

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 ENGROSSED SENATE
5 BILL NO. 1163

By: David of the Senate
and
Babinec of the House

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9 **[impaired driving - directing establishment of
10 Impaired Driver Accountability Program -
11 provisional effective date]**

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14 ~~**BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:**~~

15 SECTION 1. REPEALER 47 O.S. 2011, Section 6-212.3, as last
16 amended by Section 8, Chapter 392, O.S.L. 2017 (47 O.S. Supp. 2017,
17 Section 6-212.3), is hereby repealed.

18 SECTION 2. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 6-212.5 of Title 47, unless
20 there is created a duplication in numbering, reads as follows:

21 Whenever the installation of an ignition interlock device is
22 allowed or required by law, the Department shall require the device
23 to be installed upon any vehicle owned or leased, as reflected on
24 the vehicle registration or title, by an employer of the person for

1 use by the person, except when the employer requests the ignition
2 interlock device not be installed. The request shall be in writing
3 and notarized on the official letterhead of the employer and
4 provided by the employer to the Department; provided, a request
5 shall not be accepted by the Department under the following
6 circumstances:

7 1. When the person is self-employed or owns part or all of the
8 company or corporation, or exercises control over some part of the
9 business which owns or leases the vehicle;

10 2. When the person is employed by a relative who is within the
11 first degree of consanguinity or who resides in the same household;
12 or

13 3. When the person has had a prior revocation pursuant to
14 paragraph 2 of subsection A of Section 4 of Enrolled Senate Bill No.
15 1164 of the 2nd Session of the 56th Oklahoma Legislature or as a
16 result of a test result or a test refusal.

17 The person shall comply with all provisions of law and rule
18 regarding ignition interlock devices.

19 B. Upon receipt of a report of an interlock violation, as
20 defined by the rules of the Board of Tests for Alcohol and Drug
21 Influence. The Department of Public Safety may revoke, suspend or
22 restrict the driving privileges of the person.

23 C. 1. Upon request and a determination of eligibility, the
24 Department shall issue a restricted driver license to the person,

1 upon payment of a restricted driver license fee of Fifty Dollars
2 (\$50.00) and the Impaired Driver Accountability Program (IDAP)
3 program administration fee, as provided in Section 8 of Enrolled
4 Senate Bill No. 1164 of the 2nd Session of the 56th Oklahoma
5 Legislature. The restricted driver license and the driving record
6 of the person shall indicate by an appropriate restriction that the
7 person is only authorized to operate a vehicle upon which an
8 approved ignition interlock device is installed.

9 2. The restricted driver license fee authorized by this section
10 shall be credited to the Department of Public Safety Restricted
11 Revolving Fund. All monies accruing to the credit of the Department
12 of Public Safety Restricted Revolving Fund from such driver license
13 fees shall be budgeted and expended solely for the purpose of
14 administering the provisions of the IDAP.

15 SECTION 3. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 6-212.6 of Title 47, unless
17 there is created a duplication in numbering, reads as follows:

18 A. The Department shall establish the Impaired Driver
19 Accountability Program (IDAP) at the Department of Public Safety.
20 Fees collected by the Department for admission into the program
21 shall be deposited in the Department of Public Safety Restricted
22 Revolving Fund for support of the program. The Department shall
23 promulgate rules necessary to administer the IDAP including, but not
24

1 limited to, establishing the criteria for eligibility and successful
2 completion of the program.

3 B. The Department may enter into an IDAP program agreement with
4 the person if:

5 1. The Department receives the request for IDAP participation
6 on a form designated by the Department within fifteen (15) calendar
7 days from the date that notice was given pursuant to Section 2 of
8 this act;

9 2. The Department receives payment of the Two-Hundred-Dollar
10 (\$200.00) program administration fee within forty-five (45) days of
11 the date notice was given pursuant to Section 7 of this act;

12 3. The Department receives an ignition interlock device
13 installation verification issued in accordance with the rules of the
14 Board of Tests for Alcohol and Drug Influence within forty-five (45)
15 days from the date notice was given pursuant to Section 7 of this
16 act; and

17 4. The person is eligible for an Oklahoma restricted driver
18 license on the date the person enters into the IDAP agreement.

19 C. Upon successful completion of the program, the records of
20 the Department will be updated to indicate the person's completion
21 of the program without revocation. No reinstatement fee will be
22 charged to the person.

