

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

HOUSE BILL 2378

By: Kannady

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 2011, Sections 6-205.1, as last amended by Section 6, Chapter 392, O.S.L. 2017, 6-211, 6-212, as last amended by Section 7, Chapter 392, O.S.L. 2017 and 6-212.3, as last amended by Section 8, Chapter 392, O.S.L. 2017 (47 O.S. Supp. 2018, Sections 6-205.1, 6-212 and 6-212.3), which relate to the cancellation, suspension or revocation of driver licenses; modifying and adding qualifiers that provide for revocation or denial of driving privileges for persons convicted of driving under the influence; reducing specific revocation time periods; deleting ignition interlock installation requirement after driver license reinstatement; deleting certain revocation extension requirement; providing statutory references; allowing for the modification of a revocation upon request; removing certain ignition interlock requirements; requiring modification of revocation upon request for persons convicted of certain drug crimes; clarifying mandatory revocation provision that prohibits the Department or courts from granting driving privileges; clarifying procedures for filing appeals to the district court; deleting time period and hearing requirements for petitions related to implied consent revocations; removing procedure that requires the submission of revocation orders issued under certain circumstances; clarifying driving privilege reinstatement guidelines; removing requirement that the Department of Public Safety establish the Impaired Driver Accountability Program (IDAP); deleting fee collection and deposit requirements; removing authority of the Department to enter into IDAP agreements with persons under certain circumstances; deleting all guidelines and procedures related to

1 IDAP; removing authority of the Department to revoke,
2 suspend or restrict driving privileges for ignition
3 interlock violations; deleting reference to IDAP
4 administration fee; requiring installation of
5 ignition interlock device to run concurrently with
6 court orders; providing installation of ignition
7 interlock be credited toward requirements related to
8 court orders or other diversionary programs;
9 establishing monthly maintenance fee; directing
10 ignition interlock device providers to submit reports
11 of violations; authorizing the Department to extend
12 periods of ignition interlock under certain
13 circumstances; providing limitations on extension
14 periods; authorizing persons to request informal
15 hearing prior to ignition interlock extension;
16 directing the Department to promulgate certain rules;
17 directing the Department of Public Safety to
18 establish the Impaired Driver Accountability Program
19 (IDAP); directing deposit of fees into certain
20 revolving fund; directing promulgation of rules;
21 authorizing the Department to enter into IDAP
22 agreements under certain circumstances; authorizing
23 program administration fee; requiring certain
24 verification; directing updated records upon
completion of program; stating program length;
providing guidelines for extending program period and
requests for informal hearings; directing
apportionment of monies collected; establishing
requirements for providing notice of IDAP to certain
persons; amending 47 O.S. 2011, Section 11-902a, as
amended by Section 9, Chapter 392, O.S.L. 2017 (47
O.S. Supp. 2018, Section 11-902a), which relates to
use of a motor vehicle without ignition interlock
device; deleting penalties for certain unlawful acts;
providing single penalty provision for unlawful acts;
removing bond condition that requires ignition
interlock device for persons charged with second and
subsequent offense; deleting time period requirements
and ignition interlock device removal provision;
amending 47 O.S. 2011, Sections 754, as amended by
Section 13, Chapter 392, O.S.L. 2017 and 754.1, as
last amended by Section 14, Chapter 392, O.S.L. 2017
(47 O.S. Supp. 2018, Sections 754 and 754.1), which
relate to the surrender of driver licenses and
procedures for modifying the revocation or denial of
driving privileges; removing exception that requires
seizure of driver license; decreasing time period

1 that authorizes the operation of vehicles by certain
2 persons; requiring receipt forms to contain certain
3 information; deleting procedures and requirements
4 related to the release of controlled dangerous
5 substances submitted for laboratory analysis; stating
6 procedures for revoking or denying driving privileges
7 when certain test reports reflect alcohol in the
8 blood or breath of a person; stating when revocation
9 or denial of driving privileges becomes effective;
10 providing procedures and guidelines for appeal
11 hearings before the district court; directing the
12 district court to issue ruling after appeal hearing;
13 providing statutory references; removing certain
14 ignition interlock restriction for persons whose
15 revocation has been modified; directing the district
16 court to modify revocations or denials occurring
17 pursuant to certain statutory provisions; requiring
18 district courts to enter written orders directing the
19 Department of Public Safety to allow driving under
20 certain circumstances; providing for codification;
21 and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-205.1, as last amended by Section 6, Chapter 392, O.S.L. 2017 (47 O.S. Supp. 2018, Section 6-205.1), is amended to read as follows:

Section 6-205.1 A. The driving privilege of a person who is convicted of, ~~or receives a deferred sentence, or deferred prosecution agreement for~~ any offense as provided in paragraph 2 of subsection A of Section 6-205 of this title, a person who has refused to submit to a test or tests as provided in Section 753 of this title, or a person whose alcohol concentration is subject to the provisions of Section 754 of this title, unless the person has

1 successfully completed, or is currently participating in, the
2 Impaired Driver Accountability Program ~~in accordance with paragraph~~
3 ~~E of Section 6-212 of this title~~, shall be revoked or denied by the
4 Department of Public Safety for the following period, as applicable:

5 1. The first license revocation pursuant to paragraph 2 of
6 subsection A of Section 6-205 of this title or Section 753 or 754 of
7 this title shall be for ~~a minimum period of one (1) year~~ one hundred
8 eighty (180) days, which shall be modified upon request; provided,
9 any modification under this paragraph shall apply to Class D driver
10 licenses only. ~~Modification requires the issuance of a modified~~
11 ~~driver license and the continuous installation of an ignition~~
12 ~~interlock device or devices pursuant to Section 754.1 of this title~~
13 ~~for a period of not less than one (1) year immediately preceding~~
14 ~~reinstatement of the license. If the Department receives notice of~~
15 ~~any verified ignition interlock violations, as determined by the~~
16 ~~Board of Tests for Alcohol and Drug Influence, occurring within the~~
17 ~~last one hundred eighty (180) days of the revocation period, the~~
18 ~~revocation period shall be extended until such time the person~~
19 ~~completes a violation free one hundred eighty (180) day period;~~

20 2. A revocation pursuant to paragraph 2 of subsection A of
21 Section 6-205 of this title, or Section 753 or 754 of this title
22 shall be for a ~~minimum period of twenty-four (24) months,~~ one (1)
23 year or longer if driving privileges are modified pursuant to the
24 provisions of this paragraph if, within ten (10) years preceding the

1 date of arrest relating thereto, as shown by the records of the
2 Department:

3 a. a prior revocation commenced pursuant to paragraph 2
4 or 6 of subsection A of Section 6-205 of this title,
5 ~~or a revocation because of a test result or test~~
6 ~~refusal, or previous enrollment~~ Section 753 or 754 of
7 this title, or completion of the Impaired Driver
8 Accountability Program ~~pursuant to Section 6-212 of~~
9 ~~this title,~~ or

10 b. the record of the person reflects a prior conviction
11 in another jurisdiction which did not result in a
12 revocation of Oklahoma driving privileges, for a
13 violation substantially similar to paragraph 2 of
14 subsection A of Section 6-205 of this title, and the
15 person was not a resident or a licensee of Oklahoma at
16 the time of the offense resulting in the conviction.

17 Such ~~twenty-four month~~ one-year period of revocation ~~shall~~ may be
18 modified upon request; provided, any modification under this
19 paragraph shall apply to Class D driver licenses only. ~~Modification~~
20 For any modification, the person shall ~~require the issuance of a~~
21 ~~modified driver license and the installation of~~ be required to
22 install an ignition interlock device or devices, pursuant to Section
23 754.1 of this title ~~for a continuous period of not less than twenty~~
24 ~~four (24) months immediately preceding reinstatement of the license.~~

1 ~~If the Department receives notice of any verified ignition interlock~~
2 ~~violations, as determined by the Board of Tests for Alcohol and Drug~~
3 ~~Influence, occurring within the last twelve (12) months of the~~
4 ~~revocation. The period, the of revocation and the period of~~
5 ~~interlock installation shall be extended until such time the person~~
6 ~~completes a violation free twelve-month period run concurrently and~~
7 ~~each shall be for no less than one (1) year; or~~

8 3. A revocation pursuant to paragraph 2 of subsection A of
9 Section 6-205 of this title, ~~or a revocation because of a test~~
10 ~~result or test refusal~~ Section 753 or 754 of this title shall be for
11 a minimum period of ~~forty eight (48) months if~~ three (3) years or
12 longer if driving privileges are modified pursuant to the provisions
13 of this paragraph if, within ten (10) years preceding the date of
14 arrest relating thereto, as shown by the records of the Department:

15 a. two or more prior revocations commenced pursuant to
16 paragraph 2 or 6 of subsection A of Section 6-205 of
17 this title, ~~or revocations because of a test result or~~
18 ~~test refusal~~ Section 753 or 754 of this title, or
19 ~~previous~~ completion of the Impaired Driver
20 Accountability Program ~~pursuant to Section 6-212 of~~
21 ~~this title,~~

22 b. the record of the person reflects two or more prior
23 convictions in another jurisdiction which did not
24 result in a revocation of Oklahoma driving privileges,

1 for a violation substantially similar to paragraph 2
2 of subsection A of Section 6-205 of this title, and
3 the person was not a resident or a licensee of
4 Oklahoma at the time of the offense resulting in the
5 conviction, or

6 c. any combination of two or more prior revocations, ~~or~~
7 ~~previous~~ completion of the Impaired Driver
8 Accountability Program, or convictions as described in
9 subparagraphs a and b of this paragraph.

10 Such ~~forty-eight-month~~ three-year period of revocation shall be
11 modified upon request; provided, any modification under this
12 paragraph shall apply to Class D driver licenses only. ~~Modification~~
13 ~~requires the issuance of a modified driver license and the~~
14 ~~installation of~~ For any modification, the person shall be required
15 to install an ignition interlock device or devices, pursuant to
16 Section 754.1 of this title ~~for a continuous~~. The period of not
17 ~~less than forty-eight (48) months immediately preceding~~
18 ~~reinstatement of the license. If the Department receives notice of~~
19 ~~any verified ignition interlock violations, as determined by the~~
20 ~~Board of Tests for Alcohol and Drug Influence, occurring within the~~
21 ~~last twenty-four (24) months of the revocation and the period, the~~
22 ~~revocation period~~ of interlock installation shall be ~~extended until~~
23 ~~such time the person completes a violation free twenty-four-month~~

1 ~~period~~ run concurrently and each shall be for no less than three (3)
2 years.

