law.

19 SECTION 8. AMENDATORY 47 O.S. 2011, Section 6-212.3, as
20 last amended by Section 8, Chapter 392, O.S.L. 2017 (47 O.S. Supp.
21 2018, Section 6-212.3), is amended to read as follows:

22 Section 6-212.3. A. Whenever the installation of an ignition
23 interlock device is allowed or required by law, the Department shall
24 require the device to be installed upon any vehicle owned or leased,

1 as reflected on the vehicle registration, by an employer of the
2 person for use by the person, except when the employer requests the
3 ignition interlock device not be installed. The request shall be in
4 writing and notarized on the official letterhead of the employer and
5 provided by the employer to the Department; provided, a request
6 shall not be accepted by the Department under the following
7 circumstances:

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

11 2. When the person is employed by a relative who is within the
12 first degree of consanguinity or who resides in the same household;
13 or

14 3. When the person has had a prior revocation pursuant to
15 paragraph 2 of subsection A of Section 6-205 of this title or ~~as a~~
16 ~~result of a test result or a test refusal~~ Section 753 or 754 of this
17 title.

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

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

1 ~~C.~~ 1. Upon request and eligibility, the Department shall issue
2 a restricted driver license to the person, upon payment of a
3 restricted driver license fee of Fifty Dollars (\$50.00) and ~~the IDAP~~
4 ~~program administration fee, as provided in Section 6-212 of this~~
5 ~~title,~~ all other appropriate fees by the person. The restricted
6 driver license and the driving record of the person shall indicate
7 by an appropriate restriction that the person is only authorized to
8 operate a vehicle upon which an approved and properly functioning
9 ignition interlock device is installed. If the person is operating
10 a motor vehicle owned or leased by an employer who has not given
11 permission for an ignition interlock device to be installed, the
12 employer shall provide the person with a letter, on official
13 letterhead of the employer, which the person shall carry in his or
14 her immediate possession at all times when operating a motor vehicle
15 and shall display for examination and inspection upon demand of a
16 peace officer.

17 2. The restricted driver license fee authorized by this section
18 shall be remitted to the State Treasurer to be credited to the
19 Department of Public Safety Restricted Revolving Fund. All monies
20 accruing to the credit of the Department of Public Safety Restricted
21 Revolving Fund from the restricted driver license fees shall be
22 budgeted and expended solely for the purpose of administering the
23 provisions of this section.

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

4 C. Installation of an ignition interlock device pursuant to
5 subsection A of this section shall run concurrently with a court
6 order, if any, for installation of an ignition interlock device
7 pursuant to the same conviction.

8 D. Installation of an ignition interlock device pursuant to any
9 court order, Impaired Driver Accountability Program or other
10 diversionary program shall be credited towards any requirement for
11 the installation of an ignition interlock device pursuant to any
12 court order, Impaired Driver Accountability Program or other
13 diversionary program arising out of the same incident.

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

18 F. The ignition interlock device manufacturer shall report
19 violations, if any, in accordance with the rules of the Board of
20 Tests for Alcohol and Drug Influence for each ignition interlock
21 device installed pursuant to this section and Section 6-205.1 of
22 this title.

23 G. Pursuant to Section 6-205.1 of this title, the Department
24 shall extend the period of ignition interlock of the person for a

1 report from the Board of Tests for Alcohol and Drug Influence of a
2 reportable violation by the person as defined in the rules of the
3 Board of Tests for Alcohol and Drug Influence. A restriction
4 imposed under this section or Section 6-205.1 of this title shall
5 remain in effect until the department receives a declaration from
6 the Board of Tests for Alcohol and Drug Influence, in a form
7 provided or approved by the department, certifying that there have
8 been no reportable violations in the one hundred eighty (180)
9 consecutive days prior to the date of release. The Department shall
10 send notice in accordance with Section 2-116 of this title prior to
11 extending the period of ignition interlock. Upon request, made
12 within fifteen (15) days of completion of the notice, the person
13 shall have the right to an informal hearing before the Department
14 prior to any extension of the period of ignition interlock. The
15 hearing shall be limited to the issues of the validity of the
16 ignition interlock violation and the identity of the person
17 committing the violation. Should the person's release date occur
18 after the Department has received the informal hearing request but
19 before the informal hearing, the period of ignition interlock of the
20 person shall be extended pending the final judgment of the
21 Department.

