

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 58th Legislature (2021)

4   ENGROSSED SENATE  
5   BILL NO. 366

By: David of the Senate

and

Kannady of the House

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

1 providing for certain withdrawal; allowing certain  
2 program extension; directing deposits to the  
3 Department of Public Safety's Restricted Revolving  
4 Fund; repealing Section 10, Chapter 400, O.S.L. 2019  
5 (47 O.S. Supp. 2020, Section 6-212.6), which relates  
6 to notice of IDAP to persons subject to license  
7 revocation; updating statutory references; and  
8 providing an effective date.

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

10 SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-205, as  
11 last amended by Section 3, Chapter 400, O.S.L. 2019 (47 O.S. Supp.  
12 2020, Section 6-205), is amended to read as follows:

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

18 1. Manslaughter or negligent homicide resulting from the  
19 operation of a motor vehicle;

20 2. Driving or being in actual physical control of a motor  
21 vehicle while under the influence of alcohol, any other intoxicating  
22 substance, or the combined influence of alcohol and any other  
23 intoxicating substance, any violation of paragraph 1, 2, 3 or 4 of  
24 subsection A of Section 11-902 of this title or any violation of  
Section 11-906.4 of this title. However, the Department shall not  
additionally revoke the driving privileges of the person pursuant to

1 this subsection if the driving privilege of the person has been  
2 revoked because of a test result or test refusal pursuant to Section  
3 753 or 754 of this title, or has successfully completed or is  
4 currently participating in the Impaired Driver Accountability  
5 Program (IDAP) arising from the same circumstances which resulted in  
6 the conviction unless the revocation because of a test result or  
7 test refusal is set aside;

8 3. Any felony during the commission of which a motor vehicle is  
9 used;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 SECTION 2. AMENDATORY 47 O.S. 2011, Section 6-205.1, as  
21 last amended by Section 4, Chapter 400, O.S.L. 2019 (47 O.S. Supp.  
22 2020, Section 6-205.1), is amended to read as follows:

23 Section 6-205.1. A. The driving privilege of a person who is  
24 convicted of any offense as provided in paragraph 2 of subsection A

1 of Section 6-205 of this title, or a person who has refused to  
2 submit to a test or tests as provided in Section 753 of this title,  
3 or a person whose alcohol concentration is subject to the provisions  
4 of Section 754 of this title, unless, as a result of the same  
5 incident, the person has successfully completed, or is currently  
6 participating in, the Impaired Driver Accountability Program, shall  
7 be revoked or denied by the Department of Public Safety for the  
8 following period, as applicable:

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

20 2. A revocation pursuant to paragraph 2 of subsection A of  
21 Section 6-205 of this title or Section 753 or 754 of this title  
22 shall be for a period of one (1) year, or longer if driving  
23 privileges are modified pursuant to the provisions of this  
24

1 paragraph, if within ten (10) years preceding the date of arrest  
2 relating thereto, as shown by the records of the Department:

- 3 a. a prior revocation commenced pursuant to paragraph 2  
4 or 6 of subsection A of Section 6-205 of this title,  
5 Section 753 or 754 of this title, or current  
6 enrollment in, or previous completion of the Impaired  
7 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~~ shall be modified upon  
16 request; provided, any modification under this paragraph shall apply  
17 to Class D driver licenses only. For any modification, the person  
18 shall be required to install an ignition interlock device or  
19 devices, pursuant to Section 754.1 of this title. The period of  
20 revocation and the period of interlock installation shall run  
21 concurrently and each shall be for no less than one (1) year; ~~or~~

22 3. A revocation pursuant to paragraph 2 of subsection A of  
23 Section 6-205 of this title or Section 753 or 754 of this title  
24 shall be for a period of three (3) years, or longer if driving

1 privileges are modified pursuant to the provisions of this  
2 paragraph, if within ten (10) years preceding the date of arrest  
3 relating thereto, 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 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 two~~  
10 ~~or more current enrollments in, or completions~~ of the  
11 Impaired Driver Accountability Program,

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

20 d. any combination of two or more prior revocations,  
21 ~~completion~~ current enrollments in, or completions of  
22 the Impaired Driver Accountability Program, or  
23 convictions as described in subparagraphs a, b and c  
24 of this paragraph.



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

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

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

1 license revocations for a misdemeanor charge of possessing a  
2 controlled dangerous substance, the provisions of this paragraph  
3 shall apply to any such revocations by the Department on or after  
4 January 1, 1993; provided further, any modification under this  
5 paragraph shall apply to Class D driver licenses only;

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

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

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

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

23 Such period shall not be modified; or  
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 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,  
11            c. the record of the person reflects two or more prior  
12 convictions in another jurisdiction which did not  
13 result in a revocation of Oklahoma driving privileges,  
14 for a violation substantially similar to paragraph 2  
15 or 6 of subsection A of Section 6-205 of this title,  
16 and the person was not a resident or licensee of  
17 Oklahoma at the time of the offense resulting in the  
18 conviction, or  
19            d. any combination of two or more prior revocations,  
20 completion of the Impaired Driver Accountability  
21 Program, or convictions as described in subparagraphs  
22 a and b or c of this paragraph.

