

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 SENATE BILL 1914

By: Bullard

6 AS INTRODUCED

7 An Act relating to driving under the influence;  
8 amending 47 O.S. 2021, Section 11-902, as amended by  
9 Section 1, Chapter 347, O.S.L. 2025 (47 O.S. Supp.  
10 2025, Section 11-902), which relates to persons under  
11 the influence of alcohol or other intoxicating  
12 substance or combination thereof; modifying element  
13 of certain offense; stating certain timing  
14 requirements for administration of tests do not  
15 apply; modifying penalties for certain unlawful acts;  
16 modifying criteria of certain punishment enhancement;  
17 modifying scope of certain applicability; removing  
18 the assessment of certain fee and deposit into  
19 certain revolving fund; providing certain felony  
20 classification for certain offenses; modifying  
21 application of certain deferred judgment procedure;  
22 modifying scope of allowable testimony; amending 47  
23 O.S. 2021, Section 754, as last amended by Section  
24 24, Chapter 310, O.S.L. 2023 (47 O.S. Supp. 2025,  
Section 754), which relates to seizure of license;  
modifying allowable amount of blood or breath alcohol  
concentration; removing certain timing requirement;  
amending 47 O.S. 2021, Section 756, which relates to  
admission of evidence by tests; modifying amounts of  
blood alcohol concentration admissible as *prima facie*  
evidence; amending 63 O.S. 2021, Sections 4210.8 and  
4210.13, which relate to the Oklahoma Boating Safety  
Regulation Act; modifying allowable blood or breath  
alcohol concentration; removing certain timing  
requirement; updating statutory language and  
references; repealing 47 O.S. 2021, Section 11-902,  
as amended by Section 3, Chapter 172, O.S.L. 2025 (47  
O.S. Supp. 2025, Section 11-902), which relates to  
persons under the influence of alcohol or other  
intoxicating substance or combination thereof;  
repealing 47 O.S. 2021, Section 11-902, as amended by

Section 6, Chapter 305, O.S.L. 2025 (47 O.S. Supp. 2025, Section 11-902), which relates to persons under the influence of alcohol or other intoxicating substance or combination thereof; repealing 47 O.S. 2021, Section 11-902, as amended by Section 33, Chapter 486, O.S.L. 2025 (47 O.S. Supp. 2025, Section 11-902), which relates to persons under the influence of alcohol or other intoxicating substance or combination thereof; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2021, Section 11-902, as amended by Section 1, Chapter 347, O.S.L. 2025 (47 O.S. Supp. 2025, Section 11-902), is amended to read as follows:

Section 11-902. A. It is unlawful and punishable as provided for in this section for any person to drive, operate, or be in actual physical control of a motor vehicle within this state, whether upon public roads, highways, streets, turnpikes, other public places or upon any private road, street, alley, or lane which provides access to one or more single single-family or multi-family multifamily dwellings, who:

1. ~~Has~~

a. before June 1, 2028, has a blood or breath alcohol concentration, as defined in Section 756 of this title, of eight-hundredths (0.08) or more at the time of a test of such person's blood or breath, or

1                   b. on or after June 1, 2028, has a blood or breath  
2                   alcohol concentration, as defined in Section 756 of  
3                   this title, of five-hundredths (0.05) or more at the  
4                   time of a test of such person's blood or breath;

5                   2. Is under the influence of alcohol;

6                   3. Has any amount of a Schedule I chemical or controlled  
7                   substance, as defined in Section 2-204 of Title 63 of the Oklahoma  
8                   Statutes, or one of its metabolites or analogs in the person's  
9                   blood, saliva, urine, or any other bodily fluid at the time of a  
10                  test of such person's blood, saliva, urine, or any other bodily  
11                  fluid;

12                  4. Is under the influence of any intoxicating substance other  
13                  than alcohol which may render such person incapable of safely  
14                  driving or operating a motor vehicle. The timing requirement for  
15                  the administration of tests pursuant to Section 756 of this title  
16                  shall not apply to this paragraph; or

17                  5. Is under the combined influence of alcohol and any other  
18                  intoxicating substance which may render such person incapable of  
19                  safely driving or operating a motor vehicle. The timing requirement  
20                  for the administration of tests pursuant to Section 756 of this  
21                  title shall not apply to this paragraph.

