

An Act

ENROLLED SENATE
BILL NO. 366

By: David of the Senate

and

Hilbert of the House

An Act relating to impaired driving; amending 47 O.S. 2021, Section 6-205.1, which relates to periods of revocation; removing certain exception; modifying certain requirements for license revocation; amending 47 O.S. 2021, Section 6-211, which relates to right of appeal to district court; stating certain petition requirements; modifying time frame to set certain matter for hearing; deleting court's discretionary modification of revocation; allowing certain stay of appeal; requiring court to enter certain order; disallowing the award of certain costs or fees; requiring Department of Public Safety to take certain action after receiving certain petition challenging Department action; requiring certain restoration of driving privileges; amending 47 O.S. 2021, Section 6-212.2, as amended by Section 74 of Enrolled House Bill 3419 of the 2nd Session of the 58th Oklahoma Legislature, which relates to the required completion of alcohol and drug assessment and evaluation; deleting certain travel restriction; amending 47 O.S. 2021, Section 6-212.3, which relates to ignition interlock devices; deleting certain requirements regarding installation of ignition interlock device on employer-owned vehicles; deleting certain requirement for employer-issued letter; allowing credit for certain participation; deleting certain extension for ignition interlock; amending 47 O.S. 2021, Section 6-212.5, which relates to the Impaired Driver Accountability Program; transferring certain duties from the Department of Public Safety to the Board of Tests for Alcohol and Drug Influence; setting certain administrative fee; directing deposit

of certain collected fees; requiring the promulgation of certain rules; stating minimum requirements of certain rules; deleting certain agreement; providing for the issuance of certain certificate upon successful completion of the program; requiring certain reinstatement of driving privileges; deleting program length requirements; deleting certain notice and hearing requirements; deleting certain fee apportionment and deposit requirements; amending 47 O.S. 2021, Section 753, which relates to refusal to submit to test; extending certain time frame; amending 47 O.S. 2021, Section 754, which relates to seizure of license; requiring Department to take no action on certain sworn report; repealing 47 O.S. 2021, Section 6-212.6, which relates to notice of Impaired Driver Accountability Program to persons subject to license revocation; repealing 47 O.S. 2021, Section 754.1, which relates to modification of revocation or denial in cases of extreme and unusual hardship; repealing 47 O.S. 2021, Section 754.2, which relates to district court modification of revocation or denial; repealing 47 O.S. 2021, Section 755, which relates to appeals; and providing an effective date.

SUBJECT: Impaired driving

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 completed, or is currently participating in, the Impaired Driver~~

~~Accountability Program~~, shall be revoked or denied by the Department of Public Safety for the following period, as applicable:

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

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

- a. a prior revocation commenced pursuant to paragraph 2 or 6 of subsection A of Section 6-205 of this title, or Section 753 or 754 of this title, ~~or completion of the Impaired Driver Accountability Program~~, or
- b. the record of the person reflects a prior conviction in another jurisdiction which did not result in a revocation of Oklahoma driving privileges, for a violation substantially similar to paragraph 2 of subsection A of Section 6-205 of this title, and the person was not a resident or a licensee of Oklahoma at the time of the offense resulting in the conviction.

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

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

- a. two or more prior revocations commenced pursuant to paragraph 2 or 6 of subsection A of Section 6-205 of this title or Section 753 or 754 of this title,
- b. ~~a prior revocation commenced pursuant to paragraph 2 or 6 of subsection A of Section 6-205 of this title or Section 753 or 754 of this title, and completion~~ two or more current enrollments in or previous completions of the Impaired Driver Accountability Program,
- c. the record of the person reflects two or more prior convictions in another jurisdiction which did not result in a revocation of Oklahoma driving privileges, for a violation substantially similar to paragraph 2 of subsection A of Section 6-205 of this title, and the person was not a resident or a licensee of Oklahoma at the time of the offense resulting in the conviction, or
- d. any combination of two or more prior revocations, ~~completion~~ current enrollments in or previous completions of the Impaired Driver Accountability

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

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

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

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

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

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

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

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

Such period shall not be modified; or

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

- a. two or more prior revocations commenced pursuant to paragraph 2 or 6 of subsection A of Section 6-205 of this title, or Section 753 or 754 of this title,
- b. a two or more prior ~~revocation~~ revocations commenced pursuant to paragraph 2 or 6 of subsection A of Section 6-205 of this title or Section 753 or 754 of this title, and ~~completion~~ or two or more current enrollments in or previous completions of the Impaired Driver Accountability Program,
- c. the record of the person reflects two or more prior convictions in another jurisdiction which did not result in a revocation of Oklahoma driving privileges, for a violation substantially similar to paragraph 2 or 6 of subsection A of Section 6-205 of this title, and the person was not a resident or licensee of Oklahoma at the time of the offense resulting in the conviction, or
- d. any combination of two or more prior revocations, ~~completion~~ current enrollments in or previous completions of the Impaired Driver Accountability Program, or convictions as described in subparagraphs a and b or c of this paragraph.

Such period shall not be modified.

