

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 366 By: David of the Senate
3 and
4 Kannady of the House
5
6
7

8 An Act relating to impaired driving; amending 47 O.S.
9 2011, Section 6-205, as last amended by Section 3,
10 Chapter 400, O.S.L. 2019 (47 O.S. Supp. 2020, Section
11 6-205), which relates to mandatory revocation of
12 driving privilege; modifying inclusions; amending 47
13 O.S. 2011, Section 6-205.1, as last amended by
14 Section 4, Chapter 400, O.S.L. 2019 (47 O.S. Supp.
15 2020, Section 6-205.1), which relates to period of
16 revocations; modifying qualifiers; disallowing
17 certain concurrent revocation; amending 47 O.S. 2011,
18 Section 6-211, as amended by Section 5, Chapter 400,
19 O.S.L. 2019 (47 O.S. Supp. 2020, Section 6-211),
20 which relates to the right of appeal to district
21 court; requiring certain notice; providing for
22 certain bond; providing for certain forfeiture of
23 bond; directing eligible persons be restored driving
24 privileges; directing court when certain order
sustained; providing for an appealable order or
judgment; amending 47 O.S. 2011, Section 6-212.2, as
amended by Section 7, Chapter 400, O.S.L. 2019 (47
O.S. Supp. 2020, Section 6-212.2), which relates to
required completion of alcohol and drug assessment
and evaluation; allowing certain participation;
amending 47 O.S. 2011, Section 6-212.3, as last
amended by Section 8, Chapter 400, O.S.L. 2019 (47
O.S. Supp. 2020, Section 6-212.3), which relates to
ignition interlock device; providing certain time
modifications; amending Section 9, Chapter 400,
O.S.L. 2019 (47 O.S. Supp. 2020, Section 6-212.5),
which relates to the Impaired Driver Accountability
Program; requiring certain restricted license;
providing for certain withdrawal; allowing certain
program extension; directing deposits to the

1 Department of Public Safety's Restricted Revolving
2 Fund; repealing Section 10, Chapter 400, O.S.L. 2019
3 (47 O.S. Supp. 2020, Section 6-212.6), which relates
4 to notice of IDAP to persons subject to license
revocation; updating statutory references; and
providing an effective date.

5 AUTHOR: Remove Kannady as House Principal Author and
6 substitute with Hilbert

7 AMENDMENT NO. 1. Strike the title, enacting clause, and entire bill
8 and insert:

9 "An Act relating to impaired driving; amending 47
10 O.S. 2021, Section 6-205.1, which relates to periods
of revocation; removing certain exception; modifying
11 certain requirements for license revocation;
amending 47 O.S. 2021, Section 6-211, which relates
12 to right of appeal to district court; stating
certain petition requirements; modifying time frame
13 to set certain matter for hearing; deleting court's
discretionary modification of revocation; allowing
14 certain stay of appeal; requiring court to enter
certain order; disallowing the award of certain
15 costs or fees; requiring Department of Public Safety
to take certain action after receiving certain
16 petition challenging Department action; requiring
certain restoration of driving privileges; amending
17 47 O.S. 2021, Section 6-212.2, which relates to the
required completion of alcohol and drug assessment
and evaluation; deleting certain travel restriction;
18 amending 47 O.S. 2021, Section 6-212.3, which
relates to ignition interlock devices; deleting
19 certain requirements regarding installation of
ignition interlock device on employer-owned
20 vehicles; deleting certain requirement for employer-
issued letter; allowing credit for certain
21 participation; deleting certain extension for
ignition interlock; amending 47 O.S. 2021, Section
22 6-212.5, which relates to the Impaired Driver
Accountability Program; transferring certain duties
23 from the Department of Public Safety to the Board of
Tests for Alcohol and Drug Influence; setting
24 certain administrative fee; directing deposit of

1 certain collected fees; requiring the promulgation
2 of certain rules; stating minimum requirements of
3 certain rules; deleting certain agreement; providing
4 for the issuance of certain certificate upon
5 successful completion of the program; requiring
6 certain reinstatement of driving privileges;
7 deleting program length requirements; deleting
8 certain notice and hearing requirements; deleting
9 certain fee apportionment and deposit requirements;
10 amending 47 O.S. 2021, Section 753, which relates to
11 refusal to submit to test; extending certain time
12 frame; amending 47 O.S. 2021, Section 754, which
13 relates to seizure of license; requiring Department
14 to take no action on certain sworn report; repealing
15 47 O.S. 2021, Section 6-212.6, which relates to
16 notice of Impaired Driver Accountability Program to
17 persons subject to license revocation; repealing 47
18 O.S. 2021, Section 754.1, which relates to
19 modification of revocation or denial in cases of
20 extreme and unusual hardship; repealing 47 O.S.
21 2021, Section 754.2, which relates to district court
22 modification of revocation or denial; repealing 47
23 O.S. 2021, Section 755, which relates to appeals;
24 and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2021, Section 6-205.1, is amended to read as follows:

Section 6-205.1 A. The driving privilege of a person who is convicted of any offense as provided in paragraph 2 of subsection A of Section 6-205 of this title, or a person who has refused to submit to a test or tests as provided in Section 753 of this title, or a person whose alcohol concentration is subject to the provisions of Section 754 of this title, ~~unless the person has successfully~~

1 ~~completed, or is currently participating in, the Impaired Driver~~
2 ~~Accountability Program,~~ shall be revoked or denied by the Department
3 of Public Safety for the following period, as applicable:

4 1. The first license revocation pursuant to paragraph 2 of
5 subsection A of Section 6-205 of this title or Section 753 or 754 of
6 this title, within ten (10) years preceding the date of arrest
7 relating thereto, shall be for a period of no less than one hundred
8 eighty (180) days, ~~or longer if driving privileges are modified~~
9 ~~pursuant to the provisions of this paragraph, which shall be~~
10 ~~modified upon request; provided, any modification under this~~
11 ~~paragraph shall apply to Class D driver licenses only. For any~~
12 ~~modification, the person shall be required to install an ignition~~
13 ~~interlock device or devices, pursuant to Section 754.1 of this title~~
14 ~~and until the person completes the Impaired Driver Accountability~~
15 ~~Program in accordance with the rules of the Board of Tests for~~
16 ~~Alcohol and Drug Influence.~~ The period of revocation and the ~~period~~
17 ~~of interlock installation~~ Impaired Driver Accountability Program
18 shall run concurrently and each shall be for no less than one
19 hundred eighty (180) days;

20 2. A revocation pursuant to paragraph 2 of subsection A of
21 Section 6-205 of this title or Section 753 or 754 of this title
22 shall be for a period of no less than one (1) year, ~~or longer if~~
23 ~~driving privileges are modified pursuant to the provisions of this~~
24 ~~paragraph,~~ and until the person completes the Impaired Driver

1 Accountability Program in accordance with the rules of the Board of
2 Tests for Alcohol and Drug Influence, if within ten (10) years
3 preceding the date of arrest relating thereto, as shown by the
4 records of the Department:

5 a. a prior revocation commenced pursuant to paragraph 2
6 or 6 of subsection A of Section 6-205 of this title, ~~or~~
7 or Section 753 or 754 of this title, ~~or completion of~~
8 ~~the Impaired Driver Accountability Program,~~ or

