

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 59th Legislature (2024)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3000

By: Worthen of the House

and

Woods of the Senate

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8
9
10 COMMITTEE SUBSTITUTE

11 [driving under the influence - Impaired Driving
12 Prevention Advisory Committee - membership -
13 meeting requirements - vice chair election and
14 duties - member compensation and reimbursement -
15 driver license revocation - ignition interlock
16 devices - fee deposit fund - responsible agency -
17 Impaired Driver Accountability Program - date -
18 rules - medical exemption - Board of Tests for
19 Alcohol and Drug Influence - codification -
20 effective date]

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22
23 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:
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1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 6-212.7 of Title 47, unless
3 there is created a duplication in numbering, reads as follows:

4 A. There is hereby created the Impaired Driving Prevention
5 Advisory Committee. The Committee shall be comprised of:

6 1. The Commissioner of Public Safety, or a designee, who shall
7 act as the Chair;

8 2. The Chief of the Oklahoma Highway Patrol, or a designee;

9 3. A member appointed by the District Attorneys Council;

10 4. A member appointed by the Administrative Office of the
11 Courts;

12 5. The Director of the Department of Mental Health and
13 Substance Abuse Services, or a designee;

14 6. The Director of the Oklahoma State Bureau of Investigation,
15 or a designee;

16 7. The Director of the Board of Tests for Alcohol and Drug
17 Influence, or a designee;

18 8. The Director of the Oklahoma Highway Safety Office, or a
19 designee;

20 9. The President of the Oklahoma Association of Chiefs of
21 Police, or a designee;

22 10. The President of the Oklahoma Sheriff's Association, or a
23 designee;

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1 11. The Chief Executive Officer of Service Oklahoma, or a
2 designee;

3 12. A member of the Board of Directors of Safety Advocacy For
4 Empowerment (SAFE);

5 13. A representative designated by a victim advocacy group to
6 be selected by the Commissioner of Public Safety;

7 14. A member of the Oklahoma House of Representatives appointed
8 by the Speaker of the Oklahoma House of Representatives; and

9 15. A member of the Oklahoma State Senate appointed by the
10 President Pro Tempore of the Oklahoma State Senate.

11 B. The Department of Public Safety shall provide administrative
12 support necessary for the Committee to accomplish the goals and
13 objectives assigned by this section.

14 C. The Committee shall meet at the direction of the chair, and
15 shall meet not less than once a year, but not more than four times a
16 year. A vice chair shall be elected by the Committee from among its
17 members. The vice chair shall act as chair of the Committee in the
18 absence of the chair.

19 D. The Committee is authorized to collect, analyze, and
20 interpret relevant crash data on impaired driving and associated
21 traffic crashes. In addition, the Committee is authorized to
22 review, evaluate, and monitor the impaired driving system of this
23 state and provide a network of communication and cooperation among
24 the various stakeholders to coordinate and integrate efforts and

1 resources to reduce the incidence and severity of impaired driving
2 crashes.

3 E. The Committee shall annually complete a statewide strategic
4 plan to reduce the incidents of impaired driving and impaired
5 driving crashes. The plan shall be submitted no later than December
6 31 of each year to the Governor, the President Pro Tempore of the
7 Oklahoma State Senate, and the Speaker of the Oklahoma House of
8 Representatives.

9 F. Members of the Committee who are otherwise employed by a
10 state agency or political subdivision shall serve without additional
11 compensation. Members of the Committee who are otherwise employed
12 by a state agency or political subdivision shall be entitled to
13 reimbursement for any actual and necessary traveling expenses in
14 accordance with the State Travel Reimbursement Act from the
15 employing agency.

