

1 ENGROSSED HOUSE AMENDMENTS

TO

2 ENGROSSED SENATE BILL NO. 1163

By: David of the Senate

3 and

4 Babinec of the House

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7 An Act relating to impaired driving; repealing 47  
8 O.S. 2011, Section 2-116, as amended by Section 3,  
9 Chapter 392, O.S.L. 2017 (47 O.S. Supp. 2017, Section  
10 2-116), which relates to the giving of notice;  
11 directing certain delivery of notice; providing proof  
12 of notice; stating certain failure to receive notice  
13 as not sufficient grounds for invalidation; repealing  
14 47 O.S. 2011, Section 6-212.3, as last amended by  
15 Section 8, Chapter 392, O.S.L. 2017 (47 O.S. Supp.  
16 2017, Section 6-212.3), which relates to installation  
17 of an ignition interlock device; \* \* \* providing for  
18 codification; and providing a provisional effective  
19 date.

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16 AMENDMENT NO. 1. Page 1, lines 6 through 23 1/2, strike the title  
17 to read

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18 "[ impaired driving - directing establishment of  
19 Impaired Driver Accountability Program -  
20 provisional effective date ]"

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22 AMENDMENT NO. 2. Page 2, line 2, strike the enacting clause

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1 Passed the House of Representatives the 26th day of April, 2018.

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4 Presiding Officer of the House of  
5 Representatives

6 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2018.

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6 An Act relating to impaired driving; repealing 47  
7 O.S. 2011, Section 2-116, as amended by Section 3,  
8 Chapter 392, O.S.L. 2017 (47 O.S. Supp. 2017, Section  
9 2-116), which relates to the giving of notice;  
10 directing certain delivery of notice; providing proof  
11 of notice; stating certain failure to receive notice  
12 as not sufficient grounds for invalidation; repealing  
13 47 O.S. 2011, Section 6-212.3, as last amended by  
14 Section 8, Chapter 392, O.S.L. 2017 (47 O.S. Supp.  
15 2017, Section 6-212.3), which relates to installation  
16 of an ignition interlock device; requiring certain  
17 ignition interlock device; providing procedures for  
18 certain exception; directing certain restrictions to  
19 driving privileges; directing issuance of restricted  
20 driver license; directing deposit of fees; stating  
21 purpose of expenditure of funds; directing  
22 establishment of Impaired Driver Accountability  
23 Program; directing deposit of fees; directing  
24 promulgation of rules; authorizing certain IDAP  
program agreement; authorizing certain program  
administration fee; requiring certain verification;  
stating eligibility for restricted driver license;  
directing updated records upon completion; stating  
program length; directing apportionment of monies  
collected; repealing 47 O.S. 2011, Section 753, as  
last amended by Section 12, Chapter 392, O.S.L. 2017  
(47 O.S. Supp. 2017, Section 753), which relates to  
refusal to submit to test; providing for blood or  
breath test; authorizing acceptable manner; repealing  
47 O.S. 2011, Section 754, as amended by Section 13,  
Chapter 392, O.S.L. 2017 (47 O.S. Supp. 2017, Section  
754), which relates to modification of revocation;  
establishing requirements for certain notice;  
repealing 47 O.S. 2011, Section 755, which relates to  
chemical tests; providing for codification; and  
providing a provisional effective date.

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

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

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

9 Whenever the installation of an ignition interlock device is  
10 allowed or required by law, the Department shall require the device  
11 to be installed upon any vehicle owned or leased, as reflected on  
12 the vehicle registration or title, by an employer of the person for  
13 use by the person, except when the employer requests the ignition  
14 interlock device not be installed. The request shall be in writing  
15 and notarized on the official letterhead of the employer and  
16 provided by the employer to the Department; provided, a request  
17 shall not be accepted by the Department under the following  
18 circumstances:

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

22 2. When the person is employed by a relative who is within the  
23 first degree of consanguinity or who resides in the same household;  
24 or

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

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

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

11           C. 1. Upon request and a determination of eligibility, the  
12 Department shall issue a restricted driver license to the person,  
13 upon payment of a restricted driver license fee of Fifty Dollars  
14 (\$50.00) and the Impaired Driver Accountability Program (IDAP)  
15 program administration fee, as provided in Section 8 of Enrolled  
16 Senate Bill No. 1164 of the 2nd Session of the 56th Oklahoma  
17 Legislature. The restricted driver license and the driving record  
18 of the person shall indicate by an appropriate restriction that the  
19 person is only authorized to operate a vehicle upon which an  
20 approved ignition interlock device is installed.

