

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3000 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

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

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Dell Kerbs

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 3000

By: Worthen

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to driving under the influence; creating the Impaired Driving Prevention Advisory Committee; listing the membership of Committee; designating chair of Committee; providing for administrative support; requiring Committee to meet at direction of chair; specifying meeting requirements; requiring election of vice chair; authorizing vice chair to act as chair in chair's absence; authorizing certain duties for the Committee; requiring completion and submission of certain annual plan; stating certain members shall serve without compensation; allowing for certain travel reimbursement; amending 47 O.S. 2021, Section 6-205.1, as last amended by Section 19, Chapter 310, O.S.L. 2023 (47 O.S. Supp. 2023, Section 6-205.1), which relates to periods of revocation; making certain exception for driver license revocation; removing requirement that certain period of revocation and program run concurrently and for certain minimum time frame; requiring revocation if convicted while enrolled or after completion of the Impaired Driver Accountability Program; amending 47 O.S. 2021, Section 6-212.3, as amended by Section 4, Chapter 376, O.S.L. 2022 (47 O.S. Supp. 2023, Section 6-212.3), which relates to ignition interlock devices; modifying fund receiving certain fee deposit; modifying responsible agency; amending 47 O.S. 2021, Section 6-212.5, as amended by Section 5, 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; removing requirement for promulgation of certain rules; modifying type of certification required for

1 certain medical exemption; removing authorization
2 limiting use of medical exemption; modifying name of
3 responsible entity; authorizing the Board of Tests
4 for Alcohol and Drug Influence to promulgate certain
5 rules; authorizing the charging of certain fees;
6 prohibiting the licensing of certain providers;
7 authorizing Board to prescribe certain standards and
8 conditions; authorizing Board to prescribe and
9 approve certain education and training; requiring
10 Board establish certain standards and qualifications;
11 requiring Board to issue certain permits; authorizing
12 Board to suspend or revoke certain permits; requiring
13 certain update of person's driving record if certain
14 requirements are satisfied; listing requirements for
15 satisfaction; providing for codification; and
16 providing an effective date.

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

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

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

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

2. The Chief of the Oklahoma Highway Patrol, or a designee;

3. A member appointed by the District Attorneys Council;

4. A member appointed by the Administrative Office of the
Courts;

5. The Director of the Department of Mental Health and
Substance Abuse Services, or a designee;

1 6. The Director of the Oklahoma State Bureau of Investigation,
2 or a designee;

3 7. The Director of the Board of Tests for Alcohol and Drug
4 Influence, or a designee;

5 8. The Director of the Oklahoma Highway Safety Office, or a
6 designee;

7 9. The President of the Oklahoma Association of Chiefs of
8 Police, or a designee;

9 10. The President of the Oklahoma Sheriff's Association, or a
10 designee;

11 11. The Chief Executive Officer of Service Oklahoma, or a
12 designee;

13 12. A member of the Board of Directors of Safety Advocacy For
14 Empowerment (SAFE);

15 13. A representative designated by a victim advocacy group to
16 be selected by the Commissioner of Public Safety;

17 14. A member of the Oklahoma House of Representatives appointed
18 by the Speaker of the Oklahoma House of Representatives; and

19 15. A member of the Oklahoma State Senate appointed by the
20 President Pro Tempore of the Oklahoma State Senate.

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

1 C. The Committee shall meet at the direction of the chair, and
2 shall meet not less than once a year, but not more than four times a
3 year. A vice chair shall be elected by the Committee from among its
4 members. The vice chair shall act as chair of the Committee in the
5 absence of the chair.

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

14 E. The Committee shall annually complete a statewide strategic
15 plan to reduce the incidents of impaired driving and impaired
16 driving crashes. The plan shall be submitted no later than December
17 31 of each year to the Governor, the President Pro Tempore of the
18 Oklahoma State Senate, and the Speaker of the Oklahoma House of
19 Representatives.

20 F. Members of the Committee who are otherwise employed by a
21 state agency or political subdivision shall serve without additional
22 compensation. Members of the Committee who are otherwise employed
23 by a state agency or political subdivision shall be entitled to
24 reimbursement for any actual and necessary traveling expenses in

1 accordance with the State Travel Reimbursement Act from the
2 employing agency.

3 SECTION 2. AMENDATORY 47 O.S. 2021, Section 6-205.1, as
4 last amended by Section 19, Chapter 310, O.S.L. 2023 (47 O.S. Supp.
5 2023, Section 6-205.1), is amended to read as follows:

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

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

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

1 shall be for a period of no less than one (1) year and until the
2 person completes the Impaired Driver Accountability Program in
3 accordance with the rules of the Board of Tests for Alcohol and Drug
4 Influence, if within ten (10) years preceding the date of arrest
5 relating thereto, as shown by the records of Service Oklahoma:

6 a. a prior revocation commenced pursuant to paragraph 2
7 or 6 of subsection A of Section 6-205 of this title or
8 Section 753 or 754 of this title or current enrollment
9 in or previous completion of the Impaired Driver
10 Accountability Program, or

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

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

21 3. A revocation pursuant to paragraph 2 of subsection A of
22 Section 6-205 of this title or Section 753 or 754 of this title
23 shall be for a period of no less than two (2) years and until the
24 person completes the Impaired Driver Accountability Program in

1 accordance with the rules of the Board of Tests for Alcohol and Drug
2 Influence, if within ten (10) years preceding the date of arrest
3 relating thereto, as shown by the records of Service Oklahoma:

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

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

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

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

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

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

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

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

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

- 4 c. 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, 3, or
8 6 of subsection A of Section 6-205 of this title, and
9 the person was not a resident or a licensee of
10 Oklahoma at the time of the offense resulting in the
11 conviction.