16 SECTION 2. AMENDATORY 47 O.S. 2021, Section 6-205.1, as
17 last amended by Section 19, Chapter 310, O.S.L. 2023 (47 O.S. Supp.
18 2023, Section 6-205.1), is amended to read as follows:

19 Section 6-205.1 A. The driving privilege of a person who is
20 convicted of any offense as provided in paragraph 2 of subsection A
21 of Section 6-205 of this title, or a person who has refused to
22 submit to a test or tests as provided in Section 753 of this title,
23 or a person whose alcohol concentration is subject to the provisions
24 of Section 754 of this title, except as provided by subsection F of

1 Section 6-212.5 of this title, shall be revoked or denied by Service
2 Oklahoma for the following period, as applicable:

3 1. The first license revocation pursuant to paragraph 2 of
4 subsection A of Section 6-205 of this title or Section 753 or 754 of
5 this title, within ten (10) years preceding the date of arrest
6 relating thereto, shall be for a period of no less than one hundred
7 eighty (180) days and until the person completes the Impaired Driver
8 Accountability Program in accordance with the rules of the Board of
9 Tests for Alcohol and Drug Influence. ~~The period of revocation and~~
10 ~~the Impaired Driver Accountability Program shall run concurrently~~
11 ~~and each shall be for no less than one hundred eighty (180) days;~~

12 2. A revocation pursuant to paragraph 2 of subsection A of
13 Section 6-205 of this title or Section 753 or 754 of this title
14 shall be for a period of no less than one (1) year and until the
15 person completes the Impaired Driver Accountability Program in
16 accordance with the rules of the Board of Tests for Alcohol and Drug
17 Influence, if within ten (10) years preceding the date of arrest
18 relating thereto, as shown by the records of Service Oklahoma:

19 a. a prior revocation commenced pursuant to paragraph 2
20 or 6 of subsection A of Section 6-205 of this title or
21 Section 753 or 754 of this title or current enrollment
22 in or previous completion of the Impaired Driver
23 Accountability Program, or
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1 b. the record of the person reflects a prior conviction
2 in another jurisdiction which did not result in a
3 revocation of Oklahoma driving privileges, for a
4 violation substantially similar to paragraph 2 of
5 subsection A of Section 6-205 of this title, and the
6 person was not a resident or a licensee of Oklahoma at
7 the time of the offense resulting in the conviction.

8 ~~The period of revocation and the Impaired Driver Accountability~~
9 ~~Program shall run concurrently and each shall be for no less than~~
10 ~~one (1) year;~~

11 3. A revocation pursuant to paragraph 2 of subsection A of
12 Section 6-205 of this title or Section 753 or 754 of this title
13 shall be for a period of no less than two (2) years and until the
14 person completes the Impaired Driver Accountability Program in
15 accordance with the rules of the Board of Tests for Alcohol and Drug
16 Influence, if within ten (10) years preceding the date of arrest
17 relating thereto, as shown by the records of Service Oklahoma:

18 a. two or more prior revocations commenced pursuant to
19 paragraph 2 or 6 of subsection A of Section 6-205 of
20 this title or Section 753 or 754 of this title,

21 b. two or more current enrollments in or previous
22 completions of the Impaired Driver Accountability
23 Program,

1 c. the record of the person reflects two or more prior
2 convictions in another jurisdiction which did not
3 result in a revocation of Oklahoma driving privileges,
4 for a violation substantially similar to paragraph 2
5 of subsection A of Section 6-205 of this title, and
6 the person was not a resident or a licensee of
7 Oklahoma at the time of the offense resulting in the
8 conviction, or

9 d. any combination of two or more prior revocations,
10 current enrollments in or previous completions of the
11 Impaired Driver Accountability Program, or convictions
12 as described in subparagraphs a, b, and c of this
13 paragraph.

14 ~~The period of revocation and the Impaired Driver Accountability~~
15 ~~Program shall run concurrently and each shall be for no less than~~
16 ~~two (2) years; or~~

17 4. The revocation of the driving privilege of any person under
18 Section 6-205, 6-205.1, 753, or 754 of this title shall not run
19 concurrently with any other revocation of driving privilege under
20 Section 6-205, 6-205.1, 753, or 754 of this title resulting from a
21 different incident.

