

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               1st Session of the 60th Legislature (2025)

4   ENGROSSED SENATE  
5   BILL NO. 54

By: Weaver of the Senate

and

6                               George and **Manger** of the  
7                               House

8  
9  
10       An Act relating to motor vehicle safety; amending 47  
11       O.S. 2021, Section 11-902, which relates to persons  
12       under the influence of alcohol or other intoxicating  
13       substance; modifying sentencing provisions for  
14       certain violations; modifying scope of certain  
15       offense; modifying scope of penalties for certain  
16       offense; updating statutory language and references;  
17       and providing an effective date.

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

19       SECTION 1.       AMENDATORY       47 O.S. 2021, Section 11-902, is  
20       amended to read as follows:

21       Section 11-902.   A.   It is unlawful and punishable as provided  
22       for in this section for any person to drive, operate, or be in  
23       actual physical control of a motor vehicle within this state,  
24       whether upon public roads, highways, streets, turnpikes, other  
25       public places or upon any private road, street, alley, or lane which

1 provides access to one or more single or multi-family dwellings,  
2 who:

3 1. Has a blood or breath alcohol concentration, as defined in  
4 Section 756 of this title, of eight-hundredths (0.08) or more at the  
5 time of a test of such person's blood or breath ~~administered within~~  
6 ~~two (2) hours after the arrest of such person;~~

7 2. Is under the influence of alcohol;

8 3. Has any amount of a Schedule I chemical or controlled  
9 substance, as defined in Section 2-204 of Title 63 of the Oklahoma  
10 Statutes, or one of its metabolites or analogs in the person's  
11 blood, saliva, urine,    or any other bodily fluid at the time of a  
12 test of such person's blood, saliva, urine,    or any other bodily  
13 fluid ~~administered within two (2) hours after the arrest of such~~  
14 ~~person;~~

15 4. Is under the influence of any intoxicating substance other  
16 than alcohol which may render such person incapable of safely  
17 driving or operating a motor vehicle; or

18 5. Is under the combined influence of alcohol and any other  
19 intoxicating substance which may render such person incapable of  
20 safely driving or operating a motor vehicle.

21 B. The fact that any person charged with a violation of this  
22 section is or has been lawfully entitled to use alcohol or a  
23 controlled dangerous substance or any other intoxicating substance  
24

1 shall not constitute a defense against any charge of violating this  
2 section.

3 C. 1. Any person who is convicted of a violation of the  
4 provisions of this section shall be guilty of a misdemeanor for the  
5 first offense and shall:

- 6 a. participate in an assessment and evaluation pursuant  
7 to subsection ~~G~~ H of this section and shall follow all  
8 recommendations made in the assessment and evaluation,
- 9 b. be punished by imprisonment in jail for not less than  
10 ten (10) days nor more than one (1) year, and
- 11 c. be fined not more than One Thousand Dollars  
12 (\$1,000.00).

13 2. Any person who, having been convicted of or having received  
14 deferred judgment for a violation of this section or a violation  
15 pursuant to the provisions of any law of this state or another state  
16 prohibiting the offenses provided in this section, Section 11-904 of  
17 this title, or paragraph 4 of subsection A of Section 852.1 of Title  
18 21 of the Oklahoma Statutes, or having a prior conviction in a  
19 municipal criminal court of record for the violation of a municipal  
20 ordinance prohibiting the offense provided for in this section, and  
21 commits a subsequent violation of this section within ten (10) years  
22 of the date following the completion of the execution of ~~said~~ such  
23 sentence or deferred judgment shall, upon conviction, be guilty of a  
24 felony and shall participate in an assessment and evaluation

1 pursuant to subsection G H of this section and shall be sentenced  
2 to:

3 a. follow all recommendations made in the assessment and  
4 evaluation for treatment at the defendant's expense,  
5 ~~or~~

6 b. ~~placement~~ use of an ignition interlock device, as  
7 provided by subparagraph n of paragraph 1 of  
8 subsection A of Section 991a of Title 22 of the  
9 Oklahoma Statutes,

10 c. imprisonment in the custody of the Department of  
11 Corrections for not less than one (1) year and not ~~to~~  
12 ~~exceed~~ more than five (5) years, and

13 d. a fine ~~of~~ not more than Two Thousand Five Hundred  
14 Dollars (\$2,500.00), ~~or~~

15 ~~e. treatment, imprisonment, and a fine within the~~  
16 ~~limitations prescribed in subparagraphs a and b of~~  
17 ~~this paragraph.~~

18 However, if the treatment in subsection G H of this section does  
19 not include residential or inpatient treatment for a period of not  
20 less than five (5) days, the person shall serve a term of  
21 imprisonment of at least five (5) days.