23        Such period shall not be modified.  
24

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

11       C. For the purposes of this section:

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

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

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

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

3 SECTION 3. AMENDATORY 47 O.S. 2011, Section 6-211, as  
4 amended by Section 5, Chapter 400, O.S.L. 2019 (47 O.S. Supp. 2020,  
5 Section 6-211), is amended to read as follows:

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

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

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

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

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

23 F. Upon a hearing relating to a revocation or disqualification  
24 pursuant to a conviction for an offense enumerated in Section 6-205,

1 6-205.2 or 761 of this title, the court shall not consider the  
2 propriety or merits of the revocation or disqualification action,  
3 except to correct the identity of the person convicted as shown by  
4 records of the Department.

5 G. A petition for modification may be included with the appeal  
6 or separately filed at any time, and the district court may, in its  
7 discretion, modify the revocation as provided for in Section 755 of  
8 this title; provided, any modification under this subsection shall  
9 apply to Class D driver licenses only.

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. An appeal may be taken by the person or by the Department~~  
6 ~~from the order or judgment of the district court to the Supreme~~  
7 ~~Court of the State of Oklahoma as otherwise provided by law~~ Upon the  
8 Department's receipt of the petition, the Department shall stay the  
9 action or order which is the subject of the appeal. The Department  
10 shall restore driving privileges to the person, if the person is  
11 otherwise eligible and shall permit the person to operate a motor  
12 vehicle pending the appeal; provided, however, if the petitioner  
13 requests the revocation or suspension be imposed during the pendency  
14 of the appeal, the Department shall revoke or suspend the driving  
15 privileges pursuant to the provisions of this title. If a stay is  
16 entered and the order of the Department is sustained in the final  
17 judgment, the district court shall, in such final judgment, enter an  
18 order extending the period of suspension or revocation for such time  
19 as the petitioner was permitted to operate motor vehicles under the  
20 provisions of the stay.

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



1 Oklahoma, the judgment of the district court shall be stayed in  
2 accordance with this section.

3 SECTION 4. AMENDATORY 47 O.S. 2011, Section 6-212.2, as  
4 amended by Section 7, Chapter 400, O.S.L. 2019 (47 O.S. Supp. 2020,  
5 Section 6-212.2), is amended to read as follows:

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

1 shall be compelled to travel more than seventy (70) miles from the  
2 citizen's place of residence to attend a course or evaluation  
3 program required herein. For purposes of this subsection, the  
4 requirement for alcohol and drug substance abuse evaluation shall be  
5 considered satisfied if the person is evaluated by an assessment  
6 agency or assessment personnel certified for that purpose, all  
7 recommendations identified by the evaluation are satisfied by the  
8 person, and a report of such evaluation and completion is presented  
9 to the court prior to sentencing and to the Department.

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

19 C. The requirements of subsection A of this section shall be a  
20 condition for reinstatement of driving privileges, in addition to  
21 other conditions for driving privilege reinstatement provided by  
22 law.  
23  
24

1       SECTION 5.       AMENDATORY       47 O.S. 2011, Section 6-212.3, as  
2 last amended by Section 8, Chapter 400, O.S.L. 2019 (47 O.S. Supp.  
3 2020, Section 6-212.3), is amended to read as follows:

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

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

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

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

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

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

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

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

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

7        D. Installation of an ignition interlock device pursuant to any  
8 court order, Impaired Driver Accountability Program or other  
9 diversionary program shall be credited towards any requirement for  
10 the installation of an ignition interlock device pursuant to any  
11 court order, Impaired Driver Accountability Program or other  
12 diversionary program arising out of the same incident. The  
13 provisions of this paragraph do not waive any requirements imposed  
14 pursuant to Section 6-212.5 of this title.

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

19        F. The ignition interlock device manufacturer shall report  
20 violations, if any, in accordance with the rules of the Board of  
21 Tests for Alcohol and Drug Influence for each ignition interlock  
22 device installed pursuant to this section and Section 6-205.1 of  
23 this title.  
24

1        G. Pursuant to Section 6-205.1 of this title, the Department  
2 shall extend the period of ignition interlock of the person for a  
3 report from the Board of Tests for Alcohol and Drug Influence of a  
4 reportable violation by the person as defined in the rules of the  
5 Board of Tests for Alcohol and Drug Influence. A restriction  
6 imposed under this section or Section 6-205.1 of this title shall  
7 remain in effect until the Department ~~receives a declaration from~~  
8 ~~the Board of Tests for Alcohol and Drug Influence, in a form~~  
9 ~~provided or approved by the Department, certifying that~~ determines  
10 there have been no reportable violations in the sixty (60)  
11 consecutive days prior to the date of release for a one hundred  
12 eighty (180) day modification, or one hundred twenty (120)  
13 consecutive days prior to the date of release for a one (1) year  
14 modification, or three hundred sixty five (365) consecutive days  
15 prior to the date of release for a three (3) year modification. The  
16 Department shall send notice in accordance with Section 2-116 of  
17 this title prior to extending the period of ignition interlock.  
18 Upon request, made within fifteen (15) days of completion of the  
19 notice, the person shall have the right to an informal hearing  
20 before the Department prior to any extension of the period of  
21 ignition interlock. The hearing shall be limited to the issues of  
22 the validity of the ignition interlock violation and the identity of  
23 the 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 H. The Department shall promulgate rules necessary to implement  
5 and administer the provisions of this section.