22 H. The Department shall promulgate rules necessary to implement
23 and administer the provisions of this section.
24

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

4 A. The Department of Public Safety shall establish the Impaired
5 Driver Accountability Program (IDAP) at the Department of Public
6 Safety. Fees collected by the Department for admission into the
7 program shall be deposited in the Department of Public Safety
8 Restricted Revolving Fund for support of the program. The
9 Department shall promulgate rules necessary to administer the
10 program.

11 B. The Department may enter into an IDAP agreement with the
12 person if:

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

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

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

1 4. The person is not otherwise ineligible for driving
2 privileges in Oklahoma on the date the person enters into the IDAP
3 agreement.

4 C. Upon successful completion of the program, the records of
5 the Department will be updated to indicate completion of the program
6 by the person without revocation. No reinstatement fee will be
7 charged to the person.

8 D. The program length shall be:

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

21 2. A minimum of twelve (12) months for a person subject to
22 revocation pursuant to paragraph 2 of subsection A of Section 6-
23 205.1 of Title 47 of the Oklahoma Statutes. A restriction imposed
24 under this section shall remain in effect until the department

1 receives a declaration from the Board of Tests for Alcohol and Drug
2 Influence, in a form provided or approved by the department,
3 certifying that there have been no reportable violations in the one
4 hundred twenty (120) consecutive days prior to the date of release.
5 If the Department receives notice of any ignition interlock
6 reportable violations, as determined by the Board of Tests for
7 Alcohol and Drug Influence, the program period shall be extended for
8 a period of one hundred twenty (120) days; or

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

20 E. Prior to an extension of the program period, the Department
21 shall send notice of the extension in accordance with Section 2-116
22 of Title 47 of the Oklahoma Statutes. Upon request, which shall be
23 made within fifteen (15) days of receipt of the notice, the person
24 shall have the right to an informal hearing before the Department

1 prior to any extension of the program. The hearing shall be limited
2 to the issues of the validity of the ignition interlock reportable
3 violation and the identity of the person committing the violation.
4 Should the person's release date occur after the Department has
5 received the informal hearing request but before the informal
6 hearing, the period of ignition interlock of the person shall be
7 extended pending the final judgment of the Department.

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

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

13 2. Except as otherwise provided in this section, all other
14 monies collected in excess of Two Hundred Fifty Thousand Dollars
15 (\$250,000.00) each month shall be deposited in the General Revenue
16 Fund.

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

20 Any person subject to revocation of driving privileges pursuant
21 to Section 753 or 754 of Title 47 of the Oklahoma Statutes shall be
22 given a dated notice advising the person of the availability of the
23 Impaired Driver Accountability Program on a form prescribed by the
24 Department of Public Safety. The notice shall be given together

1 with the notice of revocation by the officer as required by Section
2 753 or 754 of Title 47 of the Oklahoma Statutes, or by the
3 Department in accordance with Section 2-116 of Title 47 of the
4 Oklahoma Statutes.

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

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

17 B. No person shall willfully attempt to interfere in any way
18 with the intended and proper functioning of an ignition interlock
19 device installed in a vehicle as required by law, or intentionally
20 fail to return an ignition interlock device when it is no longer
21 required in the vehicle or upon request by the owner of the device.
22 ~~A violation of this subsection shall be a misdemeanor and shall be~~
23 ~~punishable by a fine of not more than Five Hundred Dollars (\$500.00).~~

1 ~~or by imprisonment in the county jail for not more than six (6)~~
2 ~~months or by both such fine and imprisonment.~~

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

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

12 ~~D. The court shall require, as a condition of any bond, the~~
13 ~~installation of an ignition interlock device, approved by the Board~~
14 ~~of Tests for Alcohol and Drug Influence, on any vehicle operated by~~
15 ~~the defendant charged with a second or subsequent offense under~~
16 ~~Section 11-902 of this title. The period of time for which the~~
17 ~~ignition interlock device is required to be installed pursuant to~~
18 ~~this section shall not be credited toward any time period for which~~
19 ~~an ignition interlock device is required to be installed pursuant to~~
20 ~~Section 6-205.1 of this title. The period of time for which the~~
21 ~~ignition interlock device is required to be installed pursuant to~~
22 ~~this section shall be credited toward any time period for which~~
23 ~~ignition interlock device installation is required under the~~
24 ~~Impaired Driver Accountability Program. If the person charged~~