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

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 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,  
21 commits a subsequent violation of this section ~~within ten (10) years~~  
22 ~~of the date~~ following the completion of the execution of such  
23 sentence or deferred judgment shall, upon conviction, be guilty of a  
24 Class C2 felony offense and shall participate in an assessment and

evaluation pursuant to subsection H of this section and shall be sentenced to:

- a. follow all recommendations made in the assessment and evaluation for treatment at the defendant's expense,
- b. use of an ignition interlock device, as provided by subparagraph n of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes,
- c. imprisonment ~~in the custody of the Department of Corrections for not less than one (1) year and not more than five (5) years as provided for in subsections B through F of Section 20M of Title 21 of the Oklahoma Statutes, and~~
- d. a fine not more than Two Thousand Five Hundred Dollars (\$2,500.00).

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

3. Any person who commits a violation of this section after having been convicted of a felony offense pursuant to the provisions of this section or a violation pursuant to the provisions of any law of this state or another state prohibiting the offenses provided for in this section, Section 11-904 of this title, or paragraph 4 of subsection A of Section 852.1 of Title 21 of the Oklahoma Statutes

1 shall be guilty of a Class B4 felony offense and participate in an  
2 assessment and evaluation pursuant to subsection H of this section  
3 and shall be sentenced to:

- 4 a. follow all recommendations made in the assessment and  
5 evaluation for treatment at the defendant's expense,
- 6 b. two hundred forty (240) hours of community service,
- 7 c. use of an ignition interlock device, as provided by  
8 subparagraph n of paragraph 1 of subsection A of  
9 Section 991a of Title 22 of the Oklahoma Statutes,
- 10 d. imprisonment in the custody of the Department of  
11 Corrections for not less than one (1) year and not  
12 more than ten (10) years, and
- 13 e. a fine not more than Five Thousand Dollars  
14 (\$5,000.00).

15 However, if the treatment in subsection H of this section does  
16 not include residential or inpatient treatment for a period of not  
17 less than ten (10) days, the person shall serve a term of  
18 imprisonment of at least ten (10) days.

19 4. Any person who commits a violation of this section after  
20 having been twice convicted of a felony offense pursuant to the  
21 provisions of this section or a violation pursuant to the provisions  
22 of any law of this state or another state prohibiting the offenses  
23 provided for in this section, Section 11-904 of this title, or  
24 paragraph 4 of subsection A of Section 852.1 of Title 21 of the

1 Oklahoma Statutes shall be guilty of a Class B3 felony offense and  
2 participate in an assessment and evaluation pursuant to subsection H  
3 of this section and shall be sentenced to:

4 a. follow all recommendations made in the assessment and  
5 evaluation for treatment at the defendant's expense,  
6 followed by not less than one (1) year of supervision  
7 and periodic testing, as provided in subparagraph q of  
8 paragraph 1 of subsection A of Section 991a of Title  
9 22 of the Oklahoma Statutes, at the defendant's  
10 expense,  
11 b. four hundred eighty (480) hours of community service,  
12 c. use of an ignition interlock device, as provided by  
13 subparagraph n of paragraph 1 of subsection A of  
14 Section 991a of Title 22 of the Oklahoma Statutes, for  
15 a minimum of ninety (90) days,  
16 d. imprisonment in the custody of the Department of  
17 Corrections for not less than one (1) year and not  
18 more than twenty (20) years, and  
19 e. a fine not more than Five Thousand Dollars  
20 (\$5,000.00).

21 However, if the person does not undergo residential or inpatient  
22 treatment pursuant to subsection H of this section, the person shall  
23 serve a term of imprisonment of at least ten (10) days.  
24

1       5. Any person who, after a previous conviction of a violation  
2 of murder in the second degree or manslaughter in the first degree  
3 in which the death was caused as a result of driving under the  
4 influence of alcohol or other intoxicating substance, is convicted  
5 of a violation of this section shall be guilty of a Class A2 felony  
6 offense and shall be punished by imprisonment in the custody of the  
7 Department of Corrections for not less than five (5) years and not  
8 ~~to exceed~~ more than twenty (20) years, and a fine not more than Ten  
9 Thousand Dollars (\$10,000.00).