23 D. The program length(s) shall be:
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1 1. A minimum of six (6) months for a person subject to
2 revocation pursuant to paragraph 1 of subsection A of Section 4 of
3 Enrolled Senate Bill No. 1164 of the 2nd Session of the 56th
4 Oklahoma Legislature. If, within the last three (3) months of the
5 program period, the Department receives a report of an interlock
6 violation, as defined by the rules of the Board of Tests for Alcohol
7 and Drug Influence, the program period shall be extended until such
8 time that the person completes a violation-free three-month period;

9 2. A minimum of twelve (12) months for a person subject to
10 revocation pursuant to paragraph 2 of subsection A of Section 4 of
11 Enrolled Senate Bill No. 1164 of the 2nd Session of the 56th
12 Oklahoma Legislature. If within the last six (6) months of the
13 program period the Department receives a report of an interlock
14 violation as defined by the rules of the Board of Tests for Alcohol
15 and Drug Influence, the program period shall be extended until such
16 time that the person completes a violation-free six-month period;

17 3. A minimum of twenty-four (24) months for a person subject to
18 revocation pursuant to paragraph 3 of subsection A of Section 4 of
19 Enrolled Senate Bill No. 1164 of the 2nd Session of the 56th
20 Oklahoma Legislature. If within the last eighteen (18) months of
21 the program period the Department receives a report of an interlock
22 violation, as defined by the rules of the Board of Tests for Alcohol
23 and Drug Influence, the program period shall be extended until such
24 time that the person completes a violation-free twelve-month period;

1 E. Completion of the program is contingent upon the person's
2 compliance with the rules of the Department.

3 F. Effective July 1, 2002, and for each fiscal year thereafter:

4 1. Two Hundred Fifty Thousand Dollars (\$250,000.00) of all
5 monies collected each month pursuant to this section shall be
6 apportioned as provided in Section 1104 of Title 47 of the Oklahoma
7 Statutes, except as otherwise provided in this section; and

8 2. Except as otherwise provided in this section, all other
9 monies collected in excess of Two Hundred Fifty Thousand Dollars
10 (\$250,000.00) each month shall be deposited in the General Revenue
11 Fund.

12 SECTION 4. REPEALER 47 O.S. 2011, Section 753, as last
13 amended by Section 12, Chapter 392, O.S.L. 2017 (47 O.S. Supp. 2017,
14 Section 753), is hereby repealed.

15 SECTION 5. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 753a of Title 47, unless there
17 is created a duplication in numbering, reads as follows:

18 If a conscious person under arrest refuses to submit to testing
19 of his or her blood or breath for the purpose of determining the
20 alcohol concentration thereof, or to a test of his or her blood,
21 saliva or urine for the purpose of determining the presence or
22 concentration of any other intoxicating substance, or the combined
23 influence of alcohol and any other intoxicating substance, none
24 shall be given except upon the issuance of a search warrant or

1 unless the investigating officer has probable cause to believe that
2 the person under arrest, while intoxicated, has operated the motor
3 vehicle in such a manner as to have caused the death or serious
4 physical injury of any other person or persons. In such event, such
5 test otherwise authorized by law may be made in the same manner as
6 if a search warrant had been issued for such test or tests. The
7 sample shall be taken in a medically acceptable manner as authorized
8 by Section 752 of Title 47 of the Oklahoma Statutes.

9 SECTION 6. REPEALER 47 O.S. 2011, Section 754, as amended
10 by Section 13, Chapter 392, O.S.L. 2017 (47 O.S. Supp. 2017, Section
11 754), is hereby repealed.

12 SECTION 7. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 754a of Title 47, unless there
14 is created a duplication in numbering, reads as follows:

15 Any arrested person who is under twenty-one (21) years of age
16 and has any measurable quantity of alcohol in the person's blood or
17 breath, or any person twenty-one (21) years of age or older whose
18 alcohol concentration is eight-hundredths of one percent (0.08%) or
19 more as shown by a breath test administered according to the
20 provisions of this title, or any arrested person who has refused to
21 submit to a breath or blood test, shall be issued a dated notice
22 advising the arrested person of the availability of the Impaired
23 Driver Accountability Program on a form prescribed by the Department
24 of Public Safety. The giving of this notice is effective when the

1 notice is delivered to the arrested person, or to the custodian of
2 the arrested person at a detention facility or to an employee of a
3 health care provider attending to the arrested person at a medical
4 facility. Proof of providing this notice may be made by affidavit
5 of the person giving the notice. A copy of the notice form issued
6 to the arrested person shall be submitted to the Department within
7 seventy-two (72) hours of being issued to the arrested person. The
8 failure of the officer to timely file this notice with the
9 Department shall not affect the authority of the Department to
10 revoke the driving privilege of the arrested person after
11 conviction.

12 SECTION 8. REPEALER 47 O.S. 2011, Section 755, is hereby
13 repealed.

14 SECTION 9. The provisions of this act shall not become
15 effective as law unless Enrolled Senate Bill No. 1164 of the 2nd
16 Session of the 56th Oklahoma Legislature becomes effective as law.

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18 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 04/11/2018 - DO
19 PASS, As Amended.
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