~~successfully completes the Impaired Driver Accountability Program before a plea or verdict in their criminal case, the court may remove the ignition interlock device requirement from the bond.~~

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

Section 751. A. 1. Any person who operates a motor vehicle upon the public roads, highways, streets, turnpikes or other public place or upon any private road, street, alley or lane which provides access to one or more single or multi-family dwellings within this state shall be deemed to have given consent to a test or tests of such person's blood or breath, for the purpose of determining the alcohol concentration as defined in Section 756 of this title, and such person's blood, saliva or urine for determining the presence or concentration of any other intoxicating substance therein as defined in this section, if arrested for any offense arising out of acts alleged to have been committed while the person was operating or in actual physical control of a motor vehicle upon the public roads, highways, streets, turnpikes or other public place or upon any private road, street, alley or lane which provides access to one or more single or multi-family dwellings while under the influence of alcohol or other intoxicating substance, or the combined influence of alcohol and any other intoxicating substance, or if the person is involved in a traffic accident that resulted in the immediate death

1 or serious injury of any person and is removed from the scene of the
2 accident to a hospital or other health care facility outside the
3 State of Oklahoma before a law enforcement officer can effect an
4 arrest.

5 2. A law enforcement officer, having reasonable grounds to
6 believe that such person was operating or in actual physical control
7 of a motor vehicle while under the influence may direct the
8 administration of or administer the test or tests.

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

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

23 In the event that law enforcement agency does not designate the
24 test to be administered, breath shall be the substance tested for

1 alcohol concentration ~~unless a law enforcement officer requests a~~
2 ~~blood test in accordance with the provisions of this section.~~ Blood
3 may also be tested to determine the alcohol concentration ~~or the~~
4 ~~presence or concentration of other intoxicating substances or a~~
5 ~~combination thereof in the event that breath:~~

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

9 2. ~~Breath~~ cannot be tested to determine the alcohol
10 concentration thereof because of the ~~unavailability~~ lack of an
11 approved device or qualified person to administer a breath test or
12 because such:

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

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

18 5. ~~The person is transported a medical facility for medical~~
19 ~~examination or treatment prior to the timely administration of a~~
20 ~~breath test.~~

21 In the event the law enforcement agency does not designate the
22 test to be administered, blood, saliva or urine shall be the
23 substance tested for the presence or concentration of any other
24

1 intoxicating substance or the combination of alcohol and any other
2 intoxicating substance.

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

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

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

22 Any person who has been arrested for one of the offenses listed
23 in subsection A of this section who is unconscious or injured and
24 who requires immediate medical treatment as determined by a treating

1 physician may be released on the person's own recognizance for
2 medical reasons by the arresting officer. The arresting officer who
3 releases an arrested person on the person's own recognizance must
4 indicate the release on the face of the citation. Any person
5 released on his or her own recognizance for medical reasons shall
6 remain at liberty pending the filing of charges.

7 ~~D.~~ E. In addition to any test designated by the arresting
8 officer, the arrested person ~~is entitled to a blood~~ may also
9 designate any additional test to be administered to determine the
10 concentration of alcohol, or the presence or concentration of any
11 other intoxicating substance or the combination of alcohol and any
12 other intoxicating substance. The cost of such additional test
13 shall be at the expense of the arrested person.

14 A sufficient quantity of any ~~blood~~ specimen obtained at the
15 ~~request~~ designation of the arrested person shall be available to the
16 law enforcement agency employing the arresting officer. Such
17 specimens shall be treated in accordance with the rules applicable
18 to the specimens obtained by an arresting officer.

19 F. When a law enforcement officer has determined that the blood
20 alcohol content of an individual is to be tested for the presence or
21 concentration of alcohol, other intoxicating substance, or the
22 combination of alcohol and any other intoxicating substance, the law
23 enforcement officer shall inform the individual to be tested that
24

1 the withdrawal of blood shall only be performed by certain medical
2 personnel as provided for in Section 752 of this title.