10       6. Provided, however, a conviction from another state shall not  
11 be used to enhance punishment pursuant to the provisions of this  
12 subsection if that conviction is based on a blood or breath alcohol  
13 concentration of less than eight-hundredths (0.08) prior to June 1,  
14 2028. On or after June 1, 2028, a conviction from another state  
15 shall not be used to enhance punishment pursuant to the provisions  
16 of this subsection if that conviction is based on a blood or breath  
17 alcohol concentration of less than five-hundredths (0.05).

18       7. In any case in which a defendant is charged with driving  
19 under the influence of alcohol or other intoxicating substance  
20 offense within any municipality with a municipal court other than a  
21 court of record, the charge shall be presented to the county's  
22 district attorney and filed with the district court of the county  
23 within which the municipality is located.

1       D. Any person who is convicted of a violation of driving under  
2 the influence while also committing one of more of the following  
3 acts:

4       1. Driving, operating, or being in actual physical control of a  
5 motor vehicle while having a blood or breath alcohol concentration  
6 of fifteen-hundredths (0.15) or more at the time of a test of such  
7 person's blood or breath;

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

11       3. Driving in a manner that violates the provisions of  
12 subsection C of Section 11-301, or Section 11-302, 11-306, 11-309,  
13 or 11-311, or 11-312 of this title;

14       4. Driving while eluding peace officers pursuant to Section  
15 540a of Title 21 of the Oklahoma Statutes;

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

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

21       7. Reckless driving as defined in Section 11-901 of this title,  
22 shall, upon conviction, be guilty of aggravated driving under the  
23 influence, which shall be a Class B3 felony offense.

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

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

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

15           b. for a second offense of a violation pursuant to this  
16           section, the first thirty (30) days of the sentence  
17           shall not be subject to probation, suspension, or  
18           deferral; provided further, this mandatory minimum  
19           period of confinement shall be served in the county  
20           jail as a condition of a suspended or deferred  
21           sentence, pursuant to Section 991a of Title 22 of the  
22           Oklahoma Statutes, and

23           c. the portion of the sentence not subject to probation,  
24           suspension, or deferral shall increase by thirty (30)

1                   days for each subsequent conviction after the second  
2                   offense;

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

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

9           4. An ignition interlock device or devices, as provided by  
10 subparagraph n of paragraph 1 of subsection A of Section 991a of  
11 Title 22 of the Oklahoma Statutes, for a minimum of one hundred  
12 eighty (180) days.

13           F. When a person is sentenced to imprisonment in the custody of  
14 the Department of Corrections, the person shall be processed through  
15 the Lexington Assessment and Reception Center or at a place  
16 determined by the Director of the Department of Corrections. The  
17 Department of Corrections shall classify and assign the person to  
18 one or more of the following:

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

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

24 Successful completion of a Department-of-Corrections-approved

1 substance abuse treatment program shall satisfy the recommendation  
2 for a ten-hour or twenty-four-hour alcohol and drug substance abuse  
3 course or treatment program or both. Successful completion of an  
4 approved Department of Corrections substance abuse treatment program  
5 may precede or follow the required assessment.

6 G. Service Oklahoma is hereby authorized to reinstate any  
7 suspended or revoked driving privilege when the person meets the  
8 statutory requirements which affect the existing driving privilege.

9 H. 1. Any person who is found guilty of a violation of the  
10 provisions of this section shall be ordered to participate in an  
11 alcohol and drug substance abuse evaluation and assessment program  
12 offered by a certified assessment agency or certified assessor for  
13 the purpose of evaluating and assessing the receptivity to treatment  
14 and prognosis of the person and shall follow all recommendations  
15 made in the assessment and evaluation for treatment.

16 2. The court shall order the person to reimburse the agency or  
17 assessor for the evaluation and assessment. Payment shall be  
18 remitted by the defendant or on behalf of the defendant by any third  
19 party, provided no state-appropriated funds are utilized. The fee  
20 for an evaluation and assessment shall be the amount provided in  
21 subsection C of Section 3-460 of Title 43A of the Oklahoma Statutes.

22 3. The evaluation and assessment shall be conducted at a  
23 certified assessment agency, the office of a certified assessor, or  
24 at another location as ordered by the court.