21           2. The restricted driver license fee authorized by this section  
22 shall be credited to the Department of Public Safety Restricted  
23 Revolving Fund. All monies accruing to the credit of the Department  
24 of Public Safety Restricted Revolving Fund from such driver license

1 fees shall be budgeted and expended solely for the purpose of  
2 administering the provisions of the IDAP.

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

6 A. The Department shall establish the Impaired Driver  
7 Accountability Program (IDAP) at the Department of Public Safety.  
8 Fees collected by the Department for admission into the program  
9 shall be deposited in the Department of Public Safety Restricted  
10 Revolving Fund for support of the program. The Department shall  
11 promulgate rules necessary to administer the IDAP including, but not  
12 limited to, establishing the criteria for eligibility and successful  
13 completion of the program.

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

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

20 2. The Department receives payment of the Two-Hundred-Dollar  
21 (\$200.00) program administration fee within forty-five (45) days of  
22 the date notice was given pursuant to Section 7 of this act;

23 3. The Department receives an ignition interlock device  
24 installation verification issued in accordance with the rules of the

1 Board of Tests for Alcohol and Drug Influence within forty-five (45)  
2 days from the date notice was given pursuant to Section 7 of this  
3 act; and

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

6 C. Upon successful completion of the program, the records of  
7 the Department will be updated to indicate the person's completion  
8 of the program without revocation. No reinstatement fee will be  
9 charged to the person.

10 D. The program length(s) shall be:

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

19 2. A minimum of twelve (12) months for a person subject to  
20 revocation pursuant to paragraph 2 of subsection A of Section 4 of  
21 Enrolled Senate Bill No. 1164 of the 2nd Session of the 56th  
22 Oklahoma Legislature. If within the last six (6) months of the  
23 program period the Department receives a report of an interlock  
24 violation as defined by the rules of the Board of Tests for Alcohol

1 and Drug Influence, the program period shall be extended until such  
2 time that the person completes a violation-free six-month period;

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

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

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

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

18 2. Except as otherwise provided in this section, all other  
19 monies collected in excess of Two Hundred Fifty Thousand Dollars  
20 (\$250,000.00) each month shall be deposited in the General Revenue  
21 Fund.

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



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

4           If a conscious person under arrest refuses to submit to testing  
5 of his or her blood or breath for the purpose of determining the  
6 alcohol concentration thereof, or to a test of his or her blood,  
7 saliva or urine for the purpose of determining the presence or  
8 concentration of any other intoxicating substance, or the combined  
9 influence of alcohol and any other intoxicating substance, none  
10 shall be given except upon the issuance of a search warrant or  
11 unless the investigating officer has probable cause to believe that  
12 the person under arrest, while intoxicated, has operated the motor  
13 vehicle in such a manner as to have caused the death or serious  
14 physical injury of any other person or persons. In such event, such  
15 test otherwise authorized by law may be made in the same manner as  
16 if a search warrant had been issued for such test or tests. The  
17 sample shall be taken in a medically acceptable manner as authorized  
18 by Section 752 of Title 47 of the Oklahoma Statutes.

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

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

1 Any arrested person who is under twenty-one (21) years of age  
2 and has any measurable quantity of alcohol in the person's blood or  
3 breath, or any person twenty-one (21) years of age or older whose  
4 alcohol concentration is eight-hundredths of one percent (0.08%) or  
5 more as shown by a breath test administered according to the  
6 provisions of this title, or any arrested person who has refused to  
7 submit to a breath or blood test, shall be issued a dated notice  
8 advising the arrested person of the availability of the Impaired  
9 Driver Accountability Program on a form prescribed by the Department  
10 of Public Safety. The giving of this notice is effective when the  
11 notice is delivered to the arrested person, or to the custodian of  
12 the arrested person at a detention facility or to an employee of a  
13 health care provider attending to the arrested person at a medical  
14 facility. Proof of providing this notice may be made by affidavit  
15 of the person giving the notice. A copy of the notice form issued  
16 to the arrested person shall be submitted to the Department within  
17 seventy-two (72) hours of being issued to the arrested person. The  
18 failure of the officer to timely file this notice with the  
19 Department shall not affect the authority of the Department to  
20 revoke the driving privilege of the arrested person after  
21 conviction.

22 SECTION 8. REPEALER 47 O.S. 2011, Section 755, is hereby  
23 repealed.

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

4 Passed the Senate the 13th day of March, 2018.

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\_\_\_\_\_  
Presiding Officer of the Senate

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8 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
9 2018.

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Presiding Officer of the House  
of Representatives

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