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

6 Section 752. A. Only a licensed medical doctor, licensed
7 osteopathic physician, licensed chiropractic physician, registered
8 nurse, licensed practical nurse, physician's assistant, certified by
9 the State Board of Medical Licensure and Supervision, an employee of
10 a hospital or other health care facility authorized by the hospital
11 or health care facility to withdraw blood, or ~~personnel licensed in~~
12 ~~accordance with Section 1-2505 of Title 63 of the Oklahoma Statutes~~
13 ~~as Intermediate Emergency Medical Technicians. Advanced Emergency~~
14 ~~Medical Technicians or Paramedics~~ other qualified person authorized
15 by the Board of Tests for Alcohol and Drug Influence acting at the
16 request of a law enforcement officer may withdraw blood for the
17 purpose of ~~determining the presence and~~ having a determination made
18 of its concentration of alcohol or the presence or concentration of
19 other intoxicating substance, ~~or a combination thereof.~~ Only
20 qualified persons authorized by the Board may collect breath, saliva
21 or urine, or administer tests of breath under the provisions of this
22 title.

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

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

3 2. Signed by a duly authorized peace officer that the person
4 whose blood is to be withdrawn has agreed to the withdrawal of
5 blood;

6 3. Signed by a duly authorized peace officer that the person
7 whose blood is to be withdrawn has been placed under arrest and that
8 the officer has probable cause to believe that the person, while
9 intoxicated, has operated a motor vehicle in such manner as to have
10 caused the death or serious physical injury of another person, or
11 the person has been involved in a traffic accident and has been
12 removed from the scene of the accident that resulted in the death or
13 great bodily injury, as defined in subsection B of Section 646 of
14 Title 21 of the Oklahoma Statutes, of any person to a hospital or
15 other health care facility outside the State of Oklahoma before the
16 law enforcement officer was able to effect an arrest for such
17 offense; or

18 4. In the form of an order from a district court that blood be
19 withdrawn, the person authorized to withdraw the blood and the
20 hospital or other health care facility where the withdrawal occurs
21 may rely on such a statement or order as evidence that the person
22 has consented to or has been required to submit to the clinical
23 procedure and shall not require the person to sign any additional
24 consent or waiver form. In such a case, the person authorized to

1 perform the procedure, the employer of such person, and the hospital
2 or other health care facility shall not be liable in any action
3 alleging lack of consent or lack of informed consent.

4 C. No person specified in subsection A of this section, no
5 employer of such person, and no hospital or other health care
6 facility where blood is withdrawn shall incur any civil or criminal
7 liability as a result of the proper withdrawal of blood when acting
8 at the request of a law enforcement officer by the provisions of
9 Section 751 or 753 of this title, or when acting in reliance upon a
10 signed statement or court order as provided in this section, if the
11 act is performed in a reasonable manner according to generally
12 accepted clinical practice. No person specified in subsection A of
13 this section shall incur any civil or criminal liability as a result
14 of the proper collection of breath, saliva or urine when acting at
15 the request of a law enforcement officer under the provisions of
16 Section 751 or 753 of this title or when acting pursuant to a court
17 order.

18 D. The blood, breath, saliva or urine specimens obtained shall
19 be tested by the appropriate test as determined by the Board, or
20 tested by a laboratory that is exempt from the Board rules pursuant
21 to Section 759 of this title, to determine the alcohol concentration
22 thereof, or the presence or concentration of any other intoxicating
23 substance which might have affected the ability of the person tested
24 to operate a motor vehicle safely.

1 E. When blood is withdrawn or saliva or urine is collected for
2 testing of its alcohol concentration or other intoxicating substance
3 presence or concentration, at the request of a law enforcement
4 officer, a sufficient quantity of the same specimen shall be
5 obtained to enable the tested person, at his or her own option and
6 expense, to have an independent analysis made of such specimen. The
7 excess blood, saliva or urine specimen shall be retained by a
8 laboratory approved by the Board, in accordance with the rules and
9 regulations of the Board, or by a laboratory that is exempt from the
10 Board rules pursuant to Section 759 of this title, for sixty (60)
11 days from the date of collection. At any time within that period,
12 the tested person or his or her attorney may direct that such blood,
13 saliva or urine specimen be sent or delivered to a laboratory of his
14 or her own choosing and approved by the Board for an independent
15 analysis. Neither the tested person, nor any agent of such person,
16 shall have access to the additional blood, saliva or urine specimen
17 prior to the completion of the independent analysis, except the
18 analyst performing the independent analysis and agents of the
19 analyst.

20 F. When a test of breath is performed for the purpose of
21 determining the alcohol concentration thereof, except when such test
22 is performed by means of an automated analyzer as designated by the
23 Board, a sufficient quantity of breath, or of the alcohol content of
24 a fixed or measured quantity of breath, shall be obtained, in

1 accordance with the rules and regulations of the Board, to enable
2 the tested person, at his or her own option and expense, to have an
3 independent analysis thereof, except the analyst performing the
4 independent analysis and agents of the analyst.