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

C. For the purposes of this section:

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

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

D. Each period of revocation in subsection A of this section ~~not subject to modification~~ shall be mandatory and neither the Department nor any court shall grant driving privileges based upon hardship or otherwise for the duration of that period, except under the Impaired Driver Accountability Program in accordance with the rules of the Board of Tests for Alcohol and Drug Influence. ~~Each period of revocation, subject to modification as provided for in this section, shall be modified upon request as provided for in Sections 754.1, 11-902a or subsection H of Section 6-205 of this title; provided, any modification under this paragraph shall apply to Class D driver licenses only.~~

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

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

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

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

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

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

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

E. The petition shall be filed within thirty (30) days after the notice of revocation, pursuant to Section 753 or 754 of this title, has been served upon the person by the Department of Public Safety. The petition shall contain a description of the facts and circumstances of the underlying incident sufficient to determine the arresting law enforcement agency and the date of the incident. It shall be the duty of the district court to enter an order setting the matter for hearing not less than ~~fifteen (15)~~ thirty (30) days and not more than ~~thirty (30)~~ sixty (60) days from the date the petition is filed. A certified copy of petition and order for hearing shall be served forthwith by the ~~clerk of the court~~ petitioner upon the Commissioner of Public Safety by certified mail at the Department of Public Safety, Oklahoma City, Oklahoma.

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

G. ~~A petition for modification may be included with the appeal or separately filed at any time, and the district court may, in its discretion, modify the revocation as provided for in Section 755 of this title; provided, any modification under this subsection shall apply to Class D driver licenses only~~ When the records of the Department do not reflect receipt of a sworn report of a law enforcement officer stating that the officer had reasonable grounds to believe the petitioner had been driving or was in actual physical control of a motor vehicle upon the public roads, highways, streets, turnpikes, or other public place of this state while under the influence of alcohol, any other intoxicating substance, or the combined influence of alcohol and any other intoxicating substance, the court shall, upon application by the Department, stay the appeal for one hundred eighty (180) days from the date of the arrest as alleged in the petition, or until the sworn report is received by the Department. If the records of the Department do not reflect receipt of the sworn report described in this subsection at the expiration of the stay, the court shall enter an order directing the Department to take no action upon receipt of the sworn report related to the arrest as described in the petition. In no event shall a court award costs or fees, including attorney fees, based upon the records of the Department that do not reflect the receipt of the sworn report as described in this subsection.

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

that driving privileges be restored to the petitioner, if otherwise eligible.

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

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

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

SECTION 3. AMENDATORY 47 O.S. 2021, Section 6-212.2, as amended by Section 74 of Enrolled House Bill No. 3419 of the 2nd Session of the 58th Oklahoma Legislature, is amended to read as follows:

Section 6-212.2. A. Whenever the records of Service Oklahoma reflect a conviction of a person pursuant to Section 11-902 of this title or an alcohol- or drug-related revocation or suspension of the driving privileges of that person pursuant to the provisions of paragraph 2 or 6 of subsection A of Section 6-205 or to Section 6-205.1, 6-206, 753, 754 or 761 of this title, the person shall participate in an alcohol and drug assessment and evaluation by an assessment agency or assessment personnel certified by the Department of Mental Health and Substance Abuse Services for the purpose of evaluating the person's receptivity to treatment and prognosis. As determined by the assessment, the person shall enroll in, attend and successfully complete the appropriate alcohol and drug substance abuse course certified by the Department of Mental

Health and Substance Abuse Services or an alcohol or other drug treatment program or both. The alcohol and drug substance abuse course shall consist of either ten (10) hours or twenty-four (24) hours of instruction and shall conform with the provisions of Section 3-453 of Title 43A of the Oklahoma Statutes. ~~No citizen shall be compelled to travel more than seventy (70) miles from the citizen's place of residence to attend a course or evaluation program required herein.~~ For purposes of this subsection, the requirement for alcohol and drug substance abuse evaluation shall be considered satisfied if the person is evaluated by an assessment agency or assessment personnel certified for that purpose, all recommendations identified by the evaluation are satisfied by the person, and a report of such evaluation and completion is presented to the court prior to sentencing and to Service Oklahoma.

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

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

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

Section 6-212.3. A. 1. Whenever the installation of an ignition interlock device is allowed or required by law, ~~the Department shall require the device to be installed upon any vehicle owned or leased, as reflected on the vehicle registration, by an employer of the person for use by the person, except when the employer requests the ignition interlock device not be installed. The request shall be in writing and notarized on the official letterhead of the employer and provided by the employer to the~~

~~Department; provided, a request shall not be accepted by the Department under the following circumstances:~~

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

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

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

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

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

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

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

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

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

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

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

~~G.~~ Pursuant to Section 6-205.1 of this title, the Department shall extend the period of ignition interlock of the person for a report from the Board of Tests for Alcohol and Drug Influence of a reportable violation by the person as defined in the rules of the Board of Tests for Alcohol and Drug Influence. A restriction imposed under this section or Section 6-205.1 of this title shall remain in effect until the Department receives a declaration from the Board of Tests for Alcohol and Drug Influence, in a form provided or approved by the Department, certifying that there have been no reportable violations in the one hundred eighty (180) consecutive days prior to the date of release. The Department shall send notice in accordance with Section 2-116 of this title prior to extending the period of ignition interlock. Upon request, made within fifteen (15) days of completion of the notice, the person shall have the right to an informal hearing before the Department