3 B. The driving privilege of a person who is convicted of any
4 offense as provided in paragraph 6 of subsection A of Section 6-205
5 of this title shall be revoked or denied by the Department of Public
6 Safety for the following period, as applicable:

7 1. The first license revocation shall be for one hundred eighty
8 (180) days, which ~~may~~ shall be modified upon request; provided, for
9 license revocations for a misdemeanor charge of possessing a
10 controlled dangerous substance, the provisions of this paragraph
11 shall apply to any such revocations by the Department on or after
12 January 1, 1993; provided further, any modification under this
13 paragraph shall apply to Class D ~~motor vehicles~~ driver licenses
14 only;

15 2. A revocation shall be for a period of one (1) year if within
16 ten (10) years preceding the date of arrest relating thereto, as
17 shown by the records of the Department:

18 a. a prior revocation commenced pursuant to paragraph 2
19 or 6 of subsection A of Section 6-205 of this title,
20 ~~or a revocation because of a test result or test~~
21 ~~refusal, previous participation~~ Section 753 or 754 of
22 this title, or completion of the Impaired Driver
23 Accountability Program ~~pursuant to Section 6-212 of~~
24 ~~this title,~~ or

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 or 6 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 Such period shall not be modified; or

9 3. A revocation shall be for a period of three (3) years if
10 within ten (10) years preceding the date of arrest relating thereto,
11 as shown by the records of the Department:

12 a. two or more prior revocations commenced pursuant to
13 paragraph 2 or 6 of subsection A of Section 6-205 of
14 this title, ~~or a revocation because of a test result~~
15 ~~or test refusal, previous participation~~ Section 753 or
16 754 of this title, or completion of the Impaired
17 Driver Accountability Program ~~pursuant to Section 6-~~
18 ~~212 of this title,~~

19 b. the record of the person reflects two or more prior
20 convictions in another jurisdiction which did not
21 result in a revocation of Oklahoma driving privileges,
22 for a violation substantially similar to paragraph 2
23 or 6 of subsection A of Section 6-205 of this title,
24 and the person was not a resident or licensee of

1 Oklahoma at the time of the offense resulting in the
2 conviction, or

3 c. any combination of two or more prior revocations as
4 described in subparagraphs a and b ~~or~~ of this
5 paragraph.

6 Such period shall not be modified.

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

17 C. For the purposes of this ~~subsection~~ section:

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

21 2. The term "revocation" includes a denial of driving
22 privileges by the Department.

23 D. Each period of revocation not subject to modification shall
24 be mandatory and neither the Department nor any court ~~may~~ shall

1 grant driving privileges based upon hardship or otherwise for the
2 duration of that period. Each period of revocation, subject to
3 modification as provided for in this section, shall be modified upon
4 request as provided for in Section 754.1 of this title or Section 10
5 of this act; provided, any modification under this paragraph shall
6 apply to Class D driver licenses only.

7 E. Any appeal of a revocation or denial of driving privileges
8 shall be governed by Section 6-211 of this title.

9 SECTION 2. AMENDATORY 47 O.S. 2011, Section 6-211, is
10 amended to read as follows:

11 Section 6-211. A. Any person denied driving privileges, or
12 whose driving privilege has been canceled, denied, suspended or
13 revoked by the Department, except where such cancellation, denial,
14 suspension or revocation is mandatory, under the provisions of
15 Section 6-205 of this title, or disqualified by the Department,
16 under the provisions of Section 6-205.2 or 761 of this title, shall
17 have the right of appeal to the district court as hereinafter
18 provided. Proceedings before the district court shall be exempt
19 from the provisions of the Oklahoma Pleading and Discovery codes,
20 except that the appeal shall be by petition, without responsive
21 pleadings. The district court is hereby vested with original
22 jurisdiction to hear said petition.

23 B. A person whose driving privilege is denied, canceled,
24 revoked or suspended due to inability to meet standards prescribed

1 by law, or due to an out-of-state conviction or violation, or due to
2 an excessive point accumulation on the traffic record, or for an
3 unlawful license issued, may appeal in the county in which the
4 person resides.

5 C. Any person whose driving privilege is canceled, denied,
6 suspended or revoked may appeal to the district court in the county
7 in which the offense was committed upon which the Department based
8 its order.

9 D. A person whose driving privilege is ~~revoked or denied or who~~
10 ~~is denied a hearing~~ subject to revocation pursuant to Section 753 or
11 754 of this title may appeal to the district court in the county in
12 which the arrest occurred relating to the test refusal or test
13 result, as shown by the records of the Department.

14 E. The petition shall be filed within thirty (30) days after
15 the ~~order~~ notice of revocation pursuant to Section 753 or 754 of
16 this title has been served upon the person, ~~except a petition~~
17 ~~relating to an implied consent revocation shall be filed within~~
18 ~~thirty (30) days after the Department gives notice to the person~~
19 ~~that the revocation is sustained as provided in Section 754 of this~~
20 ~~title.~~ It shall be the duty of the district court to enter an order
21 setting the matter for hearing not less than fifteen (15) days and
22 not more than thirty (30) days from the date the petition is filed.
23 A certified copy of petition and order for hearing shall be served
24 forthwith by the clerk of the court upon the Commissioner of Public

1 Safety by certified mail at the Department of Public Safety,
2 Oklahoma City, Oklahoma.

3 ~~F. At a hearing on a revocation by the Department pursuant to~~
4 ~~the implied consent laws as provided in Sections 6-205.1, 753 and~~
5 ~~754 of this title, the court shall not consider the merits of the~~
6 ~~revocation action unless a written request for an administrative~~
7 ~~hearing was timely submitted to the Department and the person~~
8 ~~actually exercised the opportunity to appear as provided in Section~~
9 ~~754 of this title and the Department entered an order sustaining the~~
10 ~~revocation.~~

11 ~~G.~~ Upon a hearing relating to a revocation or disqualification
12 pursuant to a conviction for an offense enumerated in Section 6-205,
13 ~~761, or 6-205.2 or 761~~ of this title, the court shall not consider
14 the propriety or merits of the revocation or disqualification
15 action, except to correct the identity of the person convicted as
16 shown by records of the Department.