5 G. The costs of collecting blood, breath, saliva or urine
6 specimens for the purpose of determining the alcohol or other
7 intoxicating substance thereof, by or at the direction of a law
8 enforcement officer, shall be borne by the law enforcement agency
9 employing such officer; provided, if the person is convicted for any
10 offense involving the operation of a motor vehicle while under the
11 influence of or while impaired by alcohol or an intoxicating
12 substance, or both, as a direct result of the incident which caused
13 the collection of blood, saliva or urine specimens, an amount equal
14 to the costs shall become a part of the court costs of the person
15 and shall be collected by the court and remitted to the law
16 enforcement agency bearing the costs. The cost of collecting,
17 retaining and sending or delivering to an independent laboratory the
18 excess specimens of blood, breath, saliva or urine for independent
19 analysis at the option of the tested person shall also be borne by
20 such law enforcement agency. The cost of the independent analysis
21 of such specimen of blood, breath, saliva or urine shall be borne by
22 the tested person at whose option such analysis is performed. The
23 tested person, or his or her agent, shall make all necessary
24

1 arrangements for the performance of such independent analysis other
2 than the forwarding or delivery of such specimen.

3 ~~G.~~ H. Tests of blood or breath for the purpose of determining
4 the alcohol concentration thereof, and tests of blood, saliva or
5 urine for the purpose of determining the presence or concentration
6 of any other intoxicating substance therein, under the provisions of
7 this title, whether administered by or at the direction of a law
8 enforcement officer or administered independently, at the option of
9 the tested person, on the excess specimen of such person's blood,
10 breath, saliva or urine, to be considered valid and admissible in
11 evidence under the provisions of this title, shall have been
12 administered or performed in accordance with the rules and
13 regulations of the Board, or performed by a laboratory that is
14 exempt from the Board rules pursuant to Section 759 of this title.

15 ~~H.~~ I. Any person who has been arrested for any offense arising
16 out of acts alleged to have been committed while the person was
17 operating or in actual physical control of a motor vehicle while
18 under the influence of alcohol, any other intoxicating substance or
19 the combined influence of alcohol and any other intoxicating
20 substance who is not requested by a law enforcement officer to
21 submit to a test shall be entitled to have an independent test of
22 his or her blood, breath, saliva or urine which is appropriate as
23 determined by the Board for the purpose of determining its alcohol
24 concentration or the presence or concentration of any other

1 intoxicating substance therein, performed by a person of his or her
2 own choosing who is qualified as stipulated in this section. The
3 arrested person shall bear the responsibility for making all
4 necessary arrangements for the administration of such independent
5 test and for the independent analysis of any specimens obtained, and
6 bear all costs thereof. The failure or inability of the arrested
7 person to obtain an independent test shall not preclude the
8 admission of other competent evidence bearing upon the question of
9 whether such person was under the influence of alcohol, or any other
10 intoxicating substance or the combined influence of alcohol and any
11 other intoxicating substance.

12 ~~I.~~ J. Any agency or laboratory certified by the Board or any
13 agency or laboratory that is exempt from the Board rules pursuant to
14 Section 759 of this title, which analyses ~~saliva,~~ breath, blood, or
15 urine shall make available a written report of the results of the
16 test administered by or at the direction of the law enforcement
17 officer to:

- 18 1. The tested person, or his or her attorney;
- 19 2. The Commissioner of Public Safety; and
- 20 3. The Fatality Analysis Reporting System (FARS) analyst of the
21 state, upon request.

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

24

1 SECTION 14. AMENDATORY 47 O.S. 2011, Section 753, as
2 last amended by Section 12, Chapter 392, O.S.L. 2017 (47 O.S. Supp.
3 2018, Section 753), is amended to read as follows:

4 Section 753. A. If a conscious person under arrest refuses to
5 submit to testing of his or her blood or breath for the purpose of
6 determining the alcohol concentration thereof, or to a test of his
7 or her blood, saliva or urine for the purpose of determining the
8 presence or concentration of any other intoxicating substance, or
9 the combined influence of alcohol and any other intoxicating
10 substance, none shall be given except upon the issuance of a search
11 warrant or unless the investigating officer has probable cause to
12 believe that the person under arrest, while intoxicated, has
13 operated the motor vehicle in such a manner as to have caused the
14 death or serious physical injury of any other person or persons. In
15 such event, such test otherwise authorized by law may be made in the
16 same manner as if a search warrant had been issued for such test or
17 tests. The sample shall be taken in a medically acceptable manner
18 as authorized by Section 752 of this title. The Commissioner of
19 Public Safety, upon the receipt of a sworn report of the law
20 enforcement officer that the officer had reasonable grounds to
21 believe the arrested person had been driving or was in actual
22 physical control of a motor vehicle upon the public roads, highways,
23 streets, turnpikes or other public place of this state while under
24 the influence of alcohol, any other intoxicating substance, or the

1 combined influence of alcohol and any other intoxicating substance,
2 or that the person had refused to submit to the test or tests, shall
3 revoke the license to drive and any nonresident operating privilege
4 for a period provided by Section 6-205.1 of this title. If the
5 person is a resident or nonresident without a license or permit to
6 operate a motor vehicle in this state, the Commissioner of Public
7 Safety shall deny to the person the issuance of a license or permit
8 for a period provided by Section 6-205.1 of this title subject to a
9 review as provided in Section 754 of this title. The revocation or
10 denial shall become effective thirty (30) days after the arrested
11 person is given written notice thereof by the officer or by the
12 Department as provided in Section 754 of this title.

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

1 The Department shall immediately reinstate the driving privilege
2 of the person if:

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

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

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

14 Section 754. A. Any arrested person who is under twenty-one
15 (21) years of age and has any measurable quantity of alcohol in the
16 person's blood or breath, or any person twenty-one (21) years of age
17 or older whose alcohol concentration is eight-hundredths (0.08) or
18 more as shown by a breath test administered according to the
19 provisions of this title, or any arrested person who has refused to
20 submit to a breath or blood test, shall immediately surrender his or
21 her driver license, permit or other evidence of driving privilege to
22 the arresting law enforcement officer. ~~Except in cases where the~~
23 ~~arrested person submitted to a test of their blood, the~~ The officer
24 shall seize any driver license, permit, or other evidence of driving

1 privilege surrendered by or found on the arrested person during a
2 search. ~~The evidence of driving privilege seized by the officer~~
3 ~~shall be delivered to the Department of Public Safety. The~~
4 ~~Department shall destroy the evidence of driving privilege upon~~
5 ~~receipt thereof.~~

6 B. If the evidence of driving privilege surrendered to or
7 seized by the officer has not expired and otherwise appears valid,
8 the officer shall issue to the arrested person a dated receipt for
9 that driver license, permit, or other evidence of driving privilege
10 on a form prescribed by the Department of Public Safety. This
11 receipt shall be recognized as a ~~temporary restricted~~ driver license
12 and shall authorize the arrested person to operate a motor vehicle
13 for a period not to exceed ~~forty-five (45)~~ thirty (30) days. The
14 receipt form shall contain and constitute a notice of revocation of
15 driving privilege by the Department effective in thirty (30) days.

16 The evidence of driving privilege and a copy of the receipt form
17 issued to the arrested person shall be attached to the sworn report
18 of the officer and shall be submitted by mail or in person to the
19 Department within seventy-two (72) hours of the issuance of the
20 receipt. The failure of the officer to timely file this report
21 shall not affect the authority of the Department to revoke the
22 driving privilege of the arrested person.

23 C. ~~When any alleged controlled dangerous substance has been~~
24 ~~submitted to the laboratory of the OSBI for analysis, and the~~

~~analysis shows that the submitted material is a controlled dangerous substance, the distribution of which constitutes a felony under the laws of this state, no portion of the substance shall be released to any other person or laboratory absent an order of a district court. The defendant shall additionally be required to submit to the court a procedure for transfer and analysis of the subject material to ensure the integrity of the sample and to prevent the material from being used in any illegal manner~~ Upon receipt of a written blood or breath test report reflecting that the arrested person, if under twenty-one (21) years of age, had any measurable quantity of alcohol in the person's blood or breath, or, if the arrested person is twenty-one (21) years of age or older, a blood or breath alcohol concentration of eight-hundredths (0.08) or more, accompanied by a sworn report from a law enforcement officer that the officer had reasonable grounds to believe the arrested person had been operating or was in actual physical control of a motor vehicle while under the influence of alcohol as prohibited by law, the Department shall revoke or deny the driving privilege of the arrested person for a period as provided by Section 6-205.1 of this title, unless the person has successfully completed or is currently participating in the Impaired Driver Accountability Program. Revocation or denial of the driving privilege of the arrested person shall become effective thirty (30) days after the arrested person is given written notice

1 thereof by the officer as provided in this section or by the
2 Department as provided in Section 2-116 of this title.