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

16 ~~Such one-year period of revocation may be modified upon request;~~
17 ~~provided, any modification under this paragraph shall apply to Class~~
18 ~~D driver licenses only. For any modification, the person shall be~~
19 ~~required to install an ignition interlock device or devices,~~
20 ~~pursuant to Section 754.1 of this title. The period of revocation~~
21 ~~and the period of interlock installation~~ Impaired Driver
22 Accountability Program shall run concurrently and each shall be for
23 no less than one (1) year; ~~or~~

1 3. A revocation pursuant to paragraph 2 of subsection A of
2 Section 6-205 of this title or Section 753 or 754 of this title
3 shall be for a period of ~~three (3)~~ no less than two (2) years, or
4 ~~longer if driving privileges are modified pursuant to the provisions~~
5 ~~of this paragraph,~~ and until the person completes the Impaired
6 Driver Accountability Program in accordance with the rules of the
7 Board of Tests for Alcohol and Drug Influence, if within ten (10)
8 years preceding the date of arrest relating thereto, as shown by the
9 records of the Department:

- 10 a. two or more prior revocations commenced pursuant to
11 paragraph 2 or 6 of subsection A of Section 6-205 of
12 this title or Section 753 or 754 of this title,
- 13 b. ~~a prior revocation commenced pursuant to paragraph 2~~
14 ~~or 6 of subsection A of Section 6-205 of this title or~~
15 ~~Section 753 or 754 of this title, and completion two~~
16 ~~or more current enrollments in or previous completions~~
17 of the Impaired Driver Accountability Program,
- 18 c. the record of the person reflects two or more prior
19 convictions in another jurisdiction which did not
20 result in a revocation of Oklahoma driving privileges,
21 for a violation substantially similar to paragraph 2
22 of subsection A of Section 6-205 of this title, and
23 the person was not a resident or a licensee of

24

1 Oklahoma at the time of the offense resulting in the
2 conviction, or

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

8 ~~Such three-year period of revocation shall be modified upon request;~~
9 ~~provided, any modification under this paragraph shall apply to Class~~
10 ~~D driver licenses only. For any modification, the person shall be~~
11 ~~required to install an ignition interlock device or devices,~~
12 ~~pursuant to Section 754.1 of this title. The period of revocation~~
13 ~~and the period of interlock installation~~ Impaired Driver
14 Accountability Program shall run concurrently and each shall be for
15 no less than ~~three (3)~~ two (2) years; or

16 4. The revocation of the driving privilege of any person under
17 Section 6-205, 6-205.1, 753, or 754 of this title shall not run
18 concurrently with any other revocation of driving privilege under
19 Section 6-205, 6-205.1, 753, or 754 of this title resulting from a
20 different incident.

21 B. The driving privilege of a person who is convicted of any
22 offense as provided in paragraph 3 or 6 of subsection A of Section
23 6-205 of this title shall be revoked or denied by the Department of
24 Public Safety for the following period, as applicable:

1 1. The first license revocation shall be for one hundred eighty
2 (180) days, which shall be modified upon request; provided, any
3 modification under this paragraph shall apply to Class D driver
4 licenses only;

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

8 a. a prior revocation commenced pursuant to paragraph 2,
9 3 or 6 of subsection A of Section 6-205 of this title,
10 or Section 753 or 754 of this title,

11 b. a prior revocation commenced pursuant to paragraph 2,
12 3 or 6 of subsection A of Section 6-205 of this title
13 or Section 753 or 754 of this title, ~~and~~ or current
14 enrollment in or previous completion of the Impaired
15 Driver Accountability Program, or

16 c. the record of the person reflects a prior conviction
17 in another jurisdiction which did not result in a
18 revocation of Oklahoma driving privileges, for a
19 violation substantially similar to paragraph 2, 3 or 6
20 of subsection A of Section 6-205 of this title, and
21 the person was not a resident or a licensee of
22 Oklahoma at the time of the offense resulting in the
23 conviction.

24 Such period shall not be modified; or

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

4 a. two or more prior revocations commenced pursuant to
5 paragraph 2 or 6 of subsection A of Section 6-205 of
6 this title, or Section 753 or 754 of this title,

7 b. ~~a~~ two or more prior ~~revocation~~ revocations commenced
8 pursuant to paragraph 2 or 6 of subsection A of
9 Section 6-205 of this title or Section 753 or 754 of
10 this title, ~~and completion~~ or two or more current
11 enrollments in or previous completions of the Impaired
12 Driver Accountability Program,

13 c. the record of the person reflects two or more prior
14 convictions in another jurisdiction which did not
15 result in a revocation of Oklahoma driving privileges,
16 for a violation substantially similar to paragraph 2
17 or 6 of subsection A of Section 6-205 of this title,
18 and the person was not a resident or licensee of
19 Oklahoma at the time of the offense resulting in the
20 conviction, or

21 d. any combination of two or more prior revocations,
22 ~~completion~~ current enrollments in or previous
23 completions of the Impaired Driver Accountability
24

1 Program, or convictions as described in subparagraphs
2 a and b or c of this paragraph.

3 Such period shall not be modified.

4 The revocation of the driving privilege of any person under this
5 subsection shall not run concurrently with any other withdrawal of
6 driving privilege resulting from a different incident and which
7 requires the driving privilege to be withdrawn for a prescribed
8 amount of time. A denial based on a conviction of any offense as
9 provided in paragraph 6 of subsection A of Section 6-205 of this
10 title shall become effective on the first day the convicted person
11 is otherwise eligible to apply for and be granted driving privileges
12 if the person was not eligible to do so at the time of the
13 conviction.

14 C. For the purposes of this section:

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

18 2. The term "revocation" includes a denial of driving
19 privileges by the Department.

20 D. Each period of revocation in subsection A of this section
21 ~~not subject to modification~~ shall be mandatory and neither the
22 Department nor any court shall grant driving privileges based upon
23 hardship or otherwise for the duration of that period, except under
24 the Impaired Driver Accountability Program in accordance with the

1 rules of the Board of Tests for Alcohol and Drug Influence. ~~Each~~
2 ~~period of revocation, subject to modification as provided for in~~
3 ~~this section, shall be modified upon request as provided for in~~
4 ~~Sections 754.1 , 11-902a or subsection H of Section 6-205 of this~~
5 ~~title; provided, any modification under this paragraph shall apply~~
6 ~~to Class D driver licenses only.~~

7 E. Any appeal of a revocation or denial of driving privileges
8 in subsection A of this section shall be governed by Section 6-211
9 of this title.

10 SECTION 2. AMENDATORY 47 O.S. 2021, Section 6-211, is
11 amended to read as follows:

12 Section 6-211. A. Any person denied driving privileges, or
13 whose driving privilege has been canceled, denied, suspended or
14 revoked by the Department, except where such cancellation, denial,
15 suspension or revocation is mandatory, under the provisions of
16 Section 6-205 of this title, or disqualified by the Department,
17 under the provisions of Section 6-205.2 or 761 of this title, shall
18 have the right of appeal to the district court as hereinafter
19 provided. Proceedings before the district court shall be exempt
20 from the provisions of the Oklahoma Pleading and Discovery codes,
21 except that the appeal shall be by petition, without responsive
22 pleadings. The district court is hereby vested with original
23 jurisdiction to hear the petition.

24

1 B. A person whose driving privilege is denied, canceled,
2 revoked or suspended due to inability to meet standards prescribed
3 by law, or due to an out-of-state conviction or violation, or due to
4 an excessive point accumulation on the traffic record, or for an
5 unlawful license issued, may appeal in the county in which the
6 person resides.