17 ~~H. In the event the Department declines to modify, as provided~~
18 ~~in Section 754.1 of this title, a revocation order issued pursuant~~
19 ~~to Section 753, Section 754, paragraph 2 of subsection A of Section~~
20 ~~6-205 or Section 6-205.1 of this title, which is subject to~~
21 ~~modification pursuant to Section 11-906.4 of this title or Section~~
22 ~~6-205.1 of this title, a~~

23 G. A petition for modification may be included with the appeal
24 or separately filed at any time, and the district court may, in its

1 discretion, modify the revocation as provided for in Section 755 of
2 this title; provided, any modification under this subsection shall
3 apply to Class D ~~motor vehicles~~ driver licenses only.

4 ~~F.~~ H. The court shall take testimony and examine the facts and
5 circumstances, including all of the records on file in the office of
6 the Department of Public Safety relative to the offense committed
7 and the driving record of the person, and determine from the facts,
8 circumstances, and records whether or not the petitioner is entitled
9 to driving privileges or shall be subject to the order of denial,
10 cancellation, suspension or revocation issued by the Department.
11 The court may also determine whether or not, from the person's
12 previous driving record, the order was for a longer period of time
13 than such facts and circumstances warranted. In case the court
14 finds that the order was not justified, the court may sustain the
15 appeal, vacate the order of the Department and direct that driving
16 privileges be restored to the petitioner, if otherwise eligible.
17 The court may, in case it determines the order was justified, but
18 that the period of the suspension or revocation was excessive, enter
19 an order modifying the same as provided by law.

20 ~~F.~~ I. The testimony of any hearing pursuant to this section
21 shall be taken by the court stenographer and preserved for the
22 purpose of appeal and, in case the Department files notice of appeal
23 from the order of the court as provided herein, the court shall
24 order and direct the court clerk to prepare and furnish a complete

1 transcript of all pleadings and proceedings, together with a
2 complete transcript taken at said hearing at no cost to the
3 Department, except the cost of transcribing.

4 ~~K.~~ J. In order to stay or supersede any order of the
5 Department, the petitioner may execute and file a cash appeal bond
6 in the sum of Two Hundred Fifty Dollars (\$250.00) with the clerk of
7 the court, to be approved by the court clerk. A certified copy of
8 the bond shall be served along with the notice of hearing and
9 petition.

10 The bond shall be to the State of Oklahoma and conditioned that
11 the petitioner will prosecute the appeal with due diligence and
12 during pendency of the appeal abide by and not violate any of the
13 laws of this state or any other state in the operation of a motor
14 vehicle, and that the petitioner will abide by and perform the final
15 judgment of the court therein, and in case the appeal is finally
16 denied the appellant will pay all court costs incurred in the appeal
17 in the district court. If the petitioner is convicted of a traffic
18 offense during the pendency of the appeal or fails to prosecute the
19 appeal with due diligence, the bond may be forfeited to the court
20 fund upon application by the Department and after hearing before the
21 court in which the appeal is pending.

22 ~~L.~~ K. After filing and approval of the appeal bond and the
23 furnishing thereof to the Department as hereby provided, the
24 Department shall restore driving privileges to the person if

1 otherwise eligible, and the person shall be permitted to operate a
2 motor vehicle pending the appeal, under terms and conditions as
3 prescribed in the bond which shall include the installation of an
4 ignition interlock device on every motor vehicle operated by the
5 person, pursuant to Section 754.1 or 755 of this title, if the
6 person was denied modification pursuant to any provision of
7 paragraph 2 of subsection A of Section 6-205 or Section 6-205.1, 753
8 or 754 of this title; provided, however, if the order of the
9 Department is sustained in final judgment, the court shall, in such
10 final judgment, enter an order extending the period of suspension or
11 revocation for such time as the petitioner was permitted to operate
12 motor vehicles under the provisions of an appeal bond, and the court
13 shall also in such final judgment direct and require the immediate
14 surrender of any driver license or licenses to the Department.

15 ~~M.~~ L. An appeal may be taken by the person or by the Department
16 from the order or judgment of the district court to the Supreme
17 Court of the State of Oklahoma as otherwise provided by law.

18 SECTION 3. AMENDATORY 47 O.S. 2011, Section 6-212, as
19 last amended by Section 7, Chapter 392, O.S.L. 2017 (47 O.S. Supp.
20 2018, Section 6-212), is amended to read as follows:

21 Section 6-212. A. The Department of Public Safety shall not
22 assess and collect multiple reinstatement fees when reinstating the
23 driving privilege of any person having more than one suspension or
24

1 revocation affecting the person's driving privilege at the time of
2 reinstatement.

3 B. The Department shall:

4 1. Suspend or revoke a person's driving privilege as delineated
5 within the Oklahoma Statutes; and

6 2. Require any person having more than one suspension or
7 revocation affecting the person's driving privilege to meet the
8 statutory requirements for each action as a condition precedent to
9 the reinstatement of any driving privilege. Provided, however,
10 reinstatement fees shall not be cumulative, and a single
11 reinstatement fee, as provided for in subsection C of this section,
12 shall be paid for all suspensions or revocations as shown by the
13 Department's records at the time of reinstatement.