1       4. The agency or assessor shall, within seventy-two (72) hours  
2 from the time the person is evaluated and assessed, submit a written  
3 report to the court for the purpose of assisting the court in its  
4 sentencing determination.

5       5. The court shall, as a condition of any sentence imposed,  
6 including deferred and suspended sentences, require the person to  
7 participate in and successfully complete all recommendations from  
8 the evaluation, such as an alcohol and substance abuse treatment  
9 program pursuant to Section 3-452 of Title 43A of the Oklahoma  
10 Statutes. If such report indicates that the evaluation and  
11 assessment shows that the defendant would benefit from a ten-hour or  
12 twenty-four-hour alcohol and drug substance abuse course or a  
13 treatment program or both, the court shall, as a condition of any  
14 sentence imposed, including deferred and suspended sentences,  
15 require the person to follow all recommendations identified by the  
16 evaluation and assessment and ordered by the court.

17       6. No person, agency, or facility operating an evaluation and  
18 assessment program certified by the Department of Mental Health and  
19 Substance Abuse Services shall solicit or refer any person evaluated  
20 and assessed pursuant to this section for any treatment program or  
21 substance abuse service in which such person, agency, or facility  
22 has a vested interest; however, this provision shall not be  
23 construed to prohibit the court from ordering participation in or

1 any person from voluntarily utilizing a treatment program or  
2 substance abuse service offered by such person, agency, or facility.

3       7. If a person is sentenced to imprisonment in the custody of  
4 the Department of Corrections and the court has received a written  
5 evaluation report pursuant to the provisions of this subsection, the  
6 report shall be furnished to the Department of Corrections with the  
7 judgment and sentence.

8       8. Any evaluation and assessment report submitted to the court  
9 pursuant to the provisions of this subsection shall be handled in a  
10 manner which will keep such report confidential from the general  
11 public's review.

12       9. Nothing contained in this subsection shall be construed to  
13 prohibit the court from ordering judgment and sentence in the event  
14 the defendant fails or refuses to comply with an order of the court  
15 to obtain the evaluation and assessment required by this subsection.

16       10. If the defendant fails or refuses to comply with an order  
17 of the court to obtain the evaluation and assessment, Service  
18 Oklahoma shall not reinstate driving privileges until the defendant  
19 has complied in full with such order. Nothing contained in this  
20 subsection shall be construed to prohibit the court from ordering  
21 judgment and sentence and any other sanction authorized by law for  
22 failure or refusal to comply with an order of the court.

23       I. Any person who is found guilty of a violation of the  
24 provisions of this section shall be required by the court to attend

1 a victims impact panel program, as defined in subsection H of  
2 Section 991a of Title 22 of the Oklahoma Statutes, if such a program  
3 is offered in the county where the judgment is rendered, and to pay  
4 a fee of Seventy-five Dollars (\$75.00), as set by the governing  
5 authority of the program and approved by the court, to the program  
6 to offset the cost of participation by the defendant, if in the  
7 opinion of the court the defendant has the ability to pay such fee.

8 J. Any person who is found guilty of a felony violation of the  
9 provisions of this section shall be required to submit to electronic  
10 monitoring as authorized and defined by Section 991a of Title 22 of  
11 the Oklahoma Statutes.

12 K. Any person who is found guilty of a violation of the  
13 provisions of this section who has been sentenced by the court to  
14 perform any type of community service shall not be permitted to pay  
15 a fine in lieu of performing the community service.

16 L. ~~When a person is found guilty of a violation of the~~  
17 ~~provisions of this section, the court shall order, in addition to~~  
18 ~~any other penalty, the defendant to pay an assessment of One Hundred~~  
19 ~~Dollars (\$100.00) to be deposited in the Drug Abuse Education and~~  
20 ~~Treatment Revolving Fund created in Section 2-503.2 of Title 63 of~~  
21 ~~the Oklahoma Statutes, upon collection.~~

22 M. 1. When a person is eighteen (18) years of age or older,  
23 and is the driver, operator, or person in physical control of a  
24 vehicle, and is convicted of violating any provision of this section

1 while transporting or having in the motor vehicle any child less  
2 than eighteen (18) years of age, the fine shall be enhanced to  
3 double the amount of the fine imposed for the underlying driving  
4 under the influence (DUI) violation which shall be in addition to  
5 any other penalties allowed by this section.