22 3. Any person who commits a violation of this section after  
23 having been convicted of a felony offense pursuant to the provisions  
24 of this section or a violation pursuant to the provisions of any law

1 of this state or another state prohibiting the offenses provided for  
2 in this section, Section 11-904 of this title, or paragraph 4 of  
3 subsection A of Section 852.1 of Title 21 of the Oklahoma Statutes  
4 shall be guilty of a felony and participate in an assessment and  
5 evaluation pursuant to subsection ~~G~~ H of this section and shall be  
6 sentenced to:

7 a. follow all recommendations made in the assessment and  
8 evaluation for treatment at the defendant's expense,

9 b. two hundred forty (240) hours of community service, and  
10 ~~and~~

11 c. use of an ignition interlock device, as provided by  
12 subparagraph n of paragraph 1 of subsection A of  
13 Section 991a of Title 22 of the Oklahoma Statutes, ~~or~~

14 ~~b.~~ ~~placement~~

15 d. imprisonment in the custody of the Department of  
16 Corrections for not less than one (1) year and not ~~to~~  
17 ~~exceed~~ more than ten (10) years, and

18 e. a fine ~~of~~ not more than Five Thousand Dollars  
19 (\$5,000.00), ~~or~~

20 ~~e.~~ ~~treatment, imprisonment and a fine within the~~  
21 ~~limitations prescribed in subparagraphs a and b of~~  
22 ~~this paragraph.~~

23 However, if the treatment in subsection ~~G~~ H of this section does  
24 not include residential or inpatient treatment for a period of not

1 less than ten (10) days, the person shall serve a term of  
2 imprisonment of at least ten (10) days.

3 4. Any person who commits a violation of this section after  
4 having been twice convicted of a felony offense pursuant to the  
5 provisions of this section or a violation pursuant to the provisions  
6 of any law of this state or another state prohibiting the offenses  
7 provided for in this section, Section 11-904 of this title, or  
8 paragraph 4 of subsection A of Section 852.1 of Title 21 of the  
9 Oklahoma Statutes shall be guilty of a felony and participate in an  
10 assessment and evaluation pursuant to subsection G H of this section  
11 and shall be sentenced to:

12 a. follow all recommendations made in the assessment and  
13 evaluation for treatment at the defendant's expense,  
14 followed by not less than one (1) year of supervision  
15 and periodic testing, as provided in subparagraph q of  
16 paragraph 1 of subsection A of Section 991a of Title  
17 22 of the Oklahoma Statutes, at the defendant's  
18 expense,

19 b. four hundred eighty (480) hours of community service,  
20 ~~and~~

21 c. use of an ignition interlock device, as provided by  
22 subparagraph n of paragraph 1 of subsection A of  
23 Section 991a of Title 22 of the Oklahoma Statutes, for  
24 a minimum of ~~thirty (30)~~ ninety (90) days, ~~or~~

1        ~~b. placement~~

2        d. imprisonment in the custody of the Department of  
3        Corrections for not less than one (1) year and not ~~to~~  
4        ~~exceed~~ more than twenty (20) years, and

5        e. a fine ~~of~~ not more than Five Thousand Dollars  
6        (\$5,000.00), ~~or~~

7        ~~c. treatment, imprisonment and a fine within the~~  
8        ~~limitations prescribed in subparagraphs a and b of~~  
9        ~~this paragraph.~~

10       However, if the person does not undergo residential or inpatient  
11       treatment pursuant to subsection ~~G~~ H of this section, the person  
12       shall serve a term of imprisonment of at least ten (10) days.

