

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB4153 _____
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: Suzanne Schreiber

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 4153

By: Schreiber

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 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 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; 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; 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; modifying fund receiving certain fee deposit; allowing Service Oklahoma to enter into IDAP agreement with driver if certain conditions are met; requiring update of records if certain conditions are met; limiting to provisions to Class D driver license holders; requiring certain waiver of appeal; modifying name of responsible

entity; providing for codification; and providing an effective date.

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;

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

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

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

1 9. The President of the Oklahoma Association of Chiefs of
2 Police, or a designee;

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

5 11. The Chief Executive Officer of Service Oklahoma, or a
6 designee; and

7 12. A member of the Board of Directors of Safety Advocacy For
8 Empowerment (SAFE); and

9 13. A representative designated by a victim advocacy group to
10 be selected by the Commissioner of Public Safety.

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

14 C. The Committee shall meet at the direction of the chair, and
15 shall meet not less than once a year, but not more than four times a
16 year. A vice chair shall be elected by the Committee from among its
17 members. The vice chair shall act as chair of the Committee in the
18 absence of the chair.

19 D. The Committee is authorized to collect, analyze, and
20 interpret relevant crash data on impaired driving and associated
21 traffic crashes. In addition, the Committee is authorized to
22 review, evaluate, and monitor the impaired driving system of this
23 state; and provide a network of communication and cooperation among
24 the various stakeholders to coordinate and integrate efforts and

1 resources to reduce the incidence and severity of impaired driving
2 crashes.

3 E. The Committee shall annually complete a statewide strategic
4 plan to reduce the incidents of impaired driving and impaired
5 driving crashes. The plan shall be submitted no later than December
6 31 each year to the Governor, the President Pro Tempore of the
7 Oklahoma Senate, and the Speaker of the Oklahoma House of
8 Representatives.

9 F. Members of the Committee shall serve without compensation.
10 Members of the Committee who are otherwise employed by a state
11 agency or political subdivision shall be entitled to reimbursement
12 for any actual and necessary traveling expenses in accordance with
13 the State Travel Reimbursement Act from the employing agency.

14 SECTION 2. AMENDATORY 47 O.S. 2021, Section 6-205.1, as
15 last amended by Section 19, Chapter 310, O.S.L. 2023 (47 O.S. Supp.
16 2023, Section 6-205.1), is amended to read as follows:

17 Section 6-205.1 A. The driving privilege of a person who is
18 convicted of any offense as provided in paragraph 2 of subsection A
19 of Section 6-205 of this title, or a person who has refused to
20 submit to a test or tests as provided in Section 753 of this title,
21 or a person whose alcohol concentration is subject to the provisions
22 of Section 754 of this title, unless the person has successfully
23 completed, or is currently participating in, the Impaired Driver
24 Accountability Program set forth in subsection B of Section 6-212.5

1 of this title, shall be revoked or denied by Service Oklahoma for
2 the following period, as applicable:

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

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

- 19 a. a prior revocation commenced pursuant to paragraph 2
20 or 6 of subsection A of Section 6-205 of this title or
21 Section 753 or 754 of this title, or
22 b. the record of the person reflects a prior conviction
23 in another jurisdiction which did not result in a
24 revocation of Oklahoma driving privileges, for a

violation substantially similar to paragraph 2 of subsection A of Section 6-205 of this title, and the person was not a resident or a licensee of Oklahoma at the time of the offense resulting in the conviction.

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

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

- a. two or more prior revocations commenced pursuant to paragraph 2 or 6 of subsection A of Section 6-205 of this title or Section 753 or 754 of this title,
- b. two or more current enrollments in or previous completions of the Impaired Driver Accountability Program,
- c. the record of the person reflects two or more prior convictions in another jurisdiction which did not result in a revocation of Oklahoma driving privileges, for a violation substantially similar to paragraph 2

1 of subsection A of Section 6-205 of this title, and
2 the person was not a resident or a licensee of
3 Oklahoma at the time of the offense resulting in the
4 conviction, or

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

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

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

18 B. The driving privilege of a person who is convicted of any
19 offense as provided in paragraph 3 or 6 of subsection A of Section
20 6-205 of this title shall be revoked or denied by Service Oklahoma
21 for the following period, as applicable:

22 1. The first license revocation shall be for one hundred eighty
23 (180) days, which shall be modified upon request; provided, any
24

1 modification under this paragraph shall apply to Class D driver
2 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 Service Oklahoma:

6 a. a prior revocation commenced pursuant to paragraph 2,
7 3, or 6 of subsection A of Section 6-205 of this
8 title, or Section 753 or 754 of this title,

9 b. a prior revocation commenced pursuant to paragraph 2,
10 3, or 6 of subsection A of Section 6-205 of this title
11 or Section 753 or 754 of this title, or current
12 enrollment in or previous completion of the Impaired
13 Driver Accountability Program, or

14 c. the record of the person reflects a prior conviction
15 in another jurisdiction which did not result in a
16 revocation of Oklahoma driving privileges, for a
17 violation substantially similar to paragraph 2, 3, or
18 6 of subsection A of Section 6-205 of this title, and
19 the person was not a resident or a licensee of
20 Oklahoma at the time of the offense resulting in the
21 conviction.