7 C. Any person whose driving privilege is canceled, denied,
8 suspended or revoked may appeal to the district court in the county
9 in which the offense was committed upon which the Department based
10 its order.

11 D. A person whose driving privilege is subject to revocation
12 pursuant to Section 753 or 754 of this title may appeal to the
13 district court in the county in which the arrest occurred relating
14 to the test refusal or test result, as shown by the records of the
15 Department.

16 E. The petition shall be filed within thirty (30) days after
17 the notice of revocation, pursuant to Section 753 or 754 of this
18 title, has been served upon the person by the Department of Public
19 Safety. The petition shall contain a description of the facts and
20 circumstances of the underlying incident sufficient to determine the
21 arresting law enforcement agency and the date of the incident. It
22 shall be the duty of the district court to enter an order setting
23 the matter for hearing not less than ~~fifteen (15)~~ thirty (30) days
24 and not more than ~~thirty (30)~~ sixty (60) days from the date the

1 petition is filed. A certified copy of petition and order for
2 hearing shall be served forthwith by the ~~clerk of the court~~
3 petitioner upon the Commissioner of Public Safety by certified mail
4 at the Department of Public Safety, Oklahoma City, Oklahoma.

5 F. Upon a hearing relating to a revocation or disqualification
6 pursuant to a conviction for an offense enumerated in Section 6-205,
7 6-205.2 or 761 of this title, the court shall not consider the
8 propriety or merits of the revocation or disqualification action,
9 except to correct the identity of the person convicted as shown by
10 records of the Department.

11 G. ~~A petition for modification may be included with the appeal~~
12 ~~or separately filed at any time, and the district court may, in its~~
13 ~~discretion, modify the revocation as provided for in Section 755 of~~
14 ~~this title; provided, any modification under this subsection shall~~
15 ~~apply to Class D driver licenses only~~ When the records of the
16 Department do not reflect receipt of a sworn report of a law
17 enforcement officer stating that the officer had reasonable grounds
18 to believe the petitioner had been driving or was in actual physical
19 control of a motor vehicle upon the public roads, highways, streets,
20 turnpikes, or other public place of this state while under the
21 influence of alcohol, any other intoxicating substance, or the
22 combined influence of alcohol and any other intoxicating
23 substance, the court shall, upon application by the Department, stay
24 the appeal for one hundred eighty (180) days from the date of the

1 arrest as alleged in the petition, or until the sworn report is
2 received by the Department. If the records of the Department do not
3 reflect receipt of the sworn report described in this subsection at
4 the expiration of the stay, the court shall enter an order directing
5 the Department to take no action upon receipt of the sworn report
6 related to the arrest as described in the petition. In no event
7 shall a court award costs or fees, including attorney fees, based
8 upon the records of the Department that do not reflect the receipt
9 of the sworn report as described in this subsection.

10 H. The court shall take testimony and examine the facts and
11 circumstances, including all of the records on file in the office of
12 the Department of Public Safety relative to the offense committed
13 and the driving record of the person, and determine from the facts,
14 circumstances, and records whether or not the petitioner is entitled
15 to driving privileges or shall be subject to the order of denial,
16 cancellation, suspension or revocation issued by the Department. In
17 case the court finds that the order was not justified, the court may
18 sustain the appeal, vacate the order of the Department and direct
19 that driving privileges be restored to the petitioner, if otherwise
20 eligible.

21 I. The testimony of any hearing pursuant to this section shall
22 be taken by the court stenographer and preserved for the purpose of
23 appeal and, in case the Department files notice of appeal from the
24 order of the court as provided herein, the court shall order and

1 direct the court clerk to prepare and furnish a complete transcript
2 of all pleadings and proceedings, together with a complete
3 transcript taken at the hearing at no cost to the Department, except
4 the cost of transcribing.

5 J. Upon the Department's receipt of a petition challenging the
6 Department's action against the driving privileges of any person
7 under this title, the Department shall withhold taking the action
8 which is the subject of the appeal or stay the order which is the
9 subject of the appeal. During the pendency of the appeal, the
10 Department shall grant or restore driving privileges to the person
11 if the person is otherwise eligible.

12 K. An appeal may be taken by the person or by the Department
13 from the order or judgment of the district court to the Supreme
14 Court of the State of Oklahoma as otherwise provided by law.

15 SECTION 3. AMENDATORY 47 O.S. 2021, Section 6-212.2, is
16 amended to read as follows:

17 Section 6-212.2 A. Whenever the records of the Department of
18 Public Safety reflect a conviction of a person pursuant to Section
19 11-902 of this title or an alcohol- or drug-related revocation or
20 suspension of the driving privileges of that person pursuant to the
21 provisions of paragraph 2 or 6 of subsection A of Section 6-205 or
22 to Section 6-205.1, 6-206, 753, 754 or 761 of this title, the person
23 shall participate in an alcohol and drug assessment and evaluation
24 by an assessment agency or assessment personnel certified by the

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

20 B. If the assessment agency or assessment personnel in
21 subsection A of this section determine that the person would likely
22 benefit from a United-States-Food-and-Drug-Administration-approved
23 medication-assisted treatment that is indicated for alcohol
24 dependence or opioid dependence, the assessment agency or assessment

1 personnel shall refer the defendant to a licensed physician for
2 further evaluation. Only a licensed physician may recommend that a
3 defendant take medication-assisted treatment, and the defendant
4 shall maintain the right to refuse the medication.

5 C. The requirements of subsection A of this section shall be a
6 condition for reinstatement of driving privileges, in addition to
7 other conditions for driving privilege reinstatement provided by
8 law.

9 SECTION 4. AMENDATORY 47 O.S. 2021, Section 6-212.3, is
10 amended to read as follows:

11 Section 6-212.3 A. 1. Whenever the installation of an
12 ignition interlock device is allowed or required by law, ~~the~~
13 ~~Department shall require the device to be installed upon any vehicle~~
14 ~~owned or leased, as reflected on the vehicle registration, by an~~
15 ~~employer of the person for use by the person, except when the~~
16 ~~employer requests the ignition interlock device not be installed.~~
17 ~~The request shall be in writing and notarized on the official~~
18 ~~letterhead of the employer and provided by the employer to the~~
19 ~~Department; provided, a request shall not be accepted by the~~
20 ~~Department under the following circumstances:~~

21 ~~1. When the person is self-employed or owns part or all of the~~
22 ~~company or corporation, or exercises control over some part of the~~
23 ~~business which owns or leases the vehicle;~~

24

1 ~~2. When the person is employed by a relative who is within the~~
2 ~~first degree of consanguinity or who resides in the same household;~~
3 ~~or~~

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

7 ~~The person shall comply with all provisions of law and rule~~
8 ~~regarding ignition interlock devices.~~

9 ~~B. 1. Upon request and eligibility, the Department shall issue~~
10 ~~a restricted driver license to the person, upon payment of shall pay~~
11 ~~a restricted driver license fee of Fifty Dollars (\$50.00) and all~~
12 ~~other appropriate fees by the person. The restricted driver license~~
13 ~~and the driving record of the person shall indicate by an~~
14 ~~appropriate restriction that the person is only authorized to~~
15 ~~operate a vehicle upon which an approved and properly functioning~~
16 ~~ignition interlock device is installed. If the person is operating~~
17 ~~a motor vehicle owned or leased by an employer who has not given~~
18 ~~permission for an ignition interlock device to be installed, the~~
19 ~~employer shall provide the person with a letter, on official~~
20 ~~letterhead of the employer, which the person shall carry in his or~~
21 ~~her immediate possession at all times when operating a motor vehicle~~
22 ~~and shall display for examination and inspection upon demand of a~~
23 ~~peace officer.~~

24

1 2. The restricted driver license fee authorized by this section
2 shall be remitted to the State Treasurer to be credited to the
3 Department of Public Safety Restricted Revolving Fund. All monies
4 accruing to the credit of the Department of Public Safety Restricted
5 Revolving Fund from the restricted driver license fees shall be
6 budgeted and expended solely for the purpose of administering the
7 provisions of this section.