22 B. The driving privilege of a person who is convicted of any
23 offense as provided in paragraph 3 or 6 of subsection A of Section
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1 6-205 of this title shall be revoked or denied by Service Oklahoma
2 for the following period, as applicable:

3 1. The first license revocation shall be for one hundred eighty
4 (180) days, which shall be modified upon request; provided, any
5 modification under this paragraph shall apply to Class D driver
6 licenses only;

7 2. A revocation shall be for a period of one (1) year if within
8 ten (10) years preceding the date of arrest relating thereto, as
9 shown by the records of Service Oklahoma:

10 a. a prior revocation commenced pursuant to paragraph 2,
11 3, or 6 of subsection A of Section 6-205 of this
12 title, or Section 753 or 754 of this title,

13 b. a prior revocation commenced pursuant to paragraph 2,
14 3, or 6 of subsection A of Section 6-205 of this title
15 or Section 753 or 754 of this title, or current
16 enrollment in or previous completion of the Impaired
17 Driver Accountability Program, or

18 c. the record of the person reflects a prior conviction
19 in another jurisdiction which did not result in a
20 revocation of Oklahoma driving privileges, for a
21 violation substantially similar to paragraph 2, 3, or
22 6 of subsection A of Section 6-205 of this title, and
23 the person was not a resident or a licensee of
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1 Oklahoma at the time of the offense resulting in the
2 conviction.

3 Such period shall not be modified; or

4 3. A revocation shall be for a period of three (3) years if
5 within ten (10) years preceding the date of arrest relating thereto,
6 as shown by the records of Service Oklahoma:

7 a. two or more prior revocations commenced pursuant to
8 paragraph 2 or 6 of subsection A of Section 6-205 of
9 this title, or Section 753 or 754 of this title,

10 b. two or more prior revocations commenced pursuant to
11 paragraph 2 or 6 of subsection A of Section 6-205 of
12 this title or Section 753 or 754 of this title, or two
13 or more current enrollments in or previous completions
14 of the Impaired Driver Accountability Program,

15 c. the record of the person reflects two or more prior
16 convictions in another jurisdiction which did not
17 result in a revocation of Oklahoma driving privileges,
18 for a violation substantially similar to paragraph 2
19 or 6 of subsection A of Section 6-205 of this title,
20 and the person was not a resident or licensee of
21 Oklahoma at the time of the offense resulting in the
22 conviction, or

23 d. any combination of two or more prior revocations,
24 current enrollments in or previous completions of the

1 Impaired Driver Accountability Program, or convictions
2 as described in subparagraphs a and b or c of this
3 paragraph.

4 Such period shall not be modified.

5 The revocation of the driving privilege of any person under this
6 subsection shall not run concurrently with any other withdrawal of
7 driving privilege resulting from a different incident and which
8 requires the driving privilege to be withdrawn for a prescribed
9 amount of time. A denial based on a conviction of any offense as
10 provided in paragraph 6 of subsection A of Section 6-205 of this
11 title shall become effective on the first day the convicted person
12 is otherwise eligible to apply for and be granted driving privileges
13 if the person was not eligible to do so at the time of the
14 conviction.

15 C. For the purposes of this section:

16 1. The term "conviction" includes a juvenile delinquency
17 adjudication by a court or any notification from a court pursuant to
18 Section 6-107.1 of this title; and

19 2. The term "revocation" includes a denial of driving
20 privileges by Service Oklahoma.

21 D. Each period of revocation in subsection A of this section
22 shall be mandatory and neither Service Oklahoma nor any court shall
23 grant driving privileges based upon hardship or otherwise for the
24 duration of that period, except under the Impaired Driver

1 Accountability Program in accordance with the rules of the Board of
2 Tests for Alcohol and Drug Influence.

3 E. Any appeal of a revocation or denial of driving privileges
4 in subsection A of this section shall be governed by Section 6-211
5 of this title.