13       5. Any person who, after a previous conviction of a violation  
14       of murder in the second degree or manslaughter in the first degree  
15       in which the death was caused as a result of driving under the  
16       influence of alcohol or other intoxicating substance, is convicted  
17       of a violation of this section shall be guilty of a felony and shall  
18       be punished by imprisonment in the custody of the Department of  
19       Corrections for not less than five (5) years and not to exceed  
20       twenty (20) years, and a fine ~~of~~ not more than Ten Thousand Dollars  
21       (\$10,000.00).

22       6. Provided, however, a conviction from another state shall not  
23       be used to enhance punishment pursuant to the provisions of this  
24

1 subsection if that conviction is based on a blood or breath alcohol  
2 concentration of less than eight-hundredths (0.08).

3 7. In any case in which a defendant is charged with driving  
4 under the influence of alcohol or other intoxicating substance  
5 offense within any municipality with a municipal court other than a  
6 court of record, the charge shall be presented to the county's  
7 district attorney and filed with the district court of the county  
8 within which the municipality is located.

9 D. Any person who is convicted of a violation of driving under  
10 the influence ~~with a~~ while also committing one of more of the  
11 following acts:

12 1. Driving, operating, or being in actual physical control of a  
13 motor vehicle while having a blood or breath alcohol concentration  
14 of fifteen-hundredths (0.15) or more ~~pursuant to this section~~ at the  
15 time of a test of such person's blood or breath;

16 2. Causing a motor vehicle incident involving one or more  
17 vehicles that results in a report pursuant to Section 40-102 of this  
18 title;

19 3. Driving in a manner that violates the provisions of Section  
20 11-301, 11-302, 11-306, 11-309, or 11-311 of this title;

21 4. Driving while eluding peace officers pursuant to Section  
22 540a of Title 21 of the Oklahoma Statutes;



1        5. Driving with a speed in excess of twenty (20) miles per hour  
2 over the speed limit or ten (10) miles per hour over the speed limit  
3 within an active school zone;

4        6. Operating a motor vehicle with a passenger younger than  
5 eighteen (18) years of age; or

6        7. Reckless driving as defined in Section 11-901 of this title,  
7 shall be deemed, upon conviction, be guilty of aggravated driving  
8 under the influence, which shall be a felony offense.

9        E. A person convicted of aggravated driving under the influence  
10 shall participate in an assessment and evaluation pursuant to  
11 subsection G H of this section and shall comply with all  
12 recommendations for treatment. Such person shall be sentenced as  
13 provided in paragraph 1, 2, 3, 4, or 5 of subsection C of this  
14 section and to:

15        1. Imprisonment as provided in paragraph 1, 2, 3, 4, or 5 of  
16 subsection C of this section, provided that:

17        a. for a first offense of a violation pursuant to this  
18 section, the first ten (10) days of the sentence shall  
19 not be subject to probation, suspension, or deferral  
20 and may be served by night or weekend incarceration  
21 pursuant to Section 991a of Title 22 of the Oklahoma  
22 Statutes,

23        b. for a second offense of a violation pursuant to this  
24 section, the first thirty (30) days of the sentence

1           shall not be subject to probation, suspension, or  
2           deferral; provided further, this mandatory minimum  
3           period of confinement shall be served in the county  
4           jail as a condition of a suspended or deferred  
5           sentence, pursuant to Section 991a of Title 22 of the  
6           Oklahoma Statutes, and

7           c. the portion of the sentence not subject to probation,  
8           suspension, or deferral shall increase by thirty (30)  
9           days for each subsequent conviction after the second  
10          offense;

11          2. A fine pursuant to paragraph 1, 2, 3, 4, or 5 of subsection  
12          C of this section;

13          3. Not less than one (1) year of supervision and periodic  
14          testing, as provided in subparagraph q of paragraph 1 of subsection  
15          A of Section 991a of Title 22 of the Oklahoma Statutes, at the  
16          defendant's expense; and

17          ~~2.~~ 4. An ignition interlock device or devices, as provided by  
18          subparagraph n of paragraph 1 of subsection A of Section 991a of  
19          Title 22 of the Oklahoma Statutes, for a minimum of ~~ninety (90)~~ one  
20          hundred eighty (180) days.

