

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 366

By: David

4  
5  
6 AS INTRODUCED

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

1 (47 O.S. Supp. 2020, Section 6-212.6), which relates  
2 to notice of IDAP to persons subject to license  
3 revocation; updating statutory references; and  
4 providing an effective date.

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

6 SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-205, as  
7 last amended by Section 3, Chapter 400, O.S.L. 2019 (47 O.S. Supp.  
8 2020, Section 6-205), is amended to read as follows:

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

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

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

1 753 or 754 of this title, or has successfully completed or is  
2 currently participating in the Impaired Driver Accountability  
3 Program (IDAP) arising from the same circumstances which resulted in  
4 the conviction unless the revocation because of a test result or  
5 test refusal is set aside;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 SECTION 2. AMENDATORY 47 O.S. 2011, Section 6-205.1, as  
18 last amended by Section 4, Chapter 400, O.S.L. 2019 (47 O.S. Supp.  
19 2020, Section 6-205.1), is amended to read as follows:

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

1 of Section 754 of this title, unless, as a result of the same  
2 incident, the person has successfully completed, or is currently  
3 participating in, the Impaired Driver Accountability Program, shall  
4 be revoked or denied by the Department of Public Safety for the  
5 following period, as applicable:

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

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

- 23 a. a prior revocation commenced pursuant to paragraph 2  
24 or 6 of subsection A of Section 6-205 of this title,

1 Section 753 or 754 of this title, or current  
2 enrollment in, or previous completion of the Impaired  
3 Driver Accountability Program, or

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

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

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

- 1 a. two or more prior revocations commenced pursuant to  
2 paragraph 2 or 6 of subsection A of Section 6-205 of  
3 this title or Section 753 or 754 of this title,  
4 b. ~~a prior revocation commenced pursuant to paragraph 2~~  
5 ~~or 6 of subsection A of Section 6-205 of this title or~~  
6 ~~Section 753 or 754 of this title, and completion two~~  
7 ~~or more current enrollments in, or completions of the~~  
8 Impaired Driver Accountability Program,  
9 c. the record of the person reflects two or more prior  
10 convictions in another jurisdiction which did not  
11 result in a revocation of Oklahoma driving privileges,  
12 for a violation substantially similar to paragraph 2  
13 of subsection A of Section 6-205 of this title, and  
14 the person was not a resident or a licensee of  
15 Oklahoma at the time of the offense resulting in the  
16 conviction, or  
17 d. any combination of two or more prior revocations,  
18 ~~completion~~ current enrollments in, or completions of  
19 the Impaired Driver Accountability Program, or  
20 convictions as described in subparagraphs a, b and c  
21 of this paragraph.

22 Such three-year period of revocation shall be modified upon request;  
23 provided, any modification under this paragraph shall apply to Class  
24 D driver licenses only. For any modification, the person shall be

1 required to install an ignition interlock device or devices,  
2 pursuant to Section 754.1 of this title. The period of revocation  
3 and the period of interlock installation shall run concurrently and  
4 each shall be for no less than three (3) years; or

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

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

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

1 January 1, 1993; provided further, any modification under this  
2 paragraph shall apply to Class D driver 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 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 or 6 of subsection A of Section 6-205 of this title or  
11 Section 753 or 754 of this title, and completion of  
12 the Impaired Driver Accountability Program, or

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

20 Such period shall not be modified; or

21 3. A revocation shall be for a period of three (3) years if  
22 within ten (10) years preceding the date of arrest relating thereto,  
23 as shown by the records of the Department:  
24

- 1 a. two or more prior revocations commenced pursuant to  
2 paragraph 2 or 6 of subsection A of Section 6-205 of  
3 this title, or Section 753 or 754 of this title,  
4 b. a prior revocation commenced pursuant to paragraph 2  
5 or 6 of subsection A of Section 6-205 of this title or  
6 Section 753 or 754 of this title, and completion of  
7 the Impaired Driver Accountability Program,  
8 c. the record of the person reflects two or more prior  
9 convictions in another jurisdiction which did not  
10 result in a revocation of Oklahoma driving privileges,  
11 for a violation substantially similar to paragraph 2  
12 or 6 of subsection A of Section 6-205 of this title,  
13 and the person was not a resident or licensee of  
14 Oklahoma at the time of the offense resulting in the  
15 conviction, or  
16 d. any combination of two or more prior revocations,  
17 completion of the Impaired Driver Accountability  
18 Program, or convictions as described in subparagraphs  
19 a and b or c of this paragraph.

20 Such period shall not be modified.

21 The revocation of the driving privilege of any person under this  
22 subsection shall not run concurrently with any other withdrawal of  
23 driving privilege resulting from a different incident and which  
24 requires the driving privilege to be withdrawn for a prescribed

1 amount of time. A denial based on a conviction of any offense as  
2 provided in paragraph 6 of subsection A of Section 6-205 of this  
3 title shall become effective on the first day the convicted person  
4 is otherwise eligible to apply for and be granted driving privileges  
5 if the person was not eligible to do so at the time of the  
6 conviction.

7 C. For the purposes of this section:

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

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

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

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

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

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

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

22 C. Any person whose driving privilege is canceled, denied,  
23 suspended or revoked may appeal to the district court in the county  
24

1 in which the offense was committed upon which the Department based  
2 its order.

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

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

21 F. Upon a hearing relating to a revocation or disqualification  
22 pursuant to a conviction for an offense enumerated in Section 6-205,  
23 6-205.2 or 761 of this title, the court shall not consider the  
24 propriety or merits of the revocation or disqualification action,

1 except to correct the identity of the person convicted as shown by  
2 records of the Department.