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

10      N. M. Any plea of guilty, nolo contendere, or finding of guilt  
11 for a violation of this section or a violation pursuant to the  
12 provisions of any law of this state or another state prohibiting the  
13 offenses provided for in this section, Section 11-904 of this title,  
14 or paragraph 4 of subsection A of Section 852.1 of Title 21 of the  
15 Oklahoma Statutes shall constitute a conviction of the offense for  
16 the purpose of this section; ~~provided, any deferred judgment shall~~  
17 ~~only be considered to constitute a conviction for a period of ten~~  
18 ~~(10) years following the completion of any court-imposed~~  
19 ~~probationary term.~~

20      O. N. If qualified by knowledge, skill, experience, training,  
21 or education, a witness shall be allowed to testify in the form of  
22 an opinion or otherwise solely on the issue of impairment, but not  
23 on the issue of specific ~~alcohol~~ concentration level of alcohol,

1       other intoxicants, or the combination thereof, relating to the  
2        following:

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

7        2. Whether a person was under the influence of intoxicating  
8       substances based on the results of an examination by a person who  
9       has completed the Advanced Roadside Impaired Driving Enforcement  
10       (ARIDE) training; or

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

17       SECTION 2.       AMENDATORY       47 O.S. 2021, Section 754, as last  
18       amended by Section 24, Chapter 310, O.S.L. 2023 (47 O.S. Supp. 2025,  
19       Section 754), is amended to read as follows:

20       Section 754. A. The sworn report of the officer stating the  
21       officer had reasonable grounds to believe the arrested person had  
22       been driving or was in actual physical control of a motor vehicle  
23       upon the public roads, highways, streets, turnpikes, or other public  
24       place of this state while under the influence of alcohol, any other

1       intoxicating substance, or the combined influence of alcohol and any  
2       other intoxicating substance, shall be submitted by mail, by  
3       electronic means approved by Service Oklahoma, or in person to  
4       Service Oklahoma within seventy-two (72) hours of the issuance of  
5       the report. The failure of the officer to timely file this report  
6       shall not affect the authority of Service Oklahoma to revoke the  
7       driving privilege of the arrested person. However, Service Oklahoma  
8       shall take no action on a sworn report as described in this section  
9       if the sworn report is not received by Service Oklahoma after the  
10      expiration of one hundred eighty (180) days of the arrest of the  
11      person.

12       B. Upon receipt of a written blood or breath test report  
13      reflecting that the arrested person, if under twenty-one (21) years  
14      of age, had any measurable quantity of alcohol in the blood or  
15      breath of the person, or, if the arrested person is twenty-one (21)  
16      years of age or older, a blood or breath alcohol concentration of  
17      ~~eight hundredths (0.08)~~ five-hundredths (0.05) or more, accompanied  
18      by a sworn report from a law enforcement officer that the officer  
19      had reasonable grounds to believe the arrested person had been  
20      operating or was in actual physical control of a motor vehicle while  
21      under the influence of alcohol as prohibited by law, Service  
22      Oklahoma shall revoke or deny the driving privilege of the arrested  
23      person for a period as provided by Section 6-205.1 of this title,  
24      unless the person has successfully completed or is currently

1 participating in the Impaired Driver Accountability Program in  
2 relation to the arrest which is the subject of the report.  
3 Revocation or denial of the driving privilege of the arrested person  
4 shall become effective forty-five (45) days after the arrested  
5 person is given written notice thereof by the officer or by Service  
6 Oklahoma.

7       C. The appeal hearing before the district court shall be  
8 conducted in accordance with Section 6-211 of this title. The  
9 hearing shall cover the issues of whether the officer had reasonable  
10 grounds to believe the person had been operating or was in actual  
11 physical control of a vehicle upon the public roads, highways,  
12 streets, turnpikes, or other public place of this state while under  
13 the influence of alcohol, any other intoxicating substance, or the  
14 combined influence of alcohol and any other intoxicating substance  
15 as prohibited by law, and whether the person was placed under  
16 arrest.

