

1 ENGROSSED SENATE
2 BILL NO. 1456

By: Bergstrom of the Senate

3 and

4 Kendrix of the House

5
6 An Act relating to motor vehicles; amending 47 O.S.
7 2021, Section 759, as last amended by Section 14,
8 Chapter 330, O.S.L. 2025 (47 O.S. Supp. 2025, Section
9 759), which relates to the Board of Tests for Alcohol
and Drug Influence; extending sunset date; updating
statutory language; providing an effective date; and
declaring an emergency.

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

13 SECTION 1. AMENDATORY 47 O.S. 2021, Section 759, as last
14 amended by Section 14, Chapter 330, O.S.L. 2025 (47 O.S. Supp. 2025,
15 Section 759), is amended to read as follows:

16 Section 759. A. There is hereby re-created, to continue until
17 ~~July 1, 2026~~ July 1, 2031, in accordance with the provisions of the
18 Oklahoma Sunset Law, the Board of Tests for Alcohol and Drug
19 Influence to be composed of the following members beginning July 1,
20 2015:

21 1. The Dean of the Oklahoma State University College of
22 Osteopathic Medicine, or a designee;

23 2. The Dean of the University of Oklahoma College of Medicine,
24 or a designee;

- 1 3. The Commissioner of Public Safety, or a designee;
- 2 4. The Director of the Oklahoma State Bureau of Investigation,
- 3 or a designee;
- 4 5. The State Commissioner of Health, or a designee;
- 5 6. The Director of the Council on Law Enforcement Education and
- 6 Training, or a designee;
- 7 7. One certified peace officer who is a member of a local law
- 8 enforcement agency selected by the Oklahoma Sheriffs and Peace
- 9 Officers Association; and
- 10 8. One person selected by the Oklahoma Association of Chiefs of
- 11 Police.

12 Members shall serve without pay other than reimbursement of
13 necessary and actual expenses as provided in the State Travel
14 Reimbursement Act. Each member shall receive an appointment in
15 writing which shall become a permanent part of the records of the
16 Board. The chair and ~~vice-chair~~ vice chair shall be elected from
17 the membership of the Board every two (2) years. The Board is
18 authorized to appoint a State Director of Tests for Alcohol and Drug
19 Influence and other employees, including, but not limited to,
20 persons to conduct training and provide administrative assistance as
21 necessary for the performance of its functions, subject to available
22 funding and authorized full-time equivalent employee limitations.
23 The Board may expend appropriated funds for purposes consistent with
24 Sections 751 through 761 of this title and Sections 301 through 308

1 of Title 3 of the Oklahoma Statutes. The Legislature shall
2 appropriate funds to the Department of Public Safety for the support
3 of the Board of Tests For Alcohol and Drug Influence and its
4 employees, if any. Upon the transfer of any employees from the
5 Alcohol Drug Countermeasures Unit of the Department of Public Safety
6 to the Board of Tests For Alcohol and Drug Influence on July 1,
7 2003, all funds of the ~~Unit~~ unit appropriated and budgeted shall be
8 transferred to the Board, and may be budgeted and expended to
9 support the functions and personnel of the Board.

10 B. The Board is authorized to prescribe uniform standards and
11 conditions for, and to approve satisfactory methods, procedures,
12 techniques, devices, equipment, and records for, tests and analyses
13 and to prescribe and approve the requisite education and training
14 for the performance of tests or analyses of breath to determine the
15 breath alcohol concentration. The Board shall establish standards
16 for and ascertain the qualifications and competence of individuals
17 to administer tests and analyses of breath to determine the breath
18 alcohol concentration, and to issue permits to individuals which
19 shall be subject to suspension or revocation at the discretion of
20 the Board. The Board is authorized to prescribe uniform standards,
21 conditions, methods, procedures, techniques, devices, equipment, and
22 records for the collection, handling, retention, storage,
23 preservation, and delivery of specimens of blood, breath, saliva,
24 and urine obtained for the purpose of determining the alcohol

1 concentration thereof or the presence or concentration of any other
2 intoxicating substance therein. The Board may take such other
3 actions as may be reasonably necessary or appropriate to effectuate
4 the purposes of Sections 751 through 761 of this title and Sections
5 301 through 308 of Title 3 of the Oklahoma Statutes, and may adopt,
6 amend, and repeal such other rules consistent with this chapter as
7 the Board shall determine proper. The Board is authorized to
8 delegate authority granted in this section to the State Director of
9 Tests as it deems appropriate.

10 C. The Board shall promulgate rules adopting uniform standards
11 and conditions and rules approving devices, equipment, methods,
12 procedures, techniques, and records for screening tests administered
13 for the purpose of determining the presence or concentration of
14 alcohol or any other intoxicating substance in a person's blood,
15 breath, saliva, or urine. Such screening tests shall be performed
16 in compliance with the rules adopted by the Board of Tests for
17 Alcohol and Drug Influence. For purposes of this subsection,
18 "screening test" means the use of devices, equipment, methods,
19 procedures, techniques, and records by law enforcement officers at
20 roadside to assist in the development of probable cause.

21 D. The Board may set rules and charge appropriate fees for
22 operations incidental to its required duties and responsibilities.

23 E. There is hereby created in the State Treasury a revolving
24 fund for the Board of Tests for Alcohol and Drug Influence to be

1 designated the "Board of Tests for Alcohol and Drug Influence
2 Revolving Fund". The fund shall be a continuing fund, not subject
3 to fiscal year limitations, and shall consist of monies received
4 pursuant to the provisions of subsection D of this section and any
5 funds previously deposited in the Board of Tests for Alcohol and
6 Drug Influence Revolving Fund. All monies accruing to the credit of
7 the fund are hereby appropriated and may be budgeted and expended by
8 the Board of Tests for Alcohol and Drug Influence for operating
9 expenses of the Board. Expenditures from the funds shall be made
10 upon warrants issued by the State Treasurer against claims filed as
11 prescribed by law with the Director of the Office of Management and
12 Enterprise Services for approval and payment.

13 SECTION 2. This act shall become effective July 1, 2026.

14 SECTION 3. It being immediately necessary for the preservation
15 of the public peace, health, or safety, an emergency is hereby
16 declared to exist, by reason whereof this act shall take effect and
17 be in full force from and after its passage and approval.

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