

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 3000

By: Worthen of the House

and

Woods of the Senate

7 An Act relating to driving under the influence;
8 amending 47 O.S. 2021, Section 6-212.5, as amended by
9 Section 5, Chapter 376, O.S.L. 2022 (47 O.S. Supp.
10 2023, Section 6-212.5), which relates to the Impaired
11 Driver Accountability Program; setting certain date;
12 modifying use and *** training; requiring Board
13 establish certain standards and qualifications; and
14 providing an effective date.

13 AMENDMENT NO. 1. Page 1, amend the title to read

14 "An Act relating to driving under the influence;
15 creating the Impaired Driving Prevention Advisory
16 Committee; establishing membership; requiring the
17 Department of Public Safety to provide administrative
18 support; providing time frame for meetings;
19 establishing procedure for electing vice chair;
20 establishing responsibilities and duties of the
21 committee; requiring submission of certain plan;
22 authorizing certain reimbursement; amending 47 O.S.
23 2021, Section 6-212.5, as amended by Section 5,
24 Chapter 376, O.S.L. 2022 (47 O.S. Supp. 2023, Section
6-212.5), which relates to the Impaired Driver
Accountability Program; setting certain date;
modifying use and deposit of fees collected;
modifying type of certification required for certain
medical exemption; removing authorization limiting
use of medical exemption; modifying name of
responsible entity; authorizing the Board of Tests
for Alcohol and Drug Influence to promulgate certain
rules; authorizing the charging of certain fees;
prohibiting the licensing of certain providers;

1 authorizing Board to prescribe certain standards and
2 conditions; authorizing Board to prescribe and
3 approve certain education and training; requiring
4 Board establish certain standards and qualifications;
5 providing for codification; and providing an
6 effective date."

7 Passed the Senate the 24th day of April, 2024.

8 _____
9 Presiding Officer of the Senate

10 Passed the House of Representatives the ____ day of _____,
11 2024.

12 _____
13 Presiding Officer of the House
14 of Representatives

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6 An Act relating to driving under the influence;
7 amending 47 O.S. 2021, Section 6-212.5, as amended by
8 Section 5, Chapter 376, O.S.L. 2022 (47 O.S. Supp.
9 2023, Section 6-212.5), which relates to the Impaired
10 Driver Accountability Program; setting certain date;
11 modifying use and deposit of fees collected;
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13 medical exemption; removing authorization limiting
14 use of medical exemption; modifying name of
15 responsible entity; authorizing the Board of Tests
16 for Alcohol and Drug Influence to promulgate certain
17 rules; authorizing the charging of certain fees;
18 prohibiting the licensing of certain providers;
19 authorizing Board to prescribe certain standards and
20 conditions; authorizing Board to prescribe and
21 approve certain education and training; requiring
22 Board establish certain standards and qualifications;
23 and providing an effective date.
24

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

18 SECTION 1. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 6-212.7 of Title 47, unless
20 there is created a duplication in numbering, reads as follows:

21 A. There is hereby created the Impaired Driving Prevention
22 Advisory Committee. The Committee shall be comprised of:

23 1. The Commissioner of Public Safety, or a designee, who shall
24 act as the Chair;

- 1 2. The Chief of the Oklahoma Highway Patrol, or a designee;
- 2 3. A member appointed by the District Attorneys Council;
- 3 4. A member appointed by the Administrative Office of the
- 4 Courts;
- 5 5. The Director of the Department of Mental Health and
- 6 Substance Abuse Services, or a designee;
- 7 6. The Director of the Oklahoma State Bureau of Investigation,
- 8 or a designee;
- 9 7. The Director of the Board of Tests for Alcohol and Drug
- 10 Influence, or a designee;
- 11 8. The Director of the Oklahoma Highway Safety Office, or a
- 12 designee;
- 13 9. The President of the Oklahoma Association of Chiefs of
- 14 Police, or a designee;
- 15 10. The President of the Oklahoma Sheriff's Association, or a
- 16 designee;
- 17 11. The Chief Executive Officer of Service Oklahoma, or a
- 18 designee;
- 19 12. A member of the Board of Directors of Safety Advocacy For
- 20 Empowerment (SAFE);
- 21 13. A representative designated by a victim advocacy group to
- 22 be selected by the Commissioner of Public Safety;
- 23 14. A member of the Oklahoma House of Representatives appointed
- 24 by the Speaker of the Oklahoma House of Representatives; and

1 15. A member of the Oklahoma State Senate appointed by the
2 President Pro Tempore of the Oklahoma State Senate.

