

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

SENATE BILL 366

By: David

AS INTRODUCED

An Act relating to impaired driving; amending 47 O.S. 2011, Section 6-205, as last amended by Section 3, Chapter 400, O.S.L. 2019 (47 O.S. Supp. 2020, Section 6-205), which relates to mandatory revocation of driving privilege; modifying inclusions; amending 47 O.S. 2011, Section 6-205.1, as last amended by Section 4, Chapter 400, O.S.L. 2019 (47 O.S. Supp. 2020, Section 6-205.1), which relates to period of revocations; modifying qualifiers; disallowing certain concurrent revocation; amending 47 O.S. 2011, Section 6-211, as amended by Section 5, Chapter 400, O.S.L. 2019 (47 O.S. Supp. 2020, Section 6-211), which relates to the right of appeal to district court; requiring certain notice; providing for certain bond; providing for certain forfeiture of 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; 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.
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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:
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- 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:
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- 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
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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.
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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
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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:
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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.
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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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