17       1. If the revocation or denial is based upon a breath or blood  
18 test result and a sworn report from a law enforcement officer, the  
19 scope of the hearing shall also cover the issues as to whether:

- 20           a. if timely requested by the person, the person was not  
21                   denied a breath or blood test,
- 22           b. ~~the specimen was obtained from the person within two~~  
23                   ~~(2) hours of the arrest of the person,~~

1           e. the person, if under twenty-one (21) years of age, was  
2           advised that driving privileges would be revoked or  
3           denied if the test result reflected the presence of  
4           any measurable quantity of alcohol,

5           d.

6           c. the person, if twenty-one (21) years of age or older,  
7           was advised that driving privileges would be revoked  
8           or denied if the test result reflected an alcohol  
9           concentration of ~~eight hundredths (0.08)~~ five-  
10           hundredths (0.05) or more, and

11           e.

12           d. the test result in fact reflects the alcohol  
13           concentration.

14       2. If the revocation or denial is based upon the refusal of the  
15       person to submit to a breath or blood test, reflected in a sworn  
16       report by a law enforcement officer, the scope of the hearing shall  
17       also include whether:

18           a. the person refused to submit to the test or tests, and  
19           b. the person was informed that driving privileges would  
20           be revoked or denied if the person refused to submit  
21           to the test or tests.

22       D. After the hearing, the district court shall order the  
23       revocation or denial either rescinded or sustained.

1 SECTION 3. AMENDATORY 47 O.S. 2021, Section 756, is

2 amended to read as follows:

3 Section 756. A. Upon the trial of any criminal action or  
4 proceeding arising out of acts alleged to have been committed by any  
5 person while driving or in actual physical control of a motor  
6 vehicle while under the influence of alcohol or any other  
7 intoxicating substance, or the combined influence of alcohol and any  
8 other intoxicating substance, evidence of the alcohol concentration  
9 in the blood or breath of the person as shown by analysis of the  
10 blood or breath of the person performed in accordance with the  
11 provisions of Sections 752 and 759 of this title or evidence of the  
12 presence or concentration of any other intoxicating substance as  
13 shown by analysis of such person's blood, breath, saliva, or urine  
14 specimens in accordance with the provisions of Sections 752 and 759  
15 of this title is admissible. Evidence that the person has refused  
16 to submit to a test or tests is also admissible. For the purpose of  
17 this title, when the person is under the age of twenty-one (21)  
18 years, evidence that there was, at the time of the test, any  
19 measurable quantity of alcohol is *prima facie* evidence that the  
20 person is under the influence of alcohol in violation of Section 11-  
21 906.4 of this title. For persons twenty-one years of age or older:

22 1. Evidence that there was, at the time of the test, an alcohol  
23 concentration ~~of~~ less than five-hundredths (0.05) ~~or less~~ is *prima*

1 facie evidence that the person was not under the influence of  
2 alcohol; and

3 ~~2. Evidence that there was, at the time of the test, an alcohol~~  
4 ~~concentration in excess of five-hundredths (0.05) but less than~~  
5 ~~eight hundredths (0.08) is relevant evidence that the person's~~  
6 ~~ability to operate a motor vehicle was impaired by alcohol.~~

7 ~~However, no person shall be convicted of the offense of operating or~~  
8 ~~being in actual physical control of a motor vehicle while such~~  
9 ~~person's ability to operate such vehicle was impaired by alcohol~~  
10 ~~solely because there was, at the time of the test, an alcohol~~  
11 ~~concentration in excess of five-hundredths (0.05) but less than~~  
12 ~~eight hundredths (0.08) in the blood or breath of the person in the~~  
13 ~~absence of additional evidence that such person's ability to operate~~  
14 ~~such vehicle was affected by alcohol to the extent that the public~~  
15 ~~health and safety was threatened or that the person had violated a~~  
16 ~~state statute or local ordinance in the operation of a motor~~  
17 ~~vehicle; and~~

18 ~~3. Evidence that there was, at the time of the test, an alcohol~~  
19 ~~concentration of eight-hundredths (0.08) five-hundredths (0.05) or~~  
20 ~~more shall be admitted as prima facie evidence that the person was~~  
21 ~~under the influence of alcohol.~~

22 B. For purposes of this title, "alcohol concentration" means  
23 grams of alcohol per one hundred (100) milliliters of blood if the  
24

1 blood was tested, or grams of alcohol per two hundred ten (210)  
2 liters of breath if the breath was tested.

