

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 1. 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 2. 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 3. 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 4. 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 5. 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 6. 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 7. REPEALER Section 10, Chapter 400, O.S.L. 2019  
17 (47 O.S. Supp. 2020, Section 6-212.6), is hereby repealed.

18 SECTION 8. This act shall become effective November 1, 2021.  
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1 Passed the Senate the 9th day of March, 2021.

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

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2021.

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