~~prior to any extension of the period of ignition interlock. The hearing shall be limited to the issues of the validity of the ignition interlock violation and the identity of the person committing the violation. Should the release date of the person occur after the Department has received the informal hearing request but before the informal hearing, the period of ignition interlock of the person shall be extended pending the final judgment of the Department.~~

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

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

~~Section 6-212.5. A. The Department of Public Safety shall establish the Impaired Driver Accountability Program (IDAP) at established by the Department of Public Safety is hereby transferred to the Board of Tests for Alcohol and Drug Influence. Fees collected by the Department for admission into the program shall be deposited in the Department of Public Safety Restricted Revolving Fund for support of the program. The Board of Tests for Alcohol and Drug Influence shall charge an administrative fee of One Hundred Fifty Dollars (\$150.00) to each person entered into IDAP. One Hundred Dollars (\$100.00) of each administrative fee shall be deposited in the General Revenue Fund of the State Treasury. Twenty-five Dollars (\$25.00) of each administrative fee shall be deposited in the Department of Public Safety Restricted Revolving Fund. Twenty-five Dollars (\$25.00) of each administrative fee shall be deposited in the Board of Tests for Alcohol and Drug Influence Revolving Fund. The Department Board of Tests for Alcohol and Drug Influence shall promulgate rules necessary to administer the program and such rules as are necessary relating to ignition interlock devices and the providers of such devices, including fees. The IDAP rules shall require, at a minimum:~~

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

2. A description of ignition interlock violations;

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

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

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

6. Criteria for granting employer exceptions to ignition interlock requirements in vehicles owned or leased by the employer. Employer exceptions under this paragraph shall not be construed to relieve the person from completing the Impaired Driver Accountability Program. Employer exceptions under this paragraph are only authorized for revocations imposed in accordance with paragraph 1 of subsection A of Section 6-205.1 of this title; and

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

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

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

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

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

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

~~C. Upon successful completion of the program, the records of the Department will be updated to indicate completion of the program by the person without revocation. No reinstatement fee will be charged to the person in accordance with the rules of the Board of Tests for Alcohol and Drug Influence, the person will be provided a completion certificate. Upon presentation of the IDAP completion certificate and documentation required by Section 6-212.2 of this title and payment of the required statutory fees, the Department will reinstate the driving privileges of the person, if otherwise eligible.~~

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

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

~~2. A minimum of twelve (12) months for a person subject to revocation pursuant to paragraph 2 of subsection A of Section 6-205.1 of Title 47 of the Oklahoma Statutes. A restriction imposed under this section shall remain in effect until the Department receives a declaration from the Board of Tests for Alcohol and Drug Influence, in a form provided or approved by the Department,~~

~~certifying that there have been no reportable violations in the one hundred twenty (120) consecutive days prior to the date of release. If the Department receives notice of any ignition interlock reportable violations, as determined by the Board of Tests for Alcohol and Drug Influence, the program period shall be extended for a period of one hundred twenty (120) days; or~~

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

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

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

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

~~2. Except as otherwise provided in this section, all other monies collected in excess of Two Hundred Fifty Thousand Dollars~~

~~(\$250,000.00) each month shall be deposited in the General Revenue Fund.~~

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

Section 753. A. If a conscious person under arrest refuses to submit to testing of his or her blood or breath for the purpose of determining the alcohol concentration thereof, or to a test of his or her blood, saliva or urine for the purpose of determining the presence or concentration of any other intoxicating substance, or the combined influence of alcohol and any other intoxicating substance, none shall be given except upon the issuance of a search warrant or unless the investigating officer has probable cause to believe that the person under arrest, while intoxicated, has operated the motor vehicle in such a manner as to have caused the death or serious physical injury of any other person or persons. In such event, such test otherwise authorized by law may be made in the same manner as if a search warrant had been issued for such test or tests. The sample shall be taken in a medically acceptable manner as authorized by Section 752 of this title. The Commissioner of Public Safety, upon the receipt of a sworn report of the law enforcement officer that the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle upon the public roads, highways, streets, turnpikes or other public place of this state while under the influence of alcohol, any other intoxicating substance, or the combined influence of alcohol and any other intoxicating substance, or that the person had refused to submit to the test or tests, shall revoke the license to drive and any nonresident operating privilege for a period provided by Section 6-205.1 of this title. If the person is a resident or nonresident without a license or permit to operate a motor vehicle in this state, the Commissioner of Public Safety shall deny to the person the issuance of a license or permit for a period provided by Section 6-205.1 of this title subject to a review as provided in Section 754 of this title. The revocation or denial shall become effective ~~thirty (30)~~ forty-five (45) days after the arrested person is given written notice thereof by the officer or by the Department of Public Safety as provided in Section 754 of this title.

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

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

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

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

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

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

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

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

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

- 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.

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 Senate the 19th day of May, 2022.

Presiding Officer of the Senate

Passed the House of Representatives the 28th day of April, 2022.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____