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

11 ~~E.~~ B. Installation of an ignition interlock device shall run
12 concurrently with a court order, if any, for installation of an
13 ignition interlock device pursuant to the same conviction.

14 ~~D.~~ C. Installation of an ignition interlock device pursuant to
15 ~~any court order,~~ participation in the Impaired Driver Accountability
16 Program ~~or other diversionary program~~ shall be credited towards any
17 requirement for the installation of an ignition interlock device
18 pursuant to any court order, ~~Impaired Driver Accountability Program~~
19 ~~or other diversionary program~~ requiring the installation of an
20 ignition interlock device arising out of the same incident.

21 ~~E.~~ D. The person shall be required to have installed an
22 ignition interlock device approved by the Board of Tests for Alcohol
23 and Drug Influence, at his or her own expense, and comply with all
24 provisions of law regarding ignition interlock devices.

1 ~~F.~~ E. The ignition interlock device manufacturer shall report
2 violations, if any, in accordance with the rules of the Board of
3 Tests for Alcohol and Drug Influence for each ignition interlock
4 device installed pursuant to this section and Section 6-205.1 of
5 this title.

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

1 ~~occur after the Department has received the informal hearing request~~
2 ~~but before the informal hearing, the period of ignition interlock of~~
3 ~~the person shall be extended pending the final judgment of the~~
4 ~~Department.~~

5 H. F. The Department shall promulgate rules necessary to
6 implement and administer the provisions of this section.

7 SECTION 5. AMENDATORY 47 O.S. 2021, Section 6-212.5, is
8 amended to read as follows:

9 Section 6-212.5 A. ~~The Department of Public Safety shall~~
10 ~~establish the Impaired Driver Accountability Program (IDAP) at~~
11 established by the Department of Public Safety is hereby transferred
12 to the Board of Tests for Alcohol and Drug Influence. Fees
13 ~~collected by the Department for admission into the program shall be~~
14 ~~deposited in the Department of Public Safety Restricted Revolving~~
15 ~~Fund for support of the program. The Board of Tests for Alcohol and~~
16 Drug Influence shall charge an administrative fee of One Hundred
17 Fifty Dollars (\$150.00) to each person entered into IDAP. One
18 Hundred Dollars (\$100.00) of each administrative fee shall be
19 deposited in the General Revenue Fund of the State Treasury.
20 Twenty-five Dollars (\$25.00) of each administrative fee shall be
21 deposited in the Department of Public Safety Restricted Revolving
22 Fund. Twenty-five Dollars (\$25.00) of each administrative fee shall
23 be deposited in the Board of Tests for Alcohol and Drug Influence
24 Revolving Fund. The ~~Department~~ Board of Tests for Alcohol and Drug

1 Influence shall promulgate rules necessary to administer the program
2 and such rules as are necessary relating to ignition interlock
3 devices and the providers of such devices, including fees. The IDAP
4 rules shall require, at a minimum:

5 1. Installation of an approved ignition interlock device for
6 the periods set forth in Section 6-205.1 of this title;

7 2. A description of ignition interlock violations;

8 3. A description of criteria to determine acceptable
9 participation in the program;

10 4. Required violation free periods of no less than ninety (90)
11 days at the end of each program to demonstrate compliance by the
12 participant;

13 5. Criteria for medical exemptions from ignition interlock
14 requirements for persons submitting a physician's certification
15 indicating the person has a documented medical condition preventing
16 the person from providing a breath sample of at least one and two-
17 tenths (1.2) liters. Medical exemptions shall not be construed to
18 grant the person driving privileges during the revocation. Medical
19 exemptions under this paragraph are only authorized for revocations
20 imposed in accordance with paragraph 1 of subsection A of Section 6-
21 205.1 of this title;

22 6. Criteria for granting employer exceptions to ignition
23 interlock requirements in vehicles owned or leased by the employer.
24 Employer exceptions under this paragraph shall not be construed to

1 relieve the person from completing the Impaired Driver
2 Accountability Program. Employer exceptions under this paragraph
3 are only authorized for revocations imposed in accordance with
4 paragraph 1 of subsection A of Section 6-205.1 of this title; and

5 7. Criteria for granting affordability accommodations to
6 persons on public assistance programs or whose family income is at
7 or below one hundred fifty percent (150%) of the federal poverty
8 level.

9 ~~B. The Department may enter into an IDAP agreement with the~~
10 ~~person if:~~

11 ~~1. The Department receives the request for IDAP participation~~
12 ~~within thirty (30) calendar days from the date that notice was given~~
13 ~~pursuant to Section 10 of this act;~~

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

18 ~~3. The Department receives an ignition interlock device~~
19 ~~installation verification issued in accordance with the rules of the~~
20 ~~Board of Tests for Alcohol and Drug Influence within forty-five (45)~~
21 ~~days from the date notice was given pursuant to Section 10 of this~~
22 ~~act; and~~

23
24

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 in accordance with the rules of the Board of~~
8 ~~Tests for Alcohol and Drug Influence, the person will be provided a~~
9 ~~completion certificate. Upon presentation of the IDAP completion~~
10 ~~certificate and documentation required by Section 6-212.2 of this~~
11 ~~title and payment of the required statutory fees, the Department~~
12 ~~will reinstate the driving privileges of the person, if otherwise~~
13 ~~eligible.~~

14 ~~D. The program length shall be:~~

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

1 ~~Influence, the program period shall be extended for a period of~~
2 ~~sixty (60) days;~~

3 ~~2. A minimum of twelve (12) months for a person subject to~~
4 ~~revocation pursuant to paragraph 2 of subsection A of Section 6-~~
5 ~~205.1 of Title 47 of the Oklahoma Statutes. A restriction imposed~~
6 ~~under this section shall remain in effect until the Department~~
7 ~~receives a declaration from the Board of Tests for Alcohol and Drug~~
8 ~~Influence, in a form provided or approved by the Department,~~
9 ~~certifying that there have been no reportable violations in the one~~
10 ~~hundred twenty (120) consecutive days prior to the date of release.~~
11 ~~If the Department receives notice of any ignition interlock~~
12 ~~reportable violations, as determined by the Board of Tests for~~
13 ~~Alcohol and Drug Influence, the program period shall be extended for~~
14 ~~a period of one hundred twenty (120) days; or~~

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

24

1 ~~determined by the Board of Tests for Alcohol and Drug Influence, the~~
2 ~~program period shall be extended for a period of one (1) year.~~