14 C. Whenever a person's privilege to operate a motor vehicle is
15 suspended or revoked pursuant to any provision as authorized by the
16 Oklahoma Statutes, the license or privilege to operate a motor
17 vehicle shall remain under suspension or revocation and shall not be
18 reinstated until:

19 1. The expiration of each such revocation or suspension order
20 ~~and the satisfaction of all terms and conditions of the revocation;~~

21 2. The person has paid to the Department:

22 a. if such privilege is suspended or revoked pursuant to
23 Section 1115.5 of Title 22 of the Oklahoma Statutes or
24 pursuant to any provisions of this title, except as

1 provided in subparagraph b of this paragraph, a
2 processing fee of Twenty-five Dollars (\$25.00) for
3 each such suspension or revocation as shown by the
4 Department's records, or

- 5 b. (1) if such privilege is suspended or revoked ~~because~~
6 ~~of a test result or test refusal, or~~ pursuant to
7 the provisions of Section 6-205, 6-205.1, 7-612,
8 753, 754 or 761 of this title or pursuant to
9 subsection A of Section 7-605 of this title for a
10 conviction for failure to maintain the mandatory
11 motor vehicle insurance required by law or
12 pursuant to subsection B of Section 6-206 of this
13 title for a suspension other than for points
14 accumulation, a processing fee of Seventy-five
15 Dollars (\$75.00) for each such suspension or
16 revocation as shown by the Department's records,
17 and a special assessment trauma-care fee of Two
18 Hundred Dollars (\$200.00) to be deposited into
19 the Trauma Care Assistance Revolving Fund created
20 in Section 1-2530.9 of Title 63 of the Oklahoma
21 Statutes, for each suspension or revocation as
22 shown by the records of the Department, and
23 (2) in addition to any other fees required by this
24 section, if such privilege is suspended or

1 revoked pursuant to an arrest on or after
2 November 1, 2008, under the provisions of
3 paragraph 2 or 6 of subsection A of Section 6-205
4 of this title or of Section 753, 754 or 761 of
5 this title ~~or because of a test result or test~~
6 ~~refusal~~, a fee of Fifteen Dollars (\$15.00), which
7 shall be apportioned pursuant to the provisions
8 of Section 3-460 of Title 43A of the Oklahoma
9 Statutes; and

10 3. The person has paid to the Department a single reinstatement
11 fee of, beginning on July 1, 2013, and any year thereafter, Twenty-
12 five Dollars (\$25.00).

13 D. The Department of Public Safety is hereby authorized to
14 enter into agreements with persons whose license to operate a motor
15 vehicle or commercial motor vehicle has been suspended or revoked,
16 for issuance of a provisional license that ~~allows~~ would allow such
17 persons to drive:

18 1. Between their place of residence and their place of
19 employment or potential employment;

20 2. During the scope and course of their employment;

21 3. Between their place of residence and a college, university
22 or technology center;

23 4. Between their place of residence and their child's school or
24 day care provider;

1 5. Between their place of residence and a place of worship; or
2 6. Between their place of residence and any court-ordered
3 treatment program,
4 with the condition that such persons pay a minimum of Twenty-five
5 Dollars (\$25.00) per month toward the satisfaction of all
6 outstanding driver license or commercial driver license
7 reinstatement fees. The Department shall develop rules and
8 procedures to establish such a provisional driver license program
9 and such rules and procedures shall include, but not be limited to,
10 eligibility criteria, proof of insurance, proof of enrollment or
11 employment, and any provisional license fees. Any violation of law
12 by the person holding the provisional license that would result in
13 the suspension or revocation of a driver license shall result in the
14 revocation of the provisional license and such person shall be
15 ineligible for future application for a provisional driver license.

16 ~~E. No later than June 30, 2018, the Department shall establish~~
17 ~~the Impaired Driver Accountability Program (IDAP) at the Department~~
18 ~~of Public Safety. Fees collected by the Department for admission~~
19 ~~into the program shall be deposited in the Department of Public~~
20 ~~Safety Restricted Revolving Fund for support of the program. The~~
21 ~~Department shall promulgate rules necessary to implement the~~
22 ~~Impaired Driver Accountability Program.~~

23 ~~F. The Department may enter into an IDAP program agreement with~~
24 ~~the person if:~~

1 ~~1. The Department receives the request for IDAP participation~~
2 ~~pursuant to this section within fifteen (15) calendar days from the~~
3 ~~date reflected on the dated receipt issued by an officer to the~~
4 ~~person pursuant to subsection B of Section 754 of this title, on the~~
5 ~~form provided by the Department;~~

6 ~~2. The Department receives payment of the Two Hundred Dollars~~
7 ~~(\$200.00) program administration fee within forty-five (45) days of~~
8 ~~the date notice was given pursuant to Section 2-116 of this title;~~

9 ~~3. The Department receives the proof of installation of an~~
10 ~~ignition interlock device approved in accordance with the rules of~~
11 ~~the Board of Tests for Alcohol and Drug Influence within forty-five~~
12 ~~(45) days from the date notice was given pursuant to Section 2-116~~
13 ~~of this title; and~~

14 ~~4. The Department receives proof of the driving privileges of~~
15 ~~the person including, but not limited to, out-of-state driver~~
16 ~~licenses and licenses obtained at any time before or after entry~~
17 ~~into the program within forty-five (45) days from the date notice~~
18 ~~was given pursuant to Section 2-116 of this title.~~