21          ~~E.~~ F. When a person is sentenced to imprisonment in the custody  
22          of the Department of Corrections, the person shall be processed  
23          through the Lexington Assessment and Reception Center or at a place  
24          determined by the Director of the Department of Corrections. The

1 Department of Corrections shall classify and assign the person to  
2 one or more of the following:

3 1. The Department of Mental Health and Substance Abuse Services  
4 pursuant to paragraph 1 of subsection A of Section 612 of Title 57  
5 of the Oklahoma Statutes; or

6 2. A correctional facility operated by the Department of  
7 Corrections with assignment to substance abuse treatment.

8 Successful completion of a Department-of-Corrections-approved  
9 substance abuse treatment program shall satisfy the recommendation  
10 for a ten-hour or twenty-four-hour alcohol and drug substance abuse  
11 course or treatment program or both. Successful completion of an  
12 approved Department of Corrections substance abuse treatment program  
13 may precede or follow the required assessment.

14 ~~F. G.~~ The Department of Public Safety Service Oklahoma is  
15 hereby authorized to reinstate any suspended or revoked driving  
16 privilege when the person meets the statutory requirements which  
17 affect the existing driving privilege.

18 ~~G. H.~~ Any person who is found guilty of a violation of the  
19 provisions of this section shall be ordered to participate in an  
20 alcohol and drug substance abuse evaluation and assessment program  
21 offered by a certified assessment agency or certified assessor for  
22 the purpose of evaluating and assessing the receptivity to treatment  
23 and prognosis of the person and shall follow all recommendations  
24 made in the assessment and evaluation for treatment. The court

1 shall order the person to reimburse the agency or assessor for the  
2 evaluation and assessment. Payment shall be remitted by the  
3 defendant or on behalf of the defendant by any third party~~+~~,  
4 provided~~7~~ no state-appropriated funds are utilized. The fee for an  
5 evaluation and assessment shall be the amount provided in subsection  
6 C of Section 3-460 of Title 43A of the Oklahoma Statutes. The  
7 evaluation and assessment shall be conducted at a certified  
8 assessment agency, the office of a certified assessor~~,~~, or at another  
9 location as ordered by the court. The agency or assessor shall,  
10 within seventy-two (72) hours from the time the person is evaluated  
11 and assessed, submit a written report to the court for the purpose  
12 of assisting the court in its sentencing determination. The court  
13 shall, as a condition of any sentence imposed, including deferred  
14 and suspended sentences, require the person to participate in and  
15 successfully complete all recommendations from the evaluation, such  
16 as an alcohol and substance abuse treatment program pursuant to  
17 Section 3-452 of Title 43A of the Oklahoma Statutes. If such report  
18 indicates that the evaluation and assessment shows that the  
19 defendant would benefit from a ten-hour or twenty-four-hour alcohol  
20 and drug substance abuse course or a treatment program or both, the  
21 court shall, as a condition of any sentence imposed, including  
22 deferred and suspended sentences, require the person to follow all  
23 recommendations identified by the evaluation and assessment and  
24 ordered by the court. No person, agency~~,~~, or facility operating an

1 evaluation and assessment program certified by the Department of  
2 Mental Health and Substance Abuse Services shall solicit or refer  
3 any person evaluated and assessed pursuant to this section for any  
4 treatment program or substance abuse service in which such person,  
5 agency, or facility has a vested interest; however, this provision  
6 shall not be construed to prohibit the court from ordering  
7 participation in or any person from voluntarily utilizing a  
8 treatment program or substance abuse service offered by such person,  
9 agency, or facility. If a person is sentenced to imprisonment in  
10 the custody of the Department of Corrections and the court has  
11 received a written evaluation report pursuant to the provisions of  
12 this subsection, the report shall be furnished to the Department of  
13 Corrections with the judgment and sentence. Any evaluation and  
14 assessment report submitted to the court pursuant to the provisions  
15 of this subsection shall be handled in a manner which will keep such  
16 report confidential from the general public's review. Nothing  
17 contained in this subsection shall be construed to prohibit the  
18 court from ordering judgment and sentence in the event the defendant  
19 fails or refuses to comply with an order of the court to obtain the  
20 evaluation and assessment required by this subsection. If the  
21 defendant fails or refuses to comply with an order of the court to  
22 obtain the evaluation and assessment, ~~the Department of Public~~  
23 ~~Safety~~ Service Oklahoma shall not reinstate driving privileges until  
24 the defendant has complied in full with such order. Nothing

1 contained in this subsection shall be construed to prohibit the  
2 court from ordering judgment and sentence and any other sanction  
3 authorized by law for failure or refusal to comply with an order of  
4 the court.