6 SECTION 3. AMENDATORY 47 O.S. 2021, Section 6-212.3, as
7 amended by Section 4, Chapter 376, O.S.L. 2022 (47 O.S. Supp. 2023,
8 Section 6-212.3), is amended to read as follows:

9 Section 6-212.3 A. 1. Whenever the installation of an
10 ignition interlock device is allowed or required by law, the person
11 shall pay a restricted driver license fee of Fifty Dollars (\$50.00).
12 The restricted driver license and the driving record of the person
13 shall indicate by an appropriate restriction that the person is only
14 authorized to operate a vehicle upon which an approved and properly
15 functioning ignition interlock device is installed.

16 2. The restricted driver license fee authorized by this section
17 shall be remitted to the State Treasurer to be credited to the
18 ~~Department of Public Safety Restricted~~ Service Oklahoma Revolving
19 Fund. All monies accruing to the credit of the ~~Department of Public~~
20 ~~Safety Restricted~~ Service Oklahoma Revolving Fund from the
21 restricted driver license fees shall be budgeted and expended solely
22 for the purpose of administering the provisions of this section.

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1 3. The installation of an ignition interlock device, as
2 required by this section, shall not be construed to authorize the
3 person to drive unless the person is otherwise eligible to drive.

4 B. Installation of an ignition interlock device shall run
5 concurrently with a court order, if any, for installation of an
6 ignition interlock device pursuant to the same conviction.

7 C. Installation of an ignition interlock device pursuant to
8 participation in the Impaired Driver Accountability Program shall be
9 credited towards any requirement for the installation of an ignition
10 interlock device pursuant to any court order requiring the
11 installation of an ignition interlock device arising out of the same
12 incident.

13 D. The person shall be required to have installed an ignition
14 interlock device approved by the Board of Tests for Alcohol and Drug
15 Influence, at his or her own expense, and comply with all provisions
16 of law regarding ignition interlock devices.

17 E. The ignition interlock device manufacturer shall report
18 violations, if any, in accordance with the rules of the Board of
19 Tests for Alcohol and Drug Influence for each ignition interlock
20 device installed pursuant to this section and Section 6-205.1 of
21 this title.

22 F. ~~The Department~~ Service Oklahoma shall promulgate rules
23 necessary to implement and administer the provisions of this
24 section.

1 SECTION 4. AMENDATORY 47 O.S. 2021, Section 6-212.5, as
2 amended by Section 5, Chapter 376, O.S.L. 2022 (47 O.S. Supp. 2023,
3 Section 6-212.5), is amended to read as follows:

4 Section 6-212.5 A. The Impaired Driver Accountability Program
5 (IDAP) established by the Department of Public Safety is hereby
6 transferred to the Board of Tests for Alcohol and Drug Influence for
7 impaired driving arrests occurring on or after November 1, 2022.

8 The Board of Tests for Alcohol and Drug Influence shall charge an
9 administrative fee of One Hundred Fifty Dollars (\$150.00) to each
10 person entered into IDAP. One Hundred Dollars (\$100.00) of each
11 administrative fee shall be deposited in the General Revenue Fund of
12 the State Treasury. Twenty-five Dollars (\$25.00) of each
13 administrative fee shall be deposited in the Department of Public
14 Safety Restricted Revolving Fund. Twenty-five Dollars (\$25.00) of
15 each administrative fee shall be deposited in the Board of Tests for
16 Alcohol and Drug Influence Revolving Fund. The Board of Tests for
17 Alcohol and Drug Influence shall promulgate rules necessary to
18 administer the program ~~and such rules as are necessary relating to~~
19 ~~ignition interlock devices and the providers of such devices,~~
20 ~~including fees.~~ The IDAP rules shall require, at a minimum:

- 21 1. Installation of an approved ignition interlock device for
22 the periods set forth in Section 6-205.1 of this title;
- 23 2. A description of ignition interlock violations;

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1 3. A description of criteria to determine acceptable
2 participation in the program;