19 ~~G. Upon successful completion of the program, the driving~~
20 ~~record of the person will be updated to indicate their completion of~~
21 ~~the program without revocation and no reinstatement fee will be~~
22 ~~charged to the person.~~

23 ~~H. The program length shall be:~~
24

1 ~~1. A minimum of six (6) months for a person subject to~~
2 ~~revocation pursuant to paragraph 1 of subsection A of Section 6-~~
3 ~~205.1 of this title. If the Department receives notice of any~~
4 ~~verified ignition interlock violations, as determined by the Board~~
5 ~~of Tests for Alcohol and Drug Influence, within the last three (3)~~
6 ~~months of the program period, the program period shall be extended~~
7 ~~until such time the person completes a violation free three-month~~
8 ~~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 6-~~
11 ~~205.1 of this title. If the Department receives notice of any~~
12 ~~verified ignition interlock violations, as determined by the Board~~
13 ~~of Tests for Alcohol and Drug Influence, within the last six (6)~~
14 ~~months of the program period, the program period shall be extended~~
15 ~~until such time the person completes a violation free six-month~~
16 ~~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 6-~~
19 ~~205.1 of this title. If the Department receives notice of any~~
20 ~~verified ignition interlock violations, as determined by the Board~~
21 ~~of Tests for Alcohol and Drug Influence, within the last twelve (12)~~
22 ~~months of the program period, the program period shall be extended~~
23 ~~until such time the person completes a violation free twelve-month~~
24 ~~period.~~

1 ~~I. Completion of the program is contingent upon the compliance~~
2 ~~of the person with the rules of the Department.~~

3 ~~J.~~ 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 this title, except as
7 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. AMENDATORY 47 O.S. 2011, Section 6-212.3, as
13 last amended by Section 8, Chapter 392, O.S.L. 2017 (47 O.S. Supp.
14 2018, Section 6-212.3), is amended to read as follows:

15 Section 6-212.3 A. Whenever the installation of an ignition
16 interlock device is allowed or required by law, the Department shall
17 require the device to be installed upon any vehicle owned or leased,
18 as reflected on the vehicle registration, by an employer of the
19 person for use by the person, except when the employer requests the
20 ignition interlock device not be installed. The request shall be in
21 writing and notarized on the official letterhead of the employer and
22 provided by the employer to the Department; provided, a request
23 shall not be accepted by the Department under the following
24 circumstances:

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

4 2. When the person is employed by a relative who is within the
5 first degree of consanguinity or who resides in the same household;
6 or

7 3. When the person has had a prior revocation pursuant to
8 paragraph 2 of subsection A of Section 6-205 of this title or ~~as a~~
9 ~~result of a test result or a test refusal~~ Section 753 or 754 of this
10 title.

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

13 ~~B. The Department of Public Safety may revoke, suspend or~~
14 ~~restrict the driving privileges of the person upon receipt of a~~
15 ~~report of a verified ignition interlock violation as defined by the~~
16 ~~Board of Tests for Alcohol and Drug Influence.~~

17 ~~C.~~ 1. Upon request and eligibility, the Department shall issue
18 a restricted driver license to the person, upon payment of a
19 restricted driver license fee of Fifty Dollars (\$50.00) and ~~the IDAP~~
20 ~~program administration fee, as provided in Section 6-212 of this~~
21 ~~title,~~ all other appropriate fees by the person. The restricted
22 driver license and the driving record of the person shall indicate
23 by an appropriate restriction that the person is only authorized to
24 operate a vehicle upon which an approved ignition interlock device

1 is installed. If the person is operating a motor vehicle owned or
2 leased by an employer who has not given permission for an ignition
3 interlock device to be installed, the employer shall provide the
4 person with a letter, on official letterhead of the employer, which
5 the person shall carry in his or her immediate possession at all
6 times when operating a motor vehicle and shall display for
7 examination and inspection upon demand of a peace officer.

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

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

18 C. Installation of an ignition interlock device pursuant to
19 subsection A of this section shall run concurrently with a court
20 order, if any, for installation of an ignition interlock device
21 pursuant to the same conviction.

22 D. Installation of an ignition interlock device pursuant to any
23 court order, Impaired Driver Accountability Program or other
24 diversionary program shall be credited towards any requirement for

1 the installation of an ignition interlock device pursuant to any
2 court order, Impaired Driver Accountability Program or other
3 diversionary program arising out of the same incident.

4 E. The person shall pay the monthly maintenance fee, not to
5 exceed Twenty-five Dollars (\$25.00) per month, for each ignition
6 interlock device installed pursuant to this section. The person
7 shall comply with all provisions of law regarding ignition interlock
8 devices.

9 F. The ignition interlock device provider shall report to the
10 Board of Tests for Alcohol and Drug Influence regular reports of
11 violations, if any, for each ignition interlock device installed
12 pursuant to this section.

13 G. Pursuant to Section 6-205.1 of this title, the Department
14 may extend the period of ignition interlock of the person for
15 reports from the Board of Tests for Alcohol and Drug Influence which
16 indicate attempts by the person to operate a motor vehicle when the
17 person is under the influence of alcohol. Any extension under this
18 subsection shall not exceed thirty (30) days. The Department shall
19 send notice in accordance with Section 2-116 of this title prior to
20 extending the period of ignition interlock. Upon request, made
21 within fifteen (15) days of completion of the notice, the person
22 shall have the right to an informal hearing before the Department
23 prior to any extension of the period of ignition interlock. The
24 hearing shall be limited to the issues of the validity of the

1 ignition interlock violation and the identity of the person
2 committing the violation.