3 ~~E. Prior to an extension of the program period, the Department~~
4 ~~shall send notice of the extension in accordance with Section 2-116~~
5 ~~of Title 47 of the Oklahoma Statutes. Upon request, which shall be~~
6 ~~made within fifteen (15) days of receipt of the notice, the person~~
7 ~~shall have the right to an informal hearing before the Department~~
8 ~~prior to any extension of the program. The hearing shall be limited~~
9 ~~to the issues of the validity of the ignition interlock reportable~~
10 ~~violation and the identity of the person committing the violation.~~
11 ~~Should the release date of the person occur after the Department has~~
12 ~~received the informal hearing request but before the informal~~
13 ~~hearing, the period of ignition interlock of the person shall be~~
14 ~~extended pending the final judgment of the Department.~~

15 ~~F. Effective July 1, 2020, 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 Title 47 of the Oklahoma~~
19 ~~Statutes, except as 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.~~

1 SECTION 6. AMENDATORY 47 O.S. 2021, Section 753, is
2 amended to read as follows:

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

1 or that the person had refused to submit to the test or tests, shall
2 revoke the license to drive and any nonresident operating privilege
3 for a period provided by Section 6-205.1 of this title. If the
4 person is a resident or nonresident without a license or permit to
5 operate a motor vehicle in this state, the Commissioner of Public
6 Safety shall deny to the person the issuance of a license or permit
7 for a period provided by Section 6-205.1 of this title subject to a
8 review as provided in Section 754 of this title. The revocation or
9 denial shall become effective ~~thirty (30)~~ forty-five (45) days after
10 the arrested person is given written notice thereof by the officer
11 or by the Department of Public Safety as provided in Section 754 of
12 this title.

13 B. The Department shall immediately reinstate the driving
14 privilege of the person if:

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

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

23 SECTION 7. AMENDATORY 47 O.S. 2021, Section 754, is
24 amended to read as follows:

1 Section 754. A. The sworn report of the officer stating the
2 officer had reasonable grounds to believe the arrested person had
3 been driving or was in actual physical control of a motor vehicle
4 upon the public roads, highways, streets, turnpikes or other public
5 place of this state while under the influence of alcohol, any other
6 intoxicating substance or the combined influence of alcohol and any
7 other intoxicating substance, shall be submitted by mail, by
8 electronic means approved by the Department or in person to the
9 Department within seventy-two (72) hours of the issuance of the
10 report. The failure of the officer to timely file this report shall
11 not affect the authority of the Department to revoke the driving
12 privilege of the arrested person. However, the Department shall
13 take no action on a sworn report as described in this section if the
14 sworn report is not received by the Department after the expiration
15 of one hundred eighty (180) days of the arrest of the person.

16 B. Upon receipt of a written blood or breath test report
17 reflecting that the arrested person, if under twenty-one (21) years
18 of age, had any measurable quantity of alcohol in the blood or
19 breath of the person, or, if the arrested person is twenty-one (21)
20 years of age or older, a blood or breath alcohol concentration of
21 eight-hundredths (0.08) or more, accompanied by a sworn report from
22 a law enforcement officer that the officer had reasonable grounds to
23 believe the arrested person had been operating or was in actual
24 physical control of a motor vehicle while under the influence of

1 alcohol as prohibited by law, the Department shall revoke or deny
2 the driving privilege of the arrested person for a period as
3 provided by Section 6-205.1 of this title, unless the person has
4 successfully completed or is currently participating in the Impaired
5 Driver Accountability Program in relation to the arrest which is the
6 subject of the report. Revocation or denial of the driving
7 privilege of the arrested person shall become effective thirty (30)
8 days after the arrested person is given written notice thereof by
9 the officer as provided in this section or by the Department as
10 provided in Section 2-116 of this title.

11 C. The appeal hearing before the district court shall be
12 conducted in accordance with Section 6-211 of this title. The
13 hearing shall cover the issues of whether the officer had reasonable
14 grounds to believe the person had been operating or was in actual
15 physical control of a vehicle upon the public roads, highways,
16 streets, turnpikes or other public place of this state while under
17 the influence of alcohol, any other intoxicating substance or the
18 combined influence of alcohol and any other intoxicating substance
19 as prohibited by law, and whether the person was placed under
20 arrest.

21 1. If the revocation or denial is based upon a breath or blood
22 test result and a sworn report from a law enforcement officer, the
23 scope of the hearing shall also cover the issues as to whether:
24

- a. if timely requested by the person, the person was not denied a breath or blood test,
- b. the specimen was obtained from the person within two (2) hours of the arrest of the person,
- c. the person, if under twenty-one (21) years of age, was advised that driving privileges would be revoked or denied if the test result reflected the presence of any measurable quantity of alcohol,
- d. the person, if twenty-one (21) years of age or older, was advised that driving privileges would be revoked or denied if the test result reflected an alcohol concentration of eight-hundredths (0.08) or more, and
- e. the test result in fact reflects the alcohol concentration.

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

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

D. After the hearing, the district court shall order the revocation or denial either rescinded or sustained.

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SECTION 8. REPEALER 47 O.S. 2021, Sections 6-212.6,
754.1, 754.2, and 755, are hereby repealed.

SECTION 9. This act shall become effective November 1, 2022."
Passed the House of Representatives the 28th day of April, 2022.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2022.

Presiding Officer of the Senate

1 ENGROSSED SENATE
2 BILL NO. 366

By: David of the Senate

3 and

4 Kannady of the House

5
6 An Act relating to impaired driving; amending 47 O.S.
7 2011, Section 6-205, as last amended by Section 3,
8 Chapter 400, O.S.L. 2019 (47 O.S. Supp. 2020, Section
9 6-205), which relates to mandatory revocation of
10 driving privilege; modifying inclusions; amending 47
11 O.S. 2011, Section 6-205.1, as last amended by
12 Section 4, Chapter 400, O.S.L. 2019 (47 O.S. Supp.
13 2020, Section 6-205.1), which relates to period of
14 revocations; modifying qualifiers; disallowing
15 certain concurrent revocation; amending 47 O.S. 2011,
16 Section 6-211, as amended by Section 5, Chapter 400,
17 O.S.L. 2019 (47 O.S. Supp. 2020, Section 6-211),
18 which relates to the right of appeal to district
19 court; requiring certain notice; providing for
20 certain bond; providing for certain forfeiture of
21 bond; directing eligible persons be restored driving
22 privileges; directing court when certain order
23 sustained; providing for an appealable order or
24 judgment; amending 47 O.S. 2011, Section 6-212.2, as
amended by Section 7, Chapter 400, O.S.L. 2019 (47
O.S. Supp. 2020, Section 6-212.2), which relates to
required completion of alcohol and drug assessment
and evaluation; allowing certain participation;
amending 47 O.S. 2011, Section 6-212.3, as last
amended by Section 8, Chapter 400, O.S.L. 2019 (47
O.S. Supp. 2020, Section 6-212.3), which relates to
ignition interlock device; providing certain time
modifications; amending Section 9, Chapter 400,
O.S.L. 2019 (47 O.S. Supp. 2020, Section 6-212.5),
which relates to the Impaired Driver Accountability
Program; requiring certain restricted license;
providing for certain withdrawal; allowing certain
program extension; directing deposits to the
Department of Public Safety's Restricted Revolving
Fund; repealing Section 10, Chapter 400, O.S.L. 2019
(47 O.S. Supp. 2020, Section 6-212.6), which relates
to notice of IDAP to persons subject to license

1 revocation; updating statutory references; and
2 providing an effective date.