22 Such period shall not be modified; or
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1 3. A revocation shall be for a period of three (3) years if
2 within ten (10) years preceding the date of arrest relating thereto,
3 as shown by the records of 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 prior revocations commenced pursuant to
8 paragraph 2 or 6 of subsection A of Section 6-205 of
9 this title or Section 753 or 754 of this title, or two
10 or more current enrollments in or previous completions
11 of the Impaired Driver Accountability Program,

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

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

1 Such period shall not be modified.

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

12 C. For the purposes of this section:

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

16 2. The term "revocation" includes a denial of driving
17 privileges by Service Oklahoma.

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

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

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

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

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

21 3. The installation of an ignition interlock device, as
22 required by this section, shall not be construed to authorize the
23 person to drive unless the person is otherwise eligible to drive.
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1 B. 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 C. Installation of an ignition interlock device pursuant to
5 participation in the Impaired Driver Accountability Program shall be
6 credited towards any requirement for the installation of an ignition
7 interlock device pursuant to any court order requiring the
8 installation of an ignition interlock device arising out of the same
9 incident.

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

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

19 F. The Department shall promulgate rules necessary to implement
20 and administer the provisions of this section.

21 SECTION 4. AMENDATORY 47 O.S. 2021, Section 6-212.5, as
22 amended by Section 5, Chapter 376, O.S.L. 2022 (47 O.S. Supp. 2023,
23 Section 6-212.5), is amended to read as follows:
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1 Section 6-212.5 A. The Impaired Driver Accountability Program
2 (IDAP) established by the Department of Public Safety is hereby
3 transferred to the Board of Tests for Alcohol and Drug Influence.
4 The Board of Tests for Alcohol and Drug Influence shall charge an
5 administrative fee of One Hundred Fifty Dollars (\$150.00) to each
6 person entered into IDAP. One Hundred Dollars (\$100.00) of each
7 administrative fee shall be deposited in the General Revenue Fund of
8 the State Treasury. Twenty-five Dollars (\$25.00) of each
9 administrative fee shall be deposited in the ~~Department of Public~~
10 ~~Safety Restricted~~ Service Oklahoma Revolving Fund. Twenty-five
11 Dollars (\$25.00) of each administrative fee shall be deposited in
12 the Board of Tests for Alcohol and Drug Influence Revolving Fund.
13 The Board of Tests for Alcohol and Drug Influence shall promulgate
14 rules necessary to administer the program and such rules as are
15 necessary relating to ignition interlock devices and the providers
16 of such devices, including fees. The IDAP rules shall require, at a
17 minimum:

- 18 1. Installation of an approved ignition interlock device for
- 19 the periods set forth in Section 6-205.1 of this title;
- 20 2. A description of ignition interlock violations;
- 21 3. A description of criteria to determine acceptable
- 22 participation in the program;
- 23
- 24

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

4 5. Criteria for medical exemptions from ignition interlock
5 requirements for persons submitting a physician's certification
6 indicating the person has a documented medical condition preventing
7 the person from providing a breath sample of at least one and two-
8 tenths (1.2) liters. Medical exemptions shall not be construed to
9 grant the person driving privileges during the revocation. Medical
10 exemptions under this paragraph are only authorized for revocations
11 imposed in accordance with paragraph 1 of subsection A of Section 6-
12 205.1 of this title;

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

20 7. Criteria for granting affordability accommodations to
21 persons on public assistance programs or whose family income is at
22 or below one hundred fifty percent (150%) of the federal poverty
23 level.
24

1 B. 1. A person may enter into an IDAP agreement with the Board
2 of Tests for Alcohol and Drug Influence prior to receipt of the
3 notice of revocation from Service Oklahoma as set forth in Section
4 753 or 754 of this title, if:

5 a. the Board of Tests receives the request for IDAP
6 participation and payment of the program
7 administration fee set forth in Section 6-212.5 of
8 this title within thirty (30) calendar days from the
9 date of arrest,

10 b. the person provides proof of enrollment in IDAP to
11 Service Oklahoma and obtains a restricted driver
12 license pursuant to Section 6-212.3 of this title, and

13 c. the person is not otherwise ineligible for driving
14 privileges in Oklahoma on the date the person enters
15 into the IDAP Agreement.

16 2. The records of Service Oklahoma will be updated to indicate
17 completion of the program by the person without revocation, if:

18 a. the person provides proof of completion of the IDAP
19 Program to Service Oklahoma,

20 b. the person completes the necessary alcohol and drug
21 assessment and evaluation provided in Section 6-212.2
22 of this title, and

1 c. the person has complied with the reinstatement
2 requirements set forth in Section 6-212 of this title,
3 including the payment of any necessary fees.

4 3. This subsection shall only apply to persons who held a Class
5 D driver license at the time of the arrest.

6 4. In the event a person opts to participate in IDAP pursuant
7 to this subsection, they shall waive the right to file a district
8 court appeal pursuant to Section 6-211 of this title.

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

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

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