3 B. The Department of Public Safety shall provide administrative
4 support necessary for the Committee to accomplish the goals and
5 objectives assigned by this section.

6 C. The Committee shall meet at the direction of the chair, and
7 shall meet not less than once a year, but not more than four times a
8 year. A vice chair shall be elected by the Committee from among its
9 members. The vice chair shall act as chair of the Committee in the
10 absence of the chair.

11 D. The Committee is authorized to collect, analyze, and
12 interpret relevant crash data on impaired driving and associated
13 traffic crashes. In addition, the Committee is authorized to
14 review, evaluate, and monitor the impaired driving system of this
15 state and provide a network of communication and cooperation among
16 the various stakeholders to coordinate and integrate efforts and
17 resources to reduce the incidence and severity of impaired driving
18 crashes.

19 E. The Committee shall annually complete a statewide strategic
20 plan to reduce the incidents of impaired driving and impaired
21 driving crashes. The plan shall be submitted no later than December
22 31 of each year to the Governor, the President Pro Tempore of the
23 Oklahoma State Senate, and the Speaker of the Oklahoma House of
24 Representatives.

1 F. Members of the Committee who are otherwise employed by a
2 state agency or political subdivision shall serve without additional
3 compensation. Members of the Committee who are otherwise employed
4 by a state agency or political subdivision shall be entitled to
5 reimbursement for any actual and necessary traveling expenses in
6 accordance with the State Travel Reimbursement Act from the
7 employing agency.

8 SECTION 2. AMENDATORY 47 O.S. 2021, Section 6-205.1, as
9 last amended by Section 19, Chapter 310, O.S.L. 2023 (47 O.S. Supp.
10 2023, Section 6-205.1), is amended to read as follows:

11 Section 6-205.1 A. The driving privilege of a person who is
12 convicted of any offense as provided in paragraph 2 of subsection A
13 of Section 6-205 of this title, or a person who has refused to
14 submit to a test or tests as provided in Section 753 of this title,
15 or a person whose alcohol concentration is subject to the provisions
16 of Section 754 of this title, except as provided by subsection F of
17 Section 6-212.5 of this title, shall be revoked or denied by Service
18 Oklahoma for the following period, as applicable:

19 1. The first license revocation pursuant to paragraph 2 of
20 subsection A of Section 6-205 of this title or Section 753 or 754 of
21 this title, within ten (10) years preceding the date of arrest
22 relating thereto, shall be for a period of no less than one hundred
23 eighty (180) days and until the person completes the Impaired Driver
24 Accountability Program in accordance with the rules of the Board of

1 Tests for Alcohol and Drug Influence. ~~The period of revocation and~~
2 ~~the Impaired Driver Accountability Program shall run concurrently~~
3 ~~and each shall be for no less than one hundred eighty (180) days;~~

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

- 11 a. a prior revocation commenced pursuant to paragraph 2
12 or 6 of subsection A of Section 6-205 of this title or
13 Section 753 or 754 of this title or current enrollment
14 in or previous completion of the Impaired Driver
15 Accountability Program, or
16 b. 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 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
24

1 ~~The period of revocation and the Impaired Driver Accountability~~
2 ~~Program shall run concurrently and each shall be for no less than~~
3 ~~one (1) year;~~

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

11 a. two or more prior revocations commenced pursuant to
12 paragraph 2 or 6 of subsection A of Section 6-205 of
13 this title or Section 753 or 754 of this title,

14 b. two or more current enrollments in or previous
15 completions of the Impaired Driver Accountability
16 Program,

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

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

6 ~~The period of revocation and the Impaired Driver Accountability~~
7 ~~Program shall run concurrently and each shall be for no less than~~
8 ~~two (2) years; or~~

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

14 B. The driving privilege of a person who is convicted of any
15 offense as provided in paragraph 3 or 6 of subsection A of Section
16 6-205 of this title shall be revoked or denied by Service Oklahoma
17 for the following period, as applicable:

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

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

- 1 a. a prior revocation commenced pursuant to paragraph 2,
2 3 or 6 of subsection A of Section 6-205 of this
3 title, or Section 753 or 754 of this title,
4 b. a prior revocation commenced pursuant to paragraph 2,
5 3 or 6 of subsection A of Section 6-205 of this title
6 or Section 753 or 754 of this title, or current
7 enrollment in or previous completion of the Impaired
8 Driver Accountability Program, or
9 c. the record of the person reflects a prior conviction
10 in another jurisdiction which did not result in a
11 revocation of Oklahoma driving privileges, for a
12 violation substantially similar to paragraph 2, 3 or
13 6 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.