3 H. The Department shall promulgate rules necessary to implement
4 and administer the provisions of this section.

5 SECTION 5. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 6-212.5 of Title 47, unless
7 there is created a duplication in numbering, reads as follows:

8 A. The Department of Public Safety shall establish the Impaired
9 Driver Accountability Program (IDAP) at the Department of Public
10 Safety. Fees collected by the Department for admission into the
11 program shall be deposited in the Department of Public Safety
12 Restricted Revolving Fund for support of the program. The
13 Department shall promulgate rules necessary to administer the
14 program.

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

17 1. The Department receives the request for IDAP participation
18 within thirty (30) calendar days from the date that notice was given
19 pursuant to Section 6 of this act;

20 2. The Department receives payment of the program
21 administration fee of Two Hundred Dollars (\$200.00) within forty-
22 five (45) days of the date notice was given pursuant to Section 6 of
23 this act;

24

1 3. The Department receives an ignition interlock device
2 installation verification issued in accordance with the rules of the
3 Board of Tests for Alcohol and Drug Influence within forty-five (45)
4 days from the date notice was given pursuant to Section 6 of this
5 act; and

6 4. The person is not otherwise ineligible for driving
7 privileges in Oklahoma on the date the person enters into the IDAP
8 agreement.

9 C. Upon successful completion of the program, the records of
10 the Department will be updated to indicate completion of the program
11 by the person without revocation. No reinstatement fee will be
12 charged to the person.

13 D. The program length shall be:

14 1. A minimum of six (6) months for a person subject to
15 revocation pursuant to paragraph 1 of subsection A of Section 6-
16 205.1 of Title 47 of the Oklahoma Statutes. If the Department
17 receives notice of any ignition interlock violations, as determined
18 by the Board of Tests for Alcohol and Drug Influence, the program
19 period shall be extended for a period of thirty (30) days;

20 2. A minimum of twelve (12) months for a person subject to
21 revocation pursuant to paragraph 2 of subsection A of Section 6-
22 205.1 of Title 47 of the Oklahoma Statutes. If the Department
23 receives notice of any ignition interlock violations, as determined
24

1 by the Board of Tests for Alcohol and Drug Influence, the program
2 period shall be extended for a period of thirty (30) days; or

3 3. A minimum of thirty-six (36) months for a person subject to
4 revocation pursuant to paragraph 3 of subsection A of Section 6-
5 205.1 of Title 47 of the Oklahoma Statutes. If the Department
6 receives notice of any ignition interlock violations, as determined
7 by the Board of Tests for Alcohol and Drug Influence, the program
8 period shall be extended for a period of thirty (30) days.

9 E. Prior to an extension of the program period, the Department
10 shall send notice of the extension in accordance with Section 2-116
11 of Title 47 of the Oklahoma Statutes. Upon request, which shall be
12 made within fifteen (15) days of receipt of the notice, the person
13 shall have the right to an informal hearing before the Department
14 prior to any extension of the program. The hearing shall be limited
15 to the issues of the validity of the ignition interlock violation
16 and the identity of the person committing the violation.

17 F. Effective July 1, 2020, and for each fiscal year thereafter:

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

22 2. Except as otherwise provided in this section, all other
23 monies collected in excess of Two Hundred Fifty Thousand Dollars
24

1 (\$250,000.00) each month shall be deposited in the General Revenue
2 Fund.

3 SECTION 6. 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 Any person subject to revocation of driving privileges pursuant
7 to Section 753 or 754 of Title 47 of the Oklahoma Statutes shall be
8 given a dated notice advising the person of the availability of the
9 Impaired Driver Accountability Program on a form prescribed by the
10 Department of Public Safety. The notice shall be given together
11 with the notice of revocation by the officer as required by Section
12 753 or 754 of Title 47 of the Oklahoma Statutes, or by the
13 Department in accordance with Section 2-116 of Title 47 of the
14 Oklahoma Statutes.

15 SECTION 7. AMENDATORY 47 O.S. 2011, Section 11-902a, as
16 amended by Section 9, Chapter 392, O.S.L. 2017 (47 O.S. Supp. 2018,
17 Section 11-902a), is amended to read as follows:

18 Section 11-902a. A. No person shall knowingly authorize or
19 permit a motor vehicle owned or under the control of that person
20 which is not equipped with an ignition interlock device to be driven
21 upon any street or highway of this state by any person who is
22 required to have an ignition interlock device installed upon the
23 vehicle of that person. ~~A violation of this subsection shall be a~~
24 ~~misdemeanor and shall be punishable by a fine of not more than Five~~

1 ~~Hundred Dollars (\$500.00) or by imprisonment in the county jail for~~
2 ~~not more than six (6) months, or by both such fine and imprisonment.~~

3 B. No person shall willfully attempt to interfere in any way
4 with the intended and proper functioning of an ignition interlock
5 device installed in a vehicle as required by law, or intentionally
6 fail to return an ignition interlock device when it is no longer
7 required in the vehicle or upon request by the owner of the device.