3 ~~C. To be admissible in a proceeding, the evidence must first be~~  
4 ~~qualified by establishing that the test was administered to the~~  
5 ~~person within two (2) hours after the arrest of the person.~~

6 D. Upon the trial of any criminal action or proceeding arising  
7 out of acts alleged to have been committed by any person while  
8 driving or in actual physical control of a motor vehicle while under  
9 the influence of alcohol, the following may be considered as  
10 evidence that the test of the breath of the person was validly  
11 administered in accordance with the rules of the Board of Tests for  
12 Alcohol and Drug Influence:

13 1. A report, test result, or other documentation indicating the  
14 test was performed by an operator holding a permit issued by the  
15 Board of Tests for Alcohol and Drug Influence;

16 2. A report, test result, or other documentation indicating the  
17 test was performed after the installation of a dry gas cylinder by  
18 the Board of Tests for Alcohol and Drug Influence and before the  
19 expiration date of the cylinder;

20 3. A report, test result, or other documentation reflecting the  
21 results of two breath samples within 0.03g/210L of each other; or

22 4. A report, test result, or other documentation reflecting a  
23 control test within 0.01g/210L of the target value of the control.

1       E. D. Results of the test of a the breath or blood of the  
2 person, if admissible, shall be admitted without reference to  
3 measurement uncertainty.

4       F. E. 1. At any hearing, documents retained by the Board of  
5 Tests ~~of~~ for Alcohol and Drug Influence to reflect maintenance on an  
6 instrument maintained by the Board for the measurement of alcohol  
7 concentration in a person's breath, which have been made available  
8 to the accused by the office of the district attorney at least ten  
9 (10) days prior to the hearing, when certified as correct by the  
10 persons making the report shall be received as evidence of the facts  
11 and findings stated, if relevant and otherwise admissible in  
12 evidence. If a report is deemed relevant by the state or the  
13 accused, the court shall admit the report without the testimony of  
14 the person making the report, unless the court, pursuant to  
15 paragraph 2 of this subsection, orders the person making the report  
16 to appear.

17       2. The court, upon motion of the state or the accused at least  
18 five (5) days prior to the hearing, shall order the attendance of  
19 the person making a report intended to be submitted as evidence,  
20 pursuant to paragraph 1 of this subsection, when it appears there is  
21 a substantial likelihood that material evidence not contained in  
22 such report may be produced by the testimony of the person having  
23 prepared the report.

1 SECTION 4. AMENDATORY 63 O.S. 2021, Section 4210.8, is

2 amended to read as follows:

3 Section 4210.8. A. It shall be unlawful for any person to  
4 operate or be in actual physical control of a vessel upon the waters  
5 of this state, except privately owned waters, who:

6 1. Has a blood or breath alcohol concentration of ~~eight-~~  
7 ~~hundredths (0.08)~~ five-hundredths (0.05) or more at the time of a  
8 test of the person's blood or breath;

9 2. Is under the influence of any other intoxicating substance  
10 to a degree which renders such person incapable of safely operating  
11 a vessel upon the waters of this state; or

12 3. Is under the influence of alcohol and any other intoxicating  
13 substance to a degree which renders such person incapable of safely  
14 operating a vessel upon the waters of this state.

15 As used in this section, "other intoxicating substance" means  
16 any controlled dangerous substance as defined in the Uniform  
17 Controlled Dangerous Substances Act or any other substance, other  
18 than alcohol, which is capable of being ingested, inhaled, injected,  
19 or absorbed into the human body and is capable of adversely  
20 affecting the central nervous system, vision, hearing, or other  
21 sensory or motor functions.

22 B. 1. Any person operating a vessel upon the waters of this  
23 state, except privately owned waters, shall be deemed to have given  
24 consent to a test or tests of such person's blood, breath, saliva,

1 or urine for the purpose of determining the presence and  
2 concentration of alcohol or any other intoxicating substance. Such  
3 tests shall be performed ~~within two (2) hours of an arrest and in~~  
4 the same manner as provided for in Section 752 of Title 47 of the  
5 Oklahoma Statutes.

6       2. Evidence that the person has refused to submit to a test or  
7 tests as required by this section shall be admissible upon the trial  
8 of any criminal action or proceeding arising out of acts alleged to  
9 have been committed in violation of the provisions of this section.