17 Such period shall not be modified; or

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

- 21 a. two or more prior revocations commenced pursuant to
22 paragraph 2 or 6 of subsection A of Section 6-205 of
23 this title, or Section 753 or 754 of this title,
24

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

19 Such period shall not be modified.

20 The revocation of the driving privilege of any person under this
21 subsection shall not run concurrently with any other withdrawal of
22 driving privilege resulting from a different incident and which
23 requires the driving privilege to be withdrawn for a prescribed
24 amount of time. A denial based on a conviction of any offense as

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

6 C. For the purposes of this section:

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

10 2. The term "revocation" includes a denial of driving
11 privileges by Service Oklahoma.

12 D. Each period of revocation in subsection A of this section
13 shall be mandatory and neither Service Oklahoma nor any court shall
14 grant driving privileges based upon hardship or otherwise for the
15 duration of that period, except under the Impaired Driver
16 Accountability Program in accordance with the rules of the Board of
17 Tests for Alcohol and Drug Influence.

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

21 SECTION 3. AMENDATORY 47 O.S. 2021, Section 6-212.3, as
22 amended by Section 4, Chapter 376, O.S.L. 2022 (47 O.S. Supp. 2023,
23 Section 6-212.3), is amended to read as follows:
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1 Section 6-212.3 A. 1. Whenever the installation of an
2 ignition interlock device is allowed or required by law, the person
3 shall pay a restricted driver license fee of Fifty Dollars (\$50.00).
4 The restricted driver license and the driving record of the person
5 shall indicate by an appropriate restriction that the person is only
6 authorized to operate a vehicle upon which an approved and properly
7 functioning ignition interlock device is installed.

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

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

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

21 C. Installation of an ignition interlock device pursuant to
22 participation in the Impaired Driver Accountability Program shall be
23 credited towards any requirement for the installation of an ignition
24 interlock device pursuant to any court order requiring the

1 installation of an ignition interlock device arising out of the same
2 incident.

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

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

12 F. ~~The Department~~ Service Oklahoma shall promulgate rules
13 necessary to implement and administer the provisions of this
14 section.

15 SECTION 4. AMENDATORY 47 O.S. 2021, Section 6-212.5, as
16 amended by Section 5, Chapter 376, O.S.L. 2022 (47 O.S. Supp. 2023,
17 Section 6-212.5), is amended to read as follows:

18 Section 6-212.5 A. The Impaired Driver Accountability Program
19 (IDAP) established by the Department of Public Safety is hereby
20 transferred to the Board of Tests for Alcohol and Drug Influence for
21 impaired driving arrests occurring on or after November 1, 2022.

22 The Board of Tests for Alcohol and Drug Influence shall charge an
23 administrative fee of One Hundred Fifty Dollars (\$150.00) to each
24 person entered into IDAP. One Hundred Dollars (\$100.00) of each

1 administrative fee shall be deposited in the General Revenue Fund of
2 the State Treasury. Twenty-five Dollars (\$25.00) of each
3 administrative fee shall be deposited in the Department of Public
4 Safety Restricted Revolving Fund. Twenty-five Dollars (\$25.00) of
5 each administrative fee shall be deposited in the Board of Tests for
6 Alcohol and Drug Influence Revolving Fund. The Board of Tests for
7 Alcohol and Drug Influence shall promulgate rules necessary to
8 administer the program ~~and such rules as are necessary relating to~~
9 ~~ignition interlock devices and the providers of such devices,~~
10 ~~including fees.~~ The IDAP rules shall require, at a minimum:

- 11 1. Installation of an approved ignition interlock device for
12 the periods set forth in Section 6-205.1 of this title;
- 13 2. A description of ignition interlock violations;
- 14 3. A description of criteria to determine acceptable
15 participation in the program;
- 16 4. Required violation free periods of no less than ninety (90)
17 days at the end of each program to demonstrate compliance by the
18 participant;
- 19 5. Criteria for medical exemptions from ignition interlock
20 requirements for persons submitting a ~~physician's~~ pulmonologist's
21 certification indicating the person has a documented medical
22 condition preventing the person from providing a breath sample of at
23 least one and two-tenths (1.2) liters. Medical exemptions shall not
24 be construed to grant the person driving privileges during the

1 ~~revocation. Medical exemptions under this paragraph are only~~
2 ~~authorized for revocations imposed in accordance with paragraph 1 of~~
3 ~~subsection A of Section 6-205.1 of this title;~~

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

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

15 B. Upon successful completion of the program, in accordance
16 with the rules of the Board of Tests for Alcohol and Drug Influence,
17 the person will be provided a completion certificate. Upon
18 presentation of the IDAP completion certificate and documentation
19 required by Section 6-212.2 of this title and payment of the
20 required statutory fees, ~~the Department~~ Service Oklahoma will
21 reinstate the driving privileges of the person, if otherwise
22 eligible.

23 C. The Board is authorized to promulgate rules necessary to
24 regulate ignition interlock devices and the providers of such

1 devices, which shall be subject to suspension or revocation in
2 accordance with the rules promulgated by the Board. The Board is
3 authorized to charge appropriate fees for operations incidental to
4 its required duties and responsibilities. No interlock provider
5 utilizing a lease, clause, or contractual agreement that authorizes
6 the provider to impound, physically immobilize, or seize a vehicle
7 for outstanding debts or arrears may be licensed by the Board.

8 D. The Board is authorized to prescribe uniform standards and
9 conditions for, and to approve satisfactory methods, procedures,
10 techniques, devices, equipment, and records for ignition interlock
11 device performance and data.

12 E. The Board is authorized to prescribe and approve the
13 requisite education and training for the performance of ignition
14 interlock services. The Board shall establish standards and
15 ascertain the qualifications and competence of individuals who
16 provide ignition interlock services and to issue permits to such
17 individuals and service centers which shall be subject to suspension
18 or revocation in accordance with the rules promulgated by the Board.

19 F. The driving record of a person subject to revocation under
20 the provisions of Section 753 or 754 of this title contained in
21 paragraph 1 of subsection A of Section 6-205.1 of this title,
22 excluding those subject to revocation under the provisions of
23 paragraph 2 of subsection A of Section 6-205 of this title who
24 enrolls in IDAP in accordance with this paragraph shall be updated

1 to indicate completion of IDAP without revocation, provided the
2 following requirements are satisfied:

3 1. At the time of the arrest, the person was a holder of a
4 Class D driver license and was not driving or in actual physical
5 control of a commercial motor vehicle;

6 2. The Board of Tests for Alcohol and Drug Influence receives
7 the request for IDAP participation and payment of the program
8 administration fee as set forth in this section within thirty (30)
9 calendar days from the date of the arrest;

10 3. The person is otherwise eligible for driving privileges in
11 Oklahoma on the date he or she enrolls in IDAP;

12 4. The person provides proof of enrollment in IDAP to Service
13 Oklahoma and obtains a restricted driver license pursuant to Section
14 6-212.3 of this title prior to the revocation taking effect;

15 5. The person provides proof of completion of IDAP to Service
16 Oklahoma;

17 6. The person has complied with the reinstatement requirements
18 set forth in Section 6-212 of this title, including the payment of
19 any necessary fees;

20 7. The person provides proof of completion of the alcohol and
21 drug assessment and evaluation required by Section 6-212.2 of this
22 title; and

23 8. The person enrolling in IDAP in accordance to the provisions
24 of this subsection shall waive the right to file an appeal pursuant

1 to Section 6-211 of this title regarding the arrest related to the
2 IDAP enrollment.

3 SECTION 5. This act shall become effective November 1, 2024.

4 Passed the House of Representatives the 7th day of March, 2024.

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Presiding Officer of the House
of Representatives

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9 Passed the Senate the ____ day of _____, 2024.

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Presiding Officer of the Senate

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