3 D. The appeal hearing before the district court shall be
4 conducted in accordance with Section 6-211 of this title. The
5 hearing shall cover the issues of whether the officer had reasonable
6 grounds to believe the person had been operating or was in actual
7 physical control of a vehicle upon the public roads, highways,
8 streets, turnpikes or other public place of this state while under
9 the influence of alcohol, any other intoxicating substance or the
10 combined influence of alcohol and any other intoxicating substance
11 as prohibited by law, and whether the person was placed under
12 arrest.

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

- 16 a. if timely requested by the person, the person was not
17 denied a breath or blood test,
18 b. the specimen was obtained from the person within two
19 (2) hours of the arrest of the person,
20 c. the person, if under twenty-one (21) years of age, was
21 advised that driving privileges would be revoked or
22 denied if the test result reflected the presence of
23 any measurable quantity of alcohol,
24

- 1 d. the person, if twenty-one (21) years of age or older,
2 was advised that driving privileges would be revoked
3 or denied if the test result reflected an alcohol
4 concentration of eight-hundredths (0.08) or more, and
5 e. the test result in fact reflects the alcohol
6 concentration.

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

- 11 a. the person refused to submit to the test or tests, and
12 b. the person was informed that driving privileges would
13 be revoked or denied if the person refused to submit
14 to the test or tests.

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

17 SECTION 16. AMENDATORY 47 O.S. 2011, Section 754.1, as
18 last amended by Section 14, Chapter 392, O.S.L. 2017 (47 O.S. Supp.
19 2018, Section 754.1), is amended to read as follows:

20 Section 754.1. A. Modification of a revocation or denial
21 arising under the provisions of Section 6-205.1 of this title or
22 under the provisions of Sections 751 through 754 or 761 of this
23 title shall apply to Class D ~~motor vehicles~~ driver licenses only.
24

1 B. As a prerequisite and condition of any modification, the
2 person shall be required to have installed an ignition interlock
3 device approved by the Board of Tests for Alcohol and Drug
4 Influence, at the person's own expense, upon any motor vehicle
5 operated by the person. ~~A person whose revocation is modified may~~
6 ~~only operate a motor vehicle equipped with an approved ignition~~
7 ~~interlock device.~~ The Department shall require, as a condition of
8 modification, the device to be installed upon any vehicle owned or
9 leased, as reflected on the vehicle registration, by an employer of
10 the person for use by the ~~person~~ employer, except when the employer
11 requests the ignition interlock device not be installed. The
12 request shall be in writing and notarized on the official letterhead
13 of the employer and provided by the ~~employer~~ person to the
14 Department; provided, a request shall not be accepted by the
15 Department under the following circumstances:

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

19 2. When the person is employed by a relative who either is
20 within the first degree of consanguinity or who resides in the same
21 household; or

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

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

3 C. Upon the issuance of a modification order pursuant to this
4 section, Section 11 of this act, or under the provisions of
5 paragraph 1, 2, or 3 of subsection A or paragraph 1, 2, or 3 of
6 subsection B of Section 6-205.1 of this title, for a violation of
7 this title, the person shall pay a modification fee of One Hundred
8 Seventy-five Dollars (\$175.00) to the Department. For each
9 modification fee collected pursuant to the provisions of this
10 subsection, One Hundred Dollars (\$100.00) shall be remitted to the
11 State Treasurer to be credited to the General Revenue Fund in the
12 State Treasury and Seventy-five Dollars (\$75.00) shall be remitted
13 to the State Treasurer to be credited to the Department of Public
14 Safety Restricted Revolving Fund. All monies accruing to the credit
15 of the Department of Public Safety Restricted Revolving Fund from
16 modification fees shall be budgeted and expended solely for the
17 purpose of administering the provisions of this section and Section
18 11 of this act.

19 D. The Board of Tests for Alcohol and Drug Influence shall
20 promulgate such rules as are necessary to implement and administer
21 the provisions of this subsection relating to ignition interlock
22 devices and the providers of such devices.

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

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

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

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