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

5 SECTION 10. AMENDATORY 47 O.S. 2011, Section 6-205, as
6 last amended by Section 3, Chapter 400, O.S.L. 2019 (47 O.S. Supp.
7 2020, Section 6-205), is amended to read as follows:

8 Section 6-205. A. The Department of Public Safety shall
9 immediately revoke the driving privilege of any person, whether
10 adult or juvenile, upon receiving a record of conviction, in any
11 municipal, state or federal court within the United States of any of
12 the following offenses, when such conviction has become final:

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

15 2. Driving or being in actual physical control of a motor
16 vehicle while under the influence of alcohol, any other intoxicating
17 substance, or the combined influence of alcohol and any other
18 intoxicating substance, any violation of paragraph 1, 2, 3 or 4 of
19 subsection A of Section 11-902 of this title or any violation of
20 Section 11-906.4 of this title. However, the Department shall not
21 additionally revoke the driving privileges of the person pursuant to
22 this subsection if the driving privilege of the person has been
23 revoked because of a test result or test refusal pursuant to Section
24 753 or 754 of this title, or has successfully completed or is

1 currently participating in the Impaired Driver Accountability
2 Program (IDAP) arising from the same circumstances which resulted in
3 the conviction unless the revocation because of a test result or
4 test refusal is set aside;

5 3. Any felony during the commission of which a motor vehicle is
6 used;

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

10 5. Perjury or the making of a false affidavit or statement
11 under oath to the Department under the Uniform Vehicle Code or under
12 any other law relating to the ownership or operation of motor
13 vehicles;

14 6. A misdemeanor or felony conviction for unlawfully
15 possessing, distributing, dispensing, manufacturing, trafficking,
16 cultivating, selling, transferring, attempting or conspiring to
17 possess, distribute, dispense, manufacture, traffic, sell, or
18 transfer of a controlled dangerous substance as defined in the
19 Uniform Controlled Dangerous Substances Act while using a motor
20 vehicle;

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

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

1 9. A misdemeanor conviction for a violation of Section 1-229.34
2 of Title 63 of the Oklahoma Statutes;

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

6 11. Failure to stop or to remain stopped for school bus loading
7 or unloading of children pursuant to Section 11-705 or 11-705.1 of
8 this title.

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

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

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

22 E. The first license revocation under paragraph 7 of subsection
23 A of this section shall be for a period of six (6) months. A second
24 or subsequent license revocation under paragraph 7 of subsection A

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

3 F. The first license revocation under paragraph 11 of
4 subsection A of this section shall be for a period of one (1) year.
5 Such period may be modified. Any appeal of the revocation of
6 driving privilege under paragraph 11 of subsection A of this section
7 shall be governed by Section 6-211 of this title; provided, any
8 modification under this subsection shall apply to Class D motor
9 vehicles only.

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

14 SECTION 11. AMENDATORY 47 O.S. 2011, Section 6-205.1, as
15 last amended by Section 4, Chapter 400, O.S.L. 2019 (47 O.S. Supp.
16 2020, Section 6-205.1), is amended to read as follows:

17 Section 6-205.1. A. The driving privilege of a person who is
18 convicted of any offense as provided in paragraph 2 of subsection A
19 of Section 6-205 of this title, or a person who has refused to
20 submit to a test or tests as provided in Section 753 of this title,
21 or a person whose alcohol concentration is subject to the provisions
22 of Section 754 of this title, unless, as a result of the same
23 incident, the person has successfully completed, or is currently
24 participating in, the Impaired Driver Accountability Program, shall

1 be revoked or denied by the Department of Public Safety for the
2 following period, as applicable:

3 1. The first license revocation pursuant to paragraph 2 of
4 subsection A of Section 6-205 of this title or Section 753 or 754 of
5 this title shall be for a period of one hundred eighty (180) days,
6 or longer if driving privileges are modified pursuant to the
7 provisions of this paragraph, which shall be modified upon request;
8 provided, any modification under this paragraph shall apply to Class
9 D driver licenses only. For any modification, the person shall be
10 required to install an ignition interlock device or devices,
11 pursuant to Section 754.1 of this title. The period of revocation
12 and the period of interlock installation shall run concurrently and
13 each shall be for no less than one hundred eighty (180) days;

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

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

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

8 Such one-year period of revocation ~~may~~ shall be modified upon
9 request; provided, any modification under this paragraph shall apply
10 to Class D driver licenses only. For any modification, the person
11 shall be required to install an ignition interlock device or
12 devices, pursuant to Section 754.1 of this title. The period of
13 revocation and the period of interlock installation shall run
14 concurrently and each shall be for no less than one (1) year; ~~or~~

15 3. A revocation pursuant to paragraph 2 of subsection A of
16 Section 6-205 of this title or Section 753 or 754 of this title
17 shall be for a period of three (3) years, or longer if driving
18 privileges are modified pursuant to the provisions of this
19 paragraph, if within ten (10) years preceding the date of arrest
20 relating thereto, as shown by the records of the Department:

21 a. two or more prior revocations commenced pursuant to
22 paragraph 2 or 6 of subsection A of Section 6-205 of
23 this title or Section 753 or 754 of this title,
24

- 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 two~~
4 ~~or more current enrollments in, or completions of the~~
5 Impaired Driver Accountability Program,
- 6 c. the record of the person reflects two or more prior
7 convictions in another jurisdiction which did not
8 result in a revocation of Oklahoma driving privileges,
9 for a violation substantially similar to paragraph 2
10 of subsection A of Section 6-205 of this title, and
11 the person was not a resident or a licensee of
12 Oklahoma at the time of the offense resulting in the
13 conviction, or
- 14 d. any combination of two or more prior revocations,
15 ~~completion~~ current enrollments in, or completions of
16 the Impaired Driver Accountability Program, or
17 convictions as described in subparagraphs a, b and c
18 of this paragraph.

19 Such three-year period of revocation shall be modified upon request;
20 provided, any modification under this paragraph shall apply to Class
21 D driver licenses only. For any modification, the person shall be
22 required to install an ignition interlock device or devices,
23 pursuant to Section 754.1 of this title. The period of revocation
24

1 and the period of interlock installation shall run concurrently and
2 each shall be for no less than three (3) years; or

3 4. The restriction of the driving privilege of any person under
4 Section 6-205 or Section 6-205.1 of this title shall not run
5 concurrently with any other restriction of driving privilege under
6 Section 6-205 or Section 6-205.1 of this title resulting from a
7 different incident under this section and which requires the driving
8 privilege to be restricted. A denial based on a conviction of any
9 offense as provided in paragraph 2 of subsection A of Section 6-205
10 of this title shall become effective on the first day the convicted
11 person is otherwise eligible to apply for and be granted driving
12 privileges if the person was not eligible to do so at the time of
13 conviction.

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

18 1. The first license revocation shall be for one hundred eighty
19 (180) days, which shall be modified upon request; provided, for
20 license revocations for a misdemeanor charge of possessing a
21 controlled dangerous substance, the provisions of this paragraph
22 shall apply to any such revocations by the Department on or after
23 January 1, 1993; provided further, any modification under this
24 paragraph shall apply to Class D driver licenses only;

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

4 a. a prior revocation commenced pursuant to paragraph 2
5 or 6 of subsection A of Section 6-205 of this title,
6 or Section 753 or 754 of this title,

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

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

18 Such period shall not be modified; or

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

22 a. two or more prior revocations commenced pursuant to
23 paragraph 2 or 6 of subsection A of Section 6-205 of
24 this title, or Section 753 or 754 of this title,

- 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,
- 5 c. the record of the person reflects two or more prior
6 convictions in another jurisdiction which did not
7 result in a revocation of Oklahoma driving privileges,
8 for a violation substantially similar to paragraph 2
9 or 6 of subsection A of Section 6-205 of this title,
10 and the person was not a resident or licensee of
11 Oklahoma at the time of the offense resulting in the
12 conviction, or
- 13 d. any combination of two or more prior revocations,
14 completion of the Impaired Driver Accountability
15 Program, or convictions as described in subparagraphs
16 a and b or c of this paragraph.