10      3. Any person refusing to submit to such test or tests shall be  
11 in violation of this section and subject to the fines provided for  
12 herein.

13       C. 1. Any person convicted of a violation of this section  
14 shall be guilty of a misdemeanor and fined in an amount not to  
15 exceed One Thousand Dollars (\$1,000.00). Any second or subsequent  
16 conviction shall be punishable by a fine in an amount ~~of~~ not less  
17 than One Thousand Dollars (\$1,000.00), nor more than Two Thousand  
18 Five Hundred Dollars (\$2,500.00).

19       2. A person arrested by a law enforcement officer for a  
20 violation of this section may be allowed to post a cash bail in an  
21 amount set by the arresting law enforcement officer not to exceed  
22 the maximum fine provided by this section, or deposit a valid  
23 license to operate a motor vehicle in exchange for an official  
24

1 receipt issued by the arresting officer as provided for in Section  
2 1111 et seq. of Title 22 of the Oklahoma Statutes.

3 SECTION 5. AMENDATORY 63 O.S. 2021, Section 4210.13, is  
4 amended to read as follows:

5 Section 4210.13. A. Upon the trial of any criminal action or  
6 proceeding arising out of acts alleged to have been committed by any  
7 person while operating or in actual physical control of a vessel  
8 while under the influence of alcohol or any other intoxicating  
9 substance, or the combined influence of alcohol and any other  
10 intoxicating substance, evidence of the alcohol concentration in the  
11 blood or breath of the person as shown by analysis of the blood or  
12 breath of the person performed in accordance with the provisions of  
13 Section 4 4210.10 of this ~~act~~ title and Section 759 of Title 47 of  
14 the Oklahoma ~~statutes~~ Statutes or evidence of the presence or  
15 concentration of any other intoxicating substance as shown by  
16 analysis of such person's blood, breath, saliva, or urine specimens  
17 in accordance with the provisions of Section 4 4210.10 of this ~~act~~  
18 title and Section 759 of Title 47 of the Oklahoma Statutes shall be  
19 admissible. Evidence that the person has refused to submit to  
20 either of ~~said~~ such analyses is also admissible. For the purpose of  
21 this section, when the person is under the age of twenty-one (21)  
22 years, evidence that there was, at the time of the test, any  
23 measurable quantity of alcohol is *prima facie* evidence that the  
24 person was under the influence of alcohol in violation of Section 3

1 4210.9 of this act title. For persons twenty-one (21) years of age  
2 or older:

3       1. Evidence that there was, at the time of the test, an alcohol  
4 concentration of seven-hundredths (0.07) or less than five-  
5 hundredths (0.05) is prima facie evidence that the person was not  
6 under the influence of alcohol; and

7       2. Evidence that there was, at the time of the test, an alcohol  
8 concentration of eight-hundredths (0.08) five-hundredths (0.05) or  
9 more shall be admitted as prima facie evidence that the person was  
10 under the influence of alcohol.

11       B. For purposes of this section, "alcohol concentration" means  
12 grams of alcohol per one hundred (100) milliliters of blood if the  
13 blood was tested, or grams of alcohol per two hundred ten (210)  
14 liters of breath if the breath was tested.

15       C. To be admissible in a proceeding, the evidence shall first  
16 be qualified by establishing that the test was administered to the  
17 person within two (2) hours after the arrest of the person.

18       SECTION 6.       REPEALER       47 O.S. 2021, Section 11-902, as  
19 amended by Section 3, Chapter 172, O.S.L. 2025 (47 O.S. Supp. 2025,  
20 Section 11-902), is hereby repealed.

21       SECTION 7.       REPEALER       47 O.S. 2021, Section 11-902, as  
22 amended by Section 6, Chapter 305, O.S.L. 2025 (47 O.S. Supp. 2025,  
23 Section 11-902), is hereby repealed.

1 SECTION 8. REPEALER 47 O.S. 2021, Section 11-902, as  
2 amended by Section 33, Chapter 486, O.S.L. 2025 (47 O.S. Supp. 2025,  
3 Section 11-902), is hereby repealed.

4 SECTION 9. This act shall become effective November 1, 2026.

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