5 ~~H.~~ I. Any person who is found guilty of a violation of the  
6 provisions of this section shall be required by the court to attend  
7 a victims impact panel program, as defined in subsection H of  
8 Section 991a of Title 22 of the Oklahoma Statutes, if such a program  
9 is offered in the county where the judgment is rendered, and to pay  
10 a fee of Seventy-five Dollars (\$75.00), as set by the governing  
11 authority of the program and approved by the court, to the program  
12 to offset the cost of participation by the defendant, if in the  
13 opinion of the court the defendant has the ability to pay such fee.

14 ~~I.~~ J. Any person who is found guilty of a felony violation of  
15 the provisions of this section shall be required to submit to  
16 electronic monitoring as authorized and defined by Section 991a of  
17 Title 22 of the Oklahoma Statutes.

18 ~~J.~~ K. Any person who is found guilty of a violation of the  
19 provisions of this section who has been sentenced by the court to  
20 perform any type of community service shall not be permitted to pay  
21 a fine in lieu of performing the community service.

22 ~~K.~~ L. When a person is found guilty of a violation of the  
23 provisions of this section, the court shall order, in addition to  
24 any other penalty, the defendant to pay ~~a one hundred dollar~~

1 ~~assessment~~ an assessment of One Hundred Dollars (\$100.00) to be  
2 deposited in the Drug Abuse Education and Treatment Revolving Fund  
3 created in Section 2-503.2 of Title 63 of the Oklahoma Statutes,  
4 upon collection.

5 ~~H. M.~~ 1. When a person is eighteen (18) years of age or older,  
6 and is the driver, operator, or person in physical control of a  
7 vehicle, and is convicted of violating any provision of this section  
8 while transporting or having in the motor vehicle any child less  
9 than eighteen (18) years of age, the fine shall be enhanced to  
10 double the amount of the fine imposed for the underlying driving  
11 under the influence (DUI) violation which shall be in addition to  
12 any other penalties allowed by this section.

13 2. Nothing in this subsection shall prohibit the prosecution of  
14 a person pursuant to Section 852.1 of Title 21 of the Oklahoma  
15 Statutes who is in violation of any provision of this section or  
16 Section 11-904 of this title.

17 ~~M. N.~~ Any plea of guilty, nolo contendere, or finding of guilt  
18 for a violation of this section or a violation pursuant to the  
19 provisions of any law of this state or another state prohibiting the  
20 offenses provided for in this section, Section 11-904 of this title,  
21 or paragraph 4 of subsection A of Section 852.1 of Title 21 of the  
22 Oklahoma Statutes, shall constitute a conviction of the offense for  
23 the purpose of this section; provided, any deferred judgment shall  
24 only be considered to constitute a conviction for a period of ten

1 (10) years following the completion of any court-imposed  
2 probationary term.

3 ~~N.~~ O. If qualified by knowledge, skill, experience, training,  
4 or education, a witness shall be allowed to testify in the form of  
5 an opinion or otherwise solely on the issue of impairment, but not  
6 on the issue of specific alcohol concentration level, relating to  
7 the following:

8 1. The results of any standardized field sobriety test  
9 including, but not limited to, the horizontal gaze nystagmus (HGN)  
10 test administered by a person who has completed training in  
11 standardized field sobriety testing; or

12 2. Whether a person was under the influence of one or more  
13 impairing substances and the category of such impairing substance or  
14 substances. A witness who has received training and holds a current  
15 certification as a drug recognition expert shall be qualified to  
16 give the testimony in any case in which such testimony may be  
17 relevant.

18 SECTION 2. This act shall become effective November 1, 2025.  
19

20 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY  
21 OVERSIGHT, dated 04/17/2025 - DO PASS, As Coauthored.  
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