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

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

19 I. The testimony of any hearing pursuant to this section shall  
20 be taken by the court stenographer and preserved for the purpose of  
21 appeal and, in case the Department files notice of appeal from the  
22 order of the court as provided herein, the court shall order and  
23 direct the court clerk to prepare and furnish a complete transcript  
24 of all pleadings and proceedings, together with a complete

1 transcript taken at the hearing at no cost to the Department, except  
2 the cost of transcribing.

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

19 K. An appeal may be taken by the person or by the Department  
20 from the order or judgment of the district court to the Supreme  
21 Court of the State of Oklahoma as otherwise provided by law. Upon  
22 the filing of an appeal to the Supreme Court of the State of  
23 Oklahoma, the judgment of the district court shall be stayed in  
24 accordance with this section.

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

4 Section 6-212.2. A. Whenever the records of the Department of  
5 Public Safety reflect a conviction of a person pursuant to Section  
6 11-902 of this title or an alcohol- or drug-related revocation or  
7 suspension of the driving privileges of that person pursuant to the  
8 provisions of paragraph 2 or 6 of subsection A of Section 6-205 or  
9 to Section 6-205.1, 6-206, 753, 754 or 761 of this title, or  
10 participation in the Impaired Driver Accountability Program, the  
11 person shall participate in an alcohol and drug assessment and  
12 evaluation by an assessment agency or assessment personnel certified  
13 by the Department of Mental Health and Substance Abuse Services for  
14 the purpose of evaluating the person's receptivity to treatment and  
15 prognosis. As determined by the assessment, the person shall enroll  
16 in, attend and successfully complete the appropriate alcohol and  
17 drug substance abuse course certified by the Department of Mental  
18 Health and Substance Abuse Services or an alcohol or other drug  
19 treatment program or both. The alcohol and drug substance abuse  
20 course shall consist of either ten (10) hours or twenty-four (24)  
21 hours of instruction and shall conform with the provisions of  
22 Section 3-453 of Title 43A of the Oklahoma Statutes. No citizen  
23 shall be compelled to travel more than seventy (70) miles from the  
24 citizen's place of residence to attend a course or evaluation

1 program required herein. For purposes of this subsection, the  
2 requirement for alcohol and drug substance abuse evaluation shall be  
3 considered satisfied if the person is evaluated by an assessment  
4 agency or assessment personnel certified for that purpose, all  
5 recommendations identified by the evaluation are satisfied by the  
6 person, and a report of such evaluation and completion is presented  
7 to the court prior to sentencing and to the Department.

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

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

21 SECTION 5. AMENDATORY 47 O.S. 2011, Section 6-212.3, as  
22 last amended by Section 8, Chapter 400, O.S.L. 2019 (47 O.S. Supp.  
23 2020, Section 6-212.3), is amended to read as follows:  
24

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

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

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

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

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

22 B. 1. Upon request and eligibility, the Department shall issue  
23 a restricted driver license to the person, upon payment of a  
24 restricted driver license fee of Fifty Dollars (\$50.00) and all

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

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

20 3. The installation of an ignition interlock device, as  
21 required by this section, shall not be construed to authorize the  
22 person to drive unless the person is otherwise eligible to drive.  
23  
24  
25

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

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

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

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

21 G. Pursuant to Section 6-205.1 of this title, the Department  
22 shall extend the period of ignition interlock of the person for a  
23 report from the Board of Tests for Alcohol and Drug Influence of a  
24 reportable violation by the person as defined in the rules of the

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

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

3 SECTION 6. AMENDATORY Section 9, Chapter 400, O.S.L.  
4 2019 (47 O.S. Supp. 2020, Section 6-212.5), is amended to read as  
5 follows:

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

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

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

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

22 3. The Department receives an ignition interlock device  
23 installation verification issued in accordance with the rules of the  
24 Board of Tests for Alcohol and Drug Influence within forty-five (45)

1 days from the date notice was given pursuant to Section ~~10 of this~~  
2 ~~act~~ 6-212.6 of this title; and

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

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

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

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

18 2. The Department may promulgate rules to remove a participant  
19 from IDAP and to identify and administer remedial actions to  
20 participants who demonstrate a failure to comply with the IDAP  
21 agreement, program requirements or have failed to actively  
22 participate in IDAP. Removal from IDAP will result in revocation of  
23 the participant's driving privileges under Section 6-205 and Section  
24 6-205.1 of this title. No credit for time in IDAP will be credited

1 toward the revocation of a participant removed from the program.

2 The IDAP fees shall not be refundable.

3 E. The program length shall be:

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

19 2. A minimum of twelve (12) months for a person subject to  
20 revocation pursuant to paragraph 2 of subsection A of Section 6-  
21 205.1 of ~~Title 47 of the Oklahoma Statutes~~ this title. A  
22 restriction imposed under this section shall remain in effect until  
23 the Department ~~receives a declaration from the Board of Tests for~~  
24 ~~Alcohol and Drug Influence, in a form provided or approved by the~~

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

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

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

14        ~~F.~~ G. Effective July 1, 2020, and for each fiscal year  
15 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~~ deposited in  
20 the Department of Public Safety's Restricted Revolving Fund, as  
21 provided for by Section 2-145 of this title; and

22        2. Except as otherwise provided in this section, all other  
23 monies collected in excess of Two Hundred Fifty Thousand Dollars  
24

1 (\$250,000.00) each month shall be deposited in the General Revenue  
2 Fund.

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

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

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