17 Such period shall not be modified.

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

1 is otherwise eligible to apply for and be granted driving privileges
2 if the person was not eligible to do so at the time of the
3 conviction.

4 C. For the purposes of this section:

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

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

10 D. Each period of revocation not subject to modification shall
11 be mandatory and neither the Department nor any court shall grant
12 driving privileges based upon hardship or otherwise for the duration
13 of that period. Each period of revocation, subject to modification
14 as provided for in this section, shall be modified upon request as
15 provided for in Section 754.1 of this title or Section ~~11 of this~~
16 ~~act~~ 11-902a of this title; provided, any modification under this
17 paragraph shall apply to Class D driver licenses only.

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

20 SECTION 12. AMENDATORY 47 O.S. 2011, Section 6-211, as
21 amended by Section 5, Chapter 400, O.S.L. 2019 (47 O.S. Supp. 2020,
22 Section 6-211), is amended to read as follows:

23 Section 6-211. A. Any person denied driving privileges, or
24 whose driving privilege has been canceled, denied, suspended or

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

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

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

21 D. A person whose driving privilege is subject to revocation
22 pursuant to Section 753 or 754 of this title may appeal to the
23 district court in the county in which the arrest occurred relating
24

1 to the test refusal or test result, as shown by the records of the
2 Department.

3 E. The petition shall be filed within thirty (30) days after
4 the notice of revocation, pursuant to Section 753 or 754 of this
5 title, has been served upon the person. The petition shall contain
6 a description of the Departmental action being appealed including,
7 when applicable, the date of arrest, the name of the arresting
8 agency and the name of the arresting officer. It shall be the duty
9 of the district court to enter an order setting the matter for
10 hearing not less than fifteen (15) days and not more than thirty
11 (30) days from the date the petition is filed. A certified copy of
12 petition and order for hearing shall be served forthwith by the
13 ~~clerk of the court~~ petitioner upon the Commissioner of Public Safety
14 by certified mail at the Department of Public Safety, Oklahoma City,
15 Oklahoma.

16 F. Upon a hearing relating to a revocation or disqualification
17 pursuant to a conviction for an offense enumerated in Section 6-205,
18 6-205.2 or 761 of this title, the court shall not consider the
19 propriety or merits of the revocation or disqualification action,
20 except to correct the identity of the person convicted as shown by
21 records of the Department.

22 G. A petition for modification may be included with the appeal
23 or separately filed at any time, and the district court may, in its
24 discretion, modify the revocation as provided for in Section 755 of

1 this title; provided, any modification under this subsection shall
2 apply to Class D driver licenses only.

3 H. The court shall take testimony and examine the facts and
4 circumstances, including all of the records on file in the office of
5 the Department of Public Safety relative to the offense committed
6 and the driving record of the person, and determine from the facts,
7 circumstances, and records whether or not the petitioner is entitled
8 to driving privileges or shall be subject to the order of denial,
9 cancellation, suspension or revocation issued by the Department. In
10 case the court finds that the order was not justified, the court may
11 sustain the appeal, vacate the order of the Department and direct
12 that driving privileges be restored to the petitioner, if otherwise
13 eligible.

14 I. The testimony of any hearing pursuant to this section shall
15 be taken by the court stenographer and preserved for the purpose of
16 appeal and, in case the Department files notice of appeal from the
17 order of the court as provided herein, the court shall order and
18 direct the court clerk to prepare and furnish a complete transcript
19 of all pleadings and proceedings, together with a complete
20 transcript taken at the hearing at no cost to the Department, except
21 the cost of transcribing.

22 ~~J. An appeal may be taken by the person or by the Department~~
23 ~~from the order or judgment of the district court to the Supreme~~
24 ~~Court of the State of Oklahoma as otherwise provided by law~~ Upon the

1 Department's receipt of the petition, the Department shall stay the
2 action or order which is the subject of the appeal. The Department
3 shall restore driving privileges to the person, if the person is
4 otherwise eligible and shall permit the person to operate a motor
5 vehicle pending the appeal; provided, however, if the petitioner
6 requests the revocation or suspension be imposed during the pendency
7 of the appeal, the Department shall revoke or suspend the driving
8 privileges pursuant to the provisions of this title. If a stay is
9 entered and the order of the Department is sustained in the final
10 judgment, the district court shall, in such final judgment, enter an
11 order extending the period of suspension or revocation for such time
12 as the petitioner was permitted to operate motor vehicles under the
13 provisions of the stay.

14 K. An appeal may be taken by the person or by the Department
15 from the order or judgment of the district court to the Supreme
16 Court of the State of Oklahoma as otherwise provided by law. Upon
17 the filing of an appeal to the Supreme Court of the State of
18 Oklahoma, the judgment of the district court shall be stayed in
19 accordance with this section.

20 SECTION 13. AMENDATORY 47 O.S. 2011, Section 6-212.2, as
21 amended by Section 7, Chapter 400, O.S.L. 2019 (47 O.S. Supp. 2020,
22 Section 6-212.2), is amended to read as follows:

23 Section 6-212.2. A. Whenever the records of the Department of
24 Public Safety reflect a conviction of a person pursuant to Section

1 11-902 of this title or an alcohol- or drug-related revocation or
2 suspension of the driving privileges of that person pursuant to the
3 provisions of paragraph 2 or 6 of subsection A of Section 6-205 or
4 to Section 6-205.1, 6-206, 753, 754 or 761 of this title, or
5 participation in the Impaired Driver Accountability Program, the
6 person shall participate in an alcohol and drug assessment and
7 evaluation by an assessment agency or assessment personnel certified
8 by the Department of Mental Health and Substance Abuse Services for
9 the purpose of evaluating the person's receptivity to treatment and
10 prognosis. As determined by the assessment, the person shall enroll
11 in, attend and successfully complete the appropriate alcohol and
12 drug substance abuse course certified by the Department of Mental
13 Health and Substance Abuse Services or an alcohol or other drug
14 treatment program or both. The alcohol and drug substance abuse
15 course shall consist of either ten (10) hours or twenty-four (24)
16 hours of instruction and shall conform with the provisions of
17 Section 3-453 of Title 43A of the Oklahoma Statutes. No citizen
18 shall be compelled to travel more than seventy (70) miles from the
19 citizen's place of residence to attend a course or evaluation
20 program required herein. For purposes of this subsection, the
21 requirement for alcohol and drug substance abuse evaluation shall be
22 considered satisfied if the person is evaluated by an assessment
23 agency or assessment personnel certified for that purpose, all
24 recommendations identified by the evaluation are satisfied by the

1 person, and a report of such evaluation and completion is presented
2 to the court prior to sentencing and to the Department.