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

6 5. Criteria for medical exemptions from ignition interlock
7 requirements for persons submitting a ~~physician's~~ pulmonologist's
8 certification indicating the person has a documented medical
9 condition preventing the person from providing a breath sample of at
10 least one and two-tenths (1.2) liters. Medical exemptions shall not
11 be construed to grant the person driving privileges during the
12 revocation. ~~Medical exemptions under this paragraph are only~~
13 ~~authorized for revocations imposed in accordance with paragraph 1 of~~
14 ~~subsection A of Section 6-205.1 of this title;~~

15 6. Criteria for granting employer exceptions to ignition
16 interlock requirements in vehicles owned or leased by the employer.
17 Employer exceptions under this paragraph shall not be construed to
18 relieve the person from completing the Impaired Driver
19 Accountability Program. Employer exceptions under this paragraph
20 are only authorized for revocations imposed in accordance with
21 paragraph 1 of subsection A of Section 6-205.1 of this title; and

22 7. Criteria for granting affordability accommodations to
23 persons on public assistance programs or whose family income is at
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1 or below one hundred fifty percent (150%) of the federal poverty
2 level.

3 B. Upon successful completion of the program, in accordance
4 with the rules of the Board of Tests for Alcohol and Drug Influence,
5 the person will be provided a completion certificate. Upon
6 presentation of the IDAP completion certificate and documentation
7 required by Section 6-212.2 of this title and payment of the
8 required statutory fees, ~~the Department~~ Service Oklahoma will
9 reinstate the driving privileges of the person, if otherwise
10 eligible.

11 C. The Board is authorized to promulgate rules necessary to
12 regulate ignition interlock devices and the providers of such
13 devices, which shall be subject to suspension or revocation in
14 accordance with the rules promulgated by the Board. The Board is
15 authorized to charge appropriate fees for operations incidental to
16 its required duties and responsibilities. No interlock provider
17 utilizing a lease, clause, or contractual agreement that authorizes
18 the provider to impound, physically immobilize, or seize a vehicle
19 for outstanding debts or arrears may be licensed by the Board.

20 D. The Board is authorized to prescribe uniform standards and
21 conditions for, and to approve satisfactory methods, procedures,
22 techniques, devices, equipment, and records for ignition interlock
23 device performance and data.

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1 E. The Board is authorized to prescribe and approve the
2 requisite education and training for the performance of ignition
3 interlock services. The Board shall establish standards and
4 ascertain the qualifications and competence of individuals who
5 provide ignition interlock services and to issue permits to such
6 individuals and service centers which shall be subject to suspension
7 or revocation in accordance with the rules promulgated by the Board.

8 F. The driving record of a person subject to revocation under
9 the provisions of Section 753 or 754 of this title contained in
10 paragraph 1 of subsection A of Section 6-205.1 of this title,
11 excluding those subject to revocation under the provisions of
12 paragraph 2 of subsection A of Section 6-205 of this title who
13 enrolls in IDAP in accordance with this paragraph shall be updated
14 to indicate completion of IDAP without revocation, provided the
15 following requirements are satisfied:

16 1. At the time of the arrest, the person was a holder of a
17 Class D driver license and was not driving or in actual physical
18 control of a commercial motor vehicle;

19 2. The Board of Tests for Alcohol and Drug Influence receives
20 the request for IDAP participation and payment of the program
21 administration fee as set forth in this section within thirty (30)
22 calendar days from the date of the arrest;

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

1 4. The person provides proof of enrollment in IDAP to Service
2 Oklahoma and obtains a restricted driver license pursuant to Section
3 6-212.3 of this title prior to the revocation taking effect;

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

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

9 7. The person provides proof of completion of the alcohol and
10 drug assessment and evaluation required by Section 6-212.2 of this
11 title; and

12 8. The person enrolling in IDAP in accordance to the provisions
13 of this subsection shall waive the right to file an appeal pursuant
14 to Section 6-211 of this title regarding the arrest related to the
15 IDAP enrollment.

16 SECTION 5. This act shall become effective November 1, 2024.

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18 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
19 02/29/2024 - DO PASS, As Amended and Coauthored.