6 SECTION 6. AMENDATORY Section 9, Chapter 400, O.S.L.  
7 2019 (47 O.S. Supp. 2020, Section 6-212.5), is amended to read as  
8 follows:

9 Section 6-212.5. A. The Department of Public Safety shall  
10 establish the Impaired Driver Accountability Program (IDAP) at the  
11 Department of Public Safety. Fees collected by the Department for  
12 admission into the program shall be deposited in the Department of  
13 Public Safety Restricted Revolving Fund for support of the program.  
14 The Department shall promulgate rules necessary to administer the  
15 program.

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

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

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

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

6        4. The person is not otherwise ineligible for driving  
7 privileges in Oklahoma on the date the person enters into the IDAP  
8 agreement; and

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

11        C. Upon successful completion of the program, the records of  
12 the Department will be updated to indicate completion of the program  
13 by the person without revocation. No reinstatement fee will be  
14 charged to the person.

15        D. 1. A participant may, upon written request, voluntarily  
16 withdraw from IDAP. The driving privilege of a person who  
17 voluntarily withdraws from the program shall be immediately revoked.  
18 The Department shall not credit the person's time participating in  
19 the IDAP toward the required revocation period. IDAP fees shall not  
20 be refundable.

21        2. The Department may promulgate rules to remove a participant  
22 from IDAP and to identify and administer remedial actions to  
23 participants who demonstrate a failure to comply with the IDAP  
24 agreement, program requirements or have failed to actively



1 participate in IDAP. Removal from IDAP will result in revocation of  
2 the participant's driving privileges under Section 6-205 and Section  
3 6-205.1 of this title. No credit for time in IDAP will be credited  
4 toward the revocation of a participant removed from the program.  
5 The IDAP fees shall not be refundable.

6 E. The program length shall be:

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

22 2. A minimum of twelve (12) months for a person subject to  
23 revocation pursuant to paragraph 2 of subsection A of Section 6-  
24 205.1 of ~~Title 47 of the Oklahoma Statutes~~ this title. A

1 restriction imposed under this section shall remain in effect until  
2 the Department ~~receives a declaration from the Board of Tests for~~  
3 ~~Alcohol and Drug Influence, in a form provided or approved by the~~  
4 ~~Department, certifying~~ determines that there have been no reportable  
5 violations in the one hundred twenty (120) consecutive days prior to  
6 the date of release. If the Department receives notice of any  
7 ignition interlock reportable violations, as ~~determined~~ defined by  
8 the Board of Tests for Alcohol and Drug Influence, during the one  
9 hundred twenty (120) consecutive days prior to release, the program  
10 period shall be extended for a period of one hundred twenty (120)  
11 days. The Department may determine the number and type of verified  
12 ignition interlock violations that result in program extensions; or

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

1 The Department may determine the number and type of verified  
2 ignition interlock violations that result in program extensions.

3 ~~E.~~ F. Prior to an extension of the program period, the  
4 Department shall send notice of the extension in accordance with  
5 Section 2-116 of ~~Title 47 of the Oklahoma Statutes~~ this title. Upon  
6 request, which shall be made within fifteen (15) days of receipt of  
7 the notice, the person shall have the right to an informal hearing  
8 before the Department prior to any extension of the program. The  
9 hearing shall be limited to the issues of the validity of the  
10 ignition interlock reportable violation and the identity of the  
11 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 ~~F.~~ G. Effective July 1, 2020, and for each fiscal year  
17 thereafter:

18 1. Two Hundred Fifty Thousand Dollars (\$250,000.00) of all  
19 monies collected each month pursuant to this section shall be  
20 ~~apportioned as provided in Section 1104 of Title 47 of the Oklahoma~~  
21 ~~Statutes, except as otherwise provided in this section~~ deposited in  
22 the Department of Public Safety's Restricted Revolving Fund, as  
23 provided for by Section 2-145 of this title; and  
24

1        2. Except as otherwise provided in this section, all other  
2 monies collected in excess of Two Hundred Fifty Thousand Dollars  
3 (\$250,000.00) each month shall be deposited in the General Revenue  
4 Fund.

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

7        SECTION 8. This act shall become effective November 1, 2021.

8  
9 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CRIMINAL, dated  
10 03/24/2021 - DO PASS.  
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