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

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

16 SECTION 14. AMENDATORY 47 O.S. 2011, Section 6-212.3, as
17 last amended by Section 8, Chapter 400, O.S.L. 2019 (47 O.S. Supp.
18 2020, Section 6-212.3), is amended to read as follows:

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

1 writing and notarized on the official letterhead of the employer and
2 provided by the employer to the Department; provided, a request
3 shall not be accepted by the Department under the following
4 circumstances:

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

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

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

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

16 B. 1. Upon request and eligibility, the Department shall issue
17 a restricted driver license to the person, upon payment of a
18 restricted driver license fee of Fifty Dollars (\$50.00) and all
19 other appropriate fees by the person. The restricted driver license
20 and the driving record of the person shall indicate by an
21 appropriate restriction that the person is only authorized to
22 operate a vehicle upon which an approved and properly functioning
23 ignition interlock device is installed. If the person is operating
24 a motor vehicle owned or leased by an employer who has not given

1 permission for an ignition interlock device to be installed, the
2 employer shall provide the person with a letter, on official
3 letterhead of the employer, which the person shall carry in his or
4 her immediate possession at all times when operating a motor vehicle
5 and shall display for examination and inspection upon demand of a
6 peace officer.

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

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

17 C. Installation of an ignition interlock device shall run
18 concurrently with a court order, if any, for installation of an
19 ignition interlock device pursuant to the same conviction.

20 D. Installation of an ignition interlock device pursuant to any
21 court order, Impaired Driver Accountability Program or other
22 diversionary program shall be credited towards any requirement for
23 the installation of an ignition interlock device pursuant to any
24 court order, Impaired Driver Accountability Program or other

1 diversionary program arising out of the same incident. The
2 provisions of this paragraph do not waive any requirements imposed
3 pursuant to Section 6-212.5 of this title.

4 E. The person shall be required to have installed an ignition
5 interlock device approved by the Board of Tests for Alcohol and Drug
6 Influence, at his or her own expense, and comply with all provisions
7 of law regarding ignition interlock devices.

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

13 G. Pursuant to Section 6-205.1 of this title, the Department
14 shall extend the period of ignition interlock of the person for a
15 report from the Board of Tests for Alcohol and Drug Influence of a
16 reportable violation by the person as defined in the rules of the
17 Board of Tests for Alcohol and Drug Influence. A restriction
18 imposed under this section or Section 6-205.1 of this title shall
19 remain in effect until the Department ~~receives a declaration from~~
20 ~~the Board of Tests for Alcohol and Drug Influence, in a form~~
21 ~~provided or approved by the Department, certifying that~~ determines
22 there have been no reportable violations in the sixty (60)
23 consecutive days prior to the date of release for a one hundred
24 eighty (180) day modification, or one hundred twenty (120)

1 consecutive days prior to the date of release for a one (1) year
2 modification, or three hundred sixty five (365) consecutive days
3 prior to the date of release for a three (3) year modification. The
4 Department shall send notice in accordance with Section 2-116 of
5 this title prior to extending the period of ignition interlock.
6 Upon request, made within fifteen (15) days of completion of the
7 notice, the person shall have the right to an informal hearing
8 before the Department prior to any extension of the period of
9 ignition interlock. The hearing shall be limited to the issues of
10 the validity of the ignition interlock violation and the identity of
11 the person committing the violation. Should the release date of the
12 person occur after the Department has received the informal hearing
13 request but before the informal hearing, the period of ignition
14 interlock of the person shall be extended pending the final judgment
15 of the Department.

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

18 SECTION 15. AMENDATORY Section 9, Chapter 400, O.S.L.
19 2019 (47 O.S. Supp. 2020, Section 6-212.5), is amended to read as
20 follows:

21 Section 6-212.5. A. The Department of Public Safety shall
22 establish the Impaired Driver Accountability Program (IDAP) at the
23 Department of Public Safety. Fees collected by the Department for
24 admission into the program shall be deposited in the Department of

1 Public Safety Restricted Revolving Fund for support of the program.
2 The Department shall promulgate rules necessary to administer the
3 program.

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

6 1. The Department receives the request for IDAP participation
7 within thirty (30) calendar days from the date that notice was given
8 pursuant to ~~Section 10 of this act~~ 6-212.6 of this title;

9 2. The Department receives payment of the program
10 administration fee of Two Hundred Dollars (\$200.00) within forty-
11 five (45) days of the date notice was given pursuant to ~~Section 10~~
12 ~~of this act~~ 6-212.6 of this title;

13 3. The Department receives an ignition interlock device
14 installation verification issued in accordance with the rules of the
15 Board of Tests for Alcohol and Drug Influence within forty-five (45)
16 days from the date notice was given pursuant to ~~Section 10 of this~~
17 ~~act~~ 6-212.6 of this title; and

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

21 5. The person shall obtain a restricted driver license,
22 pursuant to Section 6-212.3 of this title.

23 C. Upon successful completion of the program, the records of
24 the Department will be updated to indicate completion of the program

1 by the person without revocation. No reinstatement fee will be
2 charged to the person.

3 D. 1. A participant may, upon written request, voluntarily
4 withdraw from IDAP. The driving privilege of a person who
5 voluntarily withdraws from the program shall be immediately revoked.
6 The Department shall not credit the person's time participating in
7 the IDAP toward the required revocation period. IDAP fees shall not
8 be refundable.

9 2. The Department may promulgate rules to remove a participant
10 from IDAP and to identify and administer remedial actions to
11 participants who demonstrate a failure to comply with the IDAP
12 agreement, program requirements or have failed to actively
13 participate in IDAP. Removal from IDAP will result in revocation of
14 the participant's driving privileges under Section 6-205 and Section
15 6-205.1 of this title. No credit for time in IDAP will be credited
16 toward the revocation of a participant removed from the program.
17 The IDAP fees shall not be refundable.

18 E. The program length shall be:

19 1. A minimum of six (6) months for a person subject to
20 revocation pursuant to paragraph 1 of subsection A of Section 6-
21 205.1 of ~~Title 47 of the Oklahoma Statutes~~ this title. A
22 restriction imposed under this section shall remain in effect until
23 the Department ~~receives a declaration from the Board of Tests for~~
24 ~~Alcohol and Drug Influence, in a form provided or approved by the~~

1 ~~Department, certifying~~ determines that there have been no reportable
2 violations in the sixty (60) consecutive days prior to the date of
3 release. If the Department receives notice of any ignition
4 interlock reportable violations during the sixty (60) consecutive
5 days prior to release, as ~~determined~~ defined by the Board of Tests
6 for Alcohol and Drug Influence, the program period shall be extended
7 for a period of sixty (60) days. The Department may determine the
8 number and type of verified ignition interlock violations that
9 result in program extensions;

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

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

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

1 request but before the informal hearing, the period of ignition
2 interlock of the person shall be extended pending the final judgment
3 of the Department.

4 ~~F.~~ G. Effective July 1, 2020, and for each fiscal year
5 thereafter:

6 1. Two Hundred Fifty Thousand Dollars (\$250,000.00) of all
7 monies collected each month pursuant to this section shall be
8 ~~apportioned as provided in Section 1104 of Title 47 of the Oklahoma~~
9 ~~Statutes, except as otherwise provided in this section~~ deposited in
10 the Department of Public Safety's Restricted Revolving Fund, as
11 provided for by Section 2-145 of this title; and

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

16 SECTION 16. REPEALER Section 10, Chapter 400, O.S.L.
17 2019 (47 O.S. Supp. 2020, Section 6-212.6), is hereby repealed.

18 SECTION 17. This act shall become effective November 1, 2021.
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