

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 3000

By: Worthen

COMMITTEE SUBSTITUTE

[driving under the influence - Impaired Driving
Prevention Advisory Committee - membership -
meeting requirements - vice chair election and
duties - member compensation and reimbursement -
driver license revocation - ignition interlock
devices - fee deposit fund - responsible agency -
Impaired Driver Accountability Program - date -
rules - medical exemption - Board of Tests for
Alcohol and Drug Influence - codification -
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:

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

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

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

6 3. A member appointed by the District Attorneys Council;

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

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

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

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

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

17 9. The President of the Oklahoma Association of Chiefs of
18 Police, or a designee;

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

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

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

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

3 14. A member of the Oklahoma House of Representatives appointed
4 by the Speaker of the Oklahoma House of Representatives; and

5 15. A member of the Oklahoma State Senate appointed by the
6 President Pro Tempore of the Oklahoma State Senate.

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

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

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

23 E. The Committee shall annually complete a statewide strategic
24 plan to reduce the incidents of impaired driving and impaired

1 driving crashes. The plan shall be submitted no later than December
2 31 of each year to the Governor, the President Pro Tempore of the
3 Oklahoma State Senate, and the Speaker of the Oklahoma House of
4 Representatives.

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

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

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

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

1 this title, within ten (10) years preceding the date of arrest
2 relating thereto, shall be for a period of no less than one hundred
3 eighty (180) days and until the person completes the Impaired Driver
4 Accountability Program in accordance with the rules of the Board of
5 Tests for Alcohol and Drug Influence. ~~The period of revocation and~~
6 ~~the Impaired Driver Accountability Program shall run concurrently~~
7 ~~and each shall be for no less than one hundred eighty (180) days;~~

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

15 a. a prior revocation commenced pursuant to paragraph 2
16 or 6 of subsection A of Section 6-205 of this title or
17 Section 753 or 754 of this title or current enrollment
18 in or previous completion of the Impaired Driver
19 Accountability Program, or

20 b. the record of the person reflects a prior conviction
21 in another jurisdiction which did not result in a
22 revocation of Oklahoma driving privileges, for a
23 violation substantially similar to paragraph 2 of
24 subsection A of Section 6-205 of this title, and the

1 person was not a resident or a licensee of Oklahoma at
2 the time of the offense resulting in the conviction.
3 ~~The period of revocation and the Impaired Driver Accountability~~
4 ~~Program shall run concurrently and each shall be for no less than~~
5 ~~one (1) year;~~

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

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

Oklahoma at the time of the offense resulting in the conviction, or

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

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

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

- 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. 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, or two
7 or more current enrollments in or previous completions
8 of the 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 or 6 of subsection A of Section 6-205 of this title,
14 and the person was not a resident or 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 current enrollments in or previous completions of the
19 Impaired Driver Accountability Program, or convictions
20 as described in subparagraphs a and b or c of this
21 paragraph.

22 Such period shall not be modified.

23 The revocation of the driving privilege of any person under this
24 subsection shall not run concurrently with any other withdrawal of

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

9 C. For the purposes of this section:

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

13 2. The term "revocation" includes a denial of driving
14 privileges by Service Oklahoma.

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

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

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

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

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

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

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

1 C. Installation of an ignition interlock device pursuant to
2 participation in the Impaired Driver Accountability Program shall be
3 credited towards any requirement for the installation of an ignition
4 interlock device pursuant to any court order requiring the
5 installation of an ignition interlock device arising out of the same
6 incident.

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

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

16 F. ~~The Department~~ Service Oklahoma shall promulgate rules
17 necessary to implement and administer the provisions of this
18 section.

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

22 Section 6-212.5 A. The Impaired Driver Accountability Program
23 (IDAP) established by the Department of Public Safety is hereby
24 transferred to the Board of Tests for Alcohol and Drug Influence for

1 impaired driving arrests occurring on or after November 1, 2022.

2 The Board of Tests for Alcohol and Drug Influence shall charge an
3 administrative fee of One Hundred Fifty Dollars (\$150.00) to each
4 person entered into IDAP. One Hundred Dollars (\$100.00) of each
5 administrative fee shall be deposited in the General Revenue Fund of
6 the State Treasury. Twenty-five Dollars (\$25.00) of each
7 administrative fee shall be deposited in the Department of Public
8 Safety Restricted Revolving Fund. Twenty-five Dollars (\$25.00) of
9 each administrative fee shall be deposited in the Board of Tests for
10 Alcohol and Drug Influence Revolving Fund. The Board of Tests for
11 Alcohol and Drug Influence shall promulgate rules necessary to
12 administer the program ~~and such rules as are necessary relating to~~
13 ~~ignition interlock devices and the providers of such devices,~~
14 ~~including fees.~~ The IDAP rules shall require, at a minimum:

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

17 2. A description of ignition interlock violations;

18 3. A description of criteria to determine acceptable
19 participation in the program;

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

23 5. Criteria for medical exemptions from ignition interlock
24 requirements for persons submitting a ~~physician's~~ pulmonologist's

1 certification indicating the person has a documented medical
2 condition preventing the person from providing a breath sample of at
3 least one and two-tenths (1.2) liters. Medical exemptions shall not
4 be construed to grant the person driving privileges during the
5 revocation. ~~Medical exemptions under this paragraph are only~~
6 ~~authorized for revocations imposed in accordance with paragraph 1 of~~
7 ~~subsection A of Section 6-205.1 of this title;~~

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

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

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

1 reinstate the driving privileges of the person, if otherwise
2 eligible.

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

12 D. The Board is authorized to prescribe uniform standards and
13 conditions for, and to approve satisfactory methods, procedures,
14 techniques, devices, equipment, and records for ignition interlock
15 device performance and data.

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

23 F. The driving record of a person subject to revocation under
24 the provisions of Section 753 or 754 of this title contained in

1 paragraph 1 of subsection A of Section 6-205.1 of this title,
2 excluding those subject to revocation under the provisions of
3 paragraph 2 of subsection A of Section 6-205 of this title who
4 enrolls in IDAP in accordance with this paragraph shall be updated
5 to indicate completion of IDAP without revocation, provided the
6 following requirements are satisfied:

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

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

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

16 4. The person provides proof of enrollment in IDAP to Service
17 Oklahoma and obtains a restricted driver license pursuant to Section
18 6-212.3 of this title prior to the revocation taking effect;

19 5. The person provides proof of completion of IDAP to Service
20 Oklahoma;

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

1 7. The person provides proof of completion of the alcohol and
2 drug assessment and evaluation required by Section 6-212.2 of this
3 title; and

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

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

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