

FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB921 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By deleting the content of the entire measure, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Chris Kannady _____

Reading Clerk

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

FLOOR SUBSTITUTE
FOR ENGROSSED

SENATE BILL NO. 921

By: Rosino of the Senate

and

Kannady of the House

FLOOR SUBSTITUTE

An Act relating to the revocation of driver licenses; amending 47 O.S. 2021, Section 6-212.5, as last amended by Section 4, Chapter 265, O.S.L. 2024 (47 O.S. Supp. 2024, Section 6-212.5), which relates to the Impaired Driver Accountability Program; requiring submission of certain request and fee after receipt of certain notice; updating statutory language; amending 47 O.S. 2021, Section 753, as last amended by Section 23, Chapter 310, O.S.L. 2023 (47 O.S. Supp. 2024, Section 753), which relates to the refusal to submit to test; modifying certain requirement for revocation of driver license; and declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 2021, Section 6-212.5, as last amended by Section 4, Chapter 265, O.S.L. 2024 (47 O.S. Supp. 2024, Section 6-212.5), is amended to read as follows:

Section 6-212.5. A. The Impaired Driver Accountability Program (IDAP) established by the Department of Public Safety is hereby

1 transferred to the Board of Tests for Alcohol and Drug Influence for
2 impaired driving arrests occurring on or after November 1, 2022.

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

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

16 2. A description of ignition interlock violations;

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

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

22 5. Criteria for medical exemptions from ignition interlock
23 requirements for persons submitting a pulmonologist's certification
24 indicating the person has a documented medical condition preventing

1 the person from providing a breath sample of at least one and two-
2 tenths (1.2) liters. Medical exemptions shall not be construed to
3 grant the person driving privileges during the revocation;

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, Service Oklahoma will reinstate the driving
21 privileges of the person, if otherwise eligible.

22 C. The Board is authorized to promulgate rules necessary to
23 regulate ignition interlock devices and the providers of such
24 devices, which shall be subject to suspension or revocation in

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

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

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

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

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

13 4. The person provides proof of enrollment in IDAP to Service
14 Oklahoma and obtains a restricted driver license pursuant to Section
15 6-212.3 of this title prior to the revocation taking effect;

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

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

21 7. The person provides proof of completion of the alcohol and
22 drug assessment and evaluation required by Section 6-212.2 of this
23 title; and
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1 8. The person enrolling in IDAP in accordance ~~to~~ with the
2 provisions of this subsection shall waive the right to file an
3 appeal pursuant to Section 6-211 of this title regarding the arrest
4 related to the IDAP enrollment.

5 SECTION 2. AMENDATORY 47 O.S. 2021, Section 753, as last
6 amended by Section 23, Chapter 310, O.S.L. 2023 (47 O.S. Supp. 2024,
7 Section 753), is amended to read as follows:

8 Section 753. A. If a conscious person under arrest refuses to
9 submit to testing of his or her blood or breath for the purpose of
10 determining the alcohol concentration thereof, or to a test of his
11 or her blood, saliva or urine for the purpose of determining the
12 presence or concentration of any other intoxicating substance, or
13 the combined influence of alcohol and any other intoxicating
14 substance, none shall be given except upon the issuance of a search
15 warrant or unless the investigating officer has probable cause to
16 believe that the person under arrest, while intoxicated, has
17 operated the motor vehicle in such a manner as to have caused the
18 death or serious physical injury of any other person or persons. In
19 such event, such test otherwise authorized by law may be made in the
20 same manner as if a search warrant had been issued for such test or
21 tests. The sample shall be taken in a medically acceptable manner
22 as authorized by Section 752 of this title. The Director of Service
23 Oklahoma, upon the receipt of a sworn report of the law enforcement
24 officer that the officer had reasonable grounds to believe the

1 arrested person had been driving or was in actual physical control
2 of a motor vehicle upon the public roads, highways, streets,
3 turnpikes or other public place of this state while under the
4 influence of alcohol, any other intoxicating substance, or the
5 combined influence of alcohol and any other intoxicating substance,
6 ~~or~~ and that the person had refused to submit to the test or tests,
7 shall revoke the license to drive and any nonresident operating
8 privilege for a period provided by Section 6-205.1 of this title.

9 If the person is a resident or nonresident without a license or
10 permit to operate a motor vehicle in this state, the Director of
11 Service Oklahoma shall deny to the person the issuance of a license
12 or permit for a period provided by Section 6-205.1 of this title
13 subject to a review as provided in Section 754 of this title. The
14 revocation or denial shall become effective forty-five (45) days
15 after the arrested person is given written notice thereof by the
16 officer or by Service Oklahoma as provided in Section 754 of this
17 title.

18 B. Service Oklahoma shall immediately reinstate the driving
19 privilege of the person if:

20 1. The arrested person was required to submit to the testing of
21 his or her blood or breath pursuant to the provisions of a search
22 warrant despite his or her refusal to submit to testing; and

23 2. Service Oklahoma receives a written blood or breath test
24 report that reflects the arrested person did not have any measurable

1 quantity of alcohol, or any other intoxicating substance, or the
2 combination of alcohol and any other intoxicating substance in the
3 blood or breath of the arrested person.

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

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