12 Such period shall not be modified; or

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

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

9 d. any combination of two or more prior revocations,
10 current enrollments in or previous completions of the
11 Impaired Driver Accountability Program, or convictions
12 as described in subparagraphs a and b or c of this
13 paragraph.

14 Such period shall not be modified.

15 The revocation of the driving privilege of any person under this
16 subsection shall not run concurrently with any other withdrawal of
17 driving privilege resulting from a different incident and which
18 requires the driving privilege to be withdrawn for a prescribed
19 amount of time. A denial based on a conviction of any offense as
20 provided in paragraph 6 of subsection A of Section 6-205 of this
21 title shall become effective on the first day the convicted person
22 is otherwise eligible to apply for and be granted driving privileges
23 if the person was not eligible to do so at the time of the
24 conviction.

1 C. For the purposes of this section:

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

5 2. The term "revocation" includes a denial of driving
6 privileges by Service Oklahoma.

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

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

16 SECTION 3. AMENDATORY 47 O.S. 2021, Section 6-212.3, as
17 amended by Section 4, Chapter 376, O.S.L. 2022 (47 O.S. Supp. 2023,
18 Section 6-212.3), is amended to read as follows:

19 Section 6-212.3 A. 1. Whenever the installation of an
20 ignition interlock device is allowed or required by law, the person
21 shall pay a restricted driver license fee of Fifty Dollars (\$50.00).
22 The restricted driver license and the driving record of the person
23 shall indicate by an appropriate restriction that the person is only
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1 authorized to operate a vehicle upon which an approved and properly
2 functioning ignition interlock device is installed.

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

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

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

16 C. Installation of an ignition interlock device pursuant to
17 participation in the Impaired Driver Accountability Program shall be
18 credited towards any requirement for the installation of an ignition
19 interlock device pursuant to any court order requiring the
20 installation of an ignition interlock device arising out of the same
21 incident.

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

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

8 F. ~~The Department~~ Service Oklahoma shall promulgate rules
9 necessary to implement and administer the provisions of this
10 section.

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

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

18 The Board of Tests for Alcohol and Drug Influence shall charge an
19 administrative fee of One Hundred Fifty Dollars (\$150.00) to each
20 person entered into IDAP. One Hundred Dollars (\$100.00) of each
21 administrative fee shall be deposited in the General Revenue Fund of
22 the State Treasury. Twenty-five Dollars (\$25.00) of each
23 administrative fee shall be deposited in the Department of Public
24 Safety Restricted Revolving Fund. Twenty-five Dollars (\$25.00) of

1 each administrative fee shall be deposited in the Board of Tests for
2 Alcohol and Drug Influence Revolving Fund. The Board of Tests for
3 Alcohol and Drug Influence shall promulgate rules necessary to
4 administer the program ~~and such rules as are necessary relating to~~
5 ~~ignition interlock devices and the providers of such devices,~~
6 ~~including fees.~~ The IDAP rules shall require, at a minimum:

7 1. Installation of an approved ignition interlock device for
8 the periods set forth in Section 6-205.1 of this title;

9 2. A description of ignition interlock violations;

10 3. A description of criteria to determine acceptable
11 participation in the program;

12 4. Required violation free periods of no less than ninety (90)
13 days at the end of each program to demonstrate compliance by the
14 participant;

15 5. Criteria for medical exemptions from ignition interlock
16 requirements for persons submitting a ~~physician's~~ pulmonologist's
17 certification indicating the person has a documented medical
18 condition preventing the person from providing a breath sample of at
19 least one and two-tenths (1.2) liters. Medical exemptions shall not
20 be construed to grant the person driving privileges during the
21 revocation. ~~Medical exemptions under this paragraph are only~~
22 ~~authorized for revocations imposed in accordance with paragraph 1 of~~
23 ~~subsection A of Section 6-205.1 of this title;~~

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

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

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

20 C. The Board is authorized to promulgate rules necessary to
21 regulate ignition interlock devices and the providers of such
22 devices, which shall be subject to suspension or revocation in
23 accordance with the rules promulgated by the Board. The Board is
24 authorized to charge appropriate fees for operations incidental to

1 its required duties and responsibilities. No interlock provider
2 utilizing a lease, clause, or contractual agreement that authorizes
3 the provider to impound, physically immobilize, or seize a vehicle
4 for outstanding debts or arrears may be licensed by the Board.

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

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

16 F. The driving record of a person subject to revocation under
17 the provisions of paragraph 1 of subsection A of Section 6-205.1 of
18 this title who enrolls in IDAP in accordance with this paragraph
19 shall be updated to indicate completion of IDAP without revocation,
20 provided the following requirements are satisfied:

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

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

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

7 4. The person provides proof of enrollment in IDAP to Service
8 Oklahoma and obtains a restricted driver license pursuant to Section
9 6-212.3 of this title prior to the revocation taking effect;

10 5. The person provides proof of completion of IDAP to Service
11 Oklahoma;

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

15 7. The person provides proof of completion of the alcohol and
16 drug assessment and evaluation required by Section 6-212.2 of this
17 title; and

18 8. The person enrolling in IDAP in accordance to the provisions
19 of this subsection shall waive the right to file an appeal pursuant
20 to Section 6-211 of this title regarding the arrest related to the
21 IDAP enrollment.

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

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24 59-2-10497 JBH 02/27/24

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