

FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB366 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Anthony Moore

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 FLOOR SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL NO. 366

By: David of the Senate

and

6 Moore of the House

7
8
9 FLOOR SUBSTITUTE

10 An Act relating to impaired driving; amending 47 O.S.
11 2021, Section 6-205.1, which relates to periods of
12 revocation; removing certain exception; modifying
13 certain requirements for license revocation; amending
14 47 O.S. 2021, Section 6-211, which relates to right
15 of appeal to district court; stating certain petition
16 requirements; modifying time frame to set certain
17 matter for hearing; deleting court's discretionary
18 modification of revocation; allowing certain stay of
19 appeal; requiring court to enter certain order;
20 disallowing the award of certain costs or fees;
21 requiring Department of Public Safety to take certain
22 action after receiving certain petition challenging
23 Department action; requiring certain restoration of
24 driving privileges; amending 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; 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

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

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

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

1 Tests for Alcohol and Drug Influence, if within ten (10) years
2 preceding the date of arrest relating thereto, as shown by the
3 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, ~~or completion of~~
7 ~~the Impaired Driver Accountability Program~~, or
8 b. the record of the person reflects a prior conviction
9 in another jurisdiction which did not result in a
10 revocation of Oklahoma driving privileges, for a
11 violation substantially similar to paragraph 2 of
12 subsection A of Section 6-205 of this title, and the
13 person was not a resident or a licensee of Oklahoma at
14 the time of the offense resulting in the conviction.

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

23 3. A revocation pursuant to paragraph 2 of subsection A of
24 Section 6-205 of this title or Section 753 or 754 of this title

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

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

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

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

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

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

23 1. The first license revocation shall be for one hundred eighty
24 (180) days, which shall be modified upon request; provided, any

1 modification under this paragraph shall apply to Class D driver
2 licenses only;

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

6 a. a prior revocation commenced pursuant to paragraph 2,
7 3 or 6 of subsection A of Section 6-205 of this title,
8 or Section 753 or 754 of this title,

9 b. a prior revocation commenced pursuant to paragraph 2,
10 3 or 6 of subsection A of Section 6-205 of this title
11 or Section 753 or 754 of this title, ~~and~~ or current
12 enrollment in or previous completion of the Impaired
13 Driver Accountability Program, or

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

22 Such period shall not be modified; or
23
24

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.

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.~~

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 ~~C.~~ 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

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

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~~

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~~

~~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~~

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.

1 SECTION 8. REPEALER 47 O.S. 2021, Sections 6-212.6,
2 754.1, 754.2, and 755 are hereby repealed.

3 SECTION 9. This act shall become effective November 1, 2022.

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