

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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