8 ~~A violation of this subsection shall be a misdemeanor and shall be~~
9 ~~punishable by a fine of not more than Five Hundred Dollars (\$500.00)~~
10 ~~or by imprisonment in the county jail for not more than six (6)~~
11 ~~months or by both such fine and imprisonment.~~

12 C. No person granted permission to drive a motor vehicle on the
13 condition of installation of an ignition interlock device shall
14 drive any vehicle that is not equipped with an ignition interlock
15 device unless driving a vehicle of an employer in accordance with
16 ~~Section 754.1 or~~ subsection A of Section 6-212.3 of this title.

17 D. A violation of ~~this~~ subsection C of this section shall be a
18 misdemeanor and shall be punishable by a fine of not more than Five
19 Hundred Dollars (\$500.00), or by imprisonment in the county jail for
20 not more than six (6) months, or by both such fine and imprisonment.

21 ~~D. The court shall require, as a condition of any bond, the~~
22 ~~installation of an ignition interlock device, approved by the Board~~
23 ~~of Tests for Alcohol and Drug Influence, on any vehicle operated by~~
24 ~~the defendant charged with a second or subsequent offense under~~

1 ~~Section 11-902 of this title. The period of time for which the~~
2 ~~ignition interlock device is required to be installed pursuant to~~
3 ~~this section shall not be credited toward any time period for which~~
4 ~~an ignition interlock device is required to be installed pursuant to~~
5 ~~Section 6-205.1 of this title. The period of time for which the~~
6 ~~ignition interlock device is required to be installed pursuant to~~
7 ~~this section shall be credited toward any time period for which~~
8 ~~ignition interlock device installation is required under the~~
9 ~~Impaired Driver Accountability Program. If the person charged~~
10 ~~successfully completes the Impaired Driver Accountability Program~~
11 ~~before a plea or verdict in their criminal case, the court may~~
12 ~~remove the ignition interlock device requirement from the bond.~~

13 SECTION 8. AMENDATORY 47 O.S. 2011, Section 754, as
14 amended by Section 13, Chapter 392, O.S.L. 2017 (47 O.S. Supp. 2018,
15 Section 754), is amended to read as follows:

16 Section 754. A. Any arrested person who is under twenty-one
17 (21) years of age and has any measurable quantity of alcohol in the
18 person's blood or breath, or any person twenty-one (21) years of age
19 or older whose alcohol concentration is eight-hundredths (0.08) or
20 more as shown by a breath test administered according to the
21 provisions of this title, or any arrested person who has refused to
22 submit to a breath or blood test, shall immediately surrender his or
23 her driver license, permit or other evidence of driving privilege to
24 the arresting law enforcement officer. ~~Except in cases where the~~

1 ~~arrested person submitted to a test of their blood, the~~ The officer
2 shall seize any driver license, permit, or other evidence of driving
3 privilege surrendered by or found on the arrested person during a
4 search. ~~The evidence of driving privilege seized by the officer~~
5 ~~shall be delivered to the Department of Public Safety. The~~
6 ~~Department shall destroy the evidence of driving privilege upon~~
7 ~~receipt thereof.~~

8 B. If the evidence of driving privilege surrendered to or
9 seized by the officer has not expired and otherwise appears valid,
10 the officer shall issue to the arrested person a dated receipt for
11 that driver license, permit, or other evidence of driving privilege
12 on a form prescribed by the Department of Public Safety. This
13 receipt shall be recognized as a ~~temporary restricted~~ driver license
14 and shall authorize the arrested person to operate a motor vehicle
15 for a period not to exceed ~~forty-five (45)~~ thirty (30) days. The
16 receipt form shall contain and constitute a notice of revocation of
17 driving privilege by the Department effective in thirty (30) days.
18 The evidence of driving privilege and a copy of the receipt form
19 issued to the arrested person shall be attached to the sworn report
20 of the officer and shall be submitted by mail or in person to the
21 Department within seventy-two (72) hours of the issuance of the
22 receipt. The failure of the officer to timely file this report
23 shall not affect the authority of the Department to revoke the
24 driving privilege of the arrested person.

1 C. ~~When any alleged controlled dangerous substance has been~~
2 ~~submitted to the laboratory of the OSBI for analysis, and the~~
3 ~~analysis shows that the submitted material is a controlled dangerous~~
4 ~~substance, the distribution of which constitutes a felony under the~~
5 ~~laws of this state, no portion of the substance shall be released to~~
6 ~~any other person or laboratory absent an order of a district court.~~
7 ~~The defendant shall additionally be required to submit to the court~~
8 ~~a procedure for transfer and analysis of the subject material to~~
9 ~~ensure the integrity of the sample and to prevent the material from~~
10 ~~being used in any illegal manner. Upon receipt of a written blood~~
11 ~~or breath test report reflecting that the arrested person, if under~~
12 ~~twenty-one (21) years of age, had any measurable quantity of alcohol~~
13 ~~in the person's blood or breath, or, if the arrested person is~~
14 ~~twenty-one (21) years of age or older, a blood or breath alcohol~~
15 ~~concentration of eight-hundredths (0.08) or more, accompanied by a~~
16 ~~sworn report from a law enforcement officer that the officer had~~
17 ~~reasonable grounds to believe the arrested person had been operating~~
18 ~~or was in actual physical control of a motor vehicle while under the~~
19 ~~influence of alcohol as prohibited by law, the Department shall~~
20 ~~revoke or deny the driving privilege of the arrested person for a~~
21 ~~period as provided by Section 6-205.1 of this title, unless the~~
22 ~~person has successfully completed or is currently participating in~~
23 ~~the Impaired Driver Accountability Program. Revocation or denial of~~
24 ~~the driving privilege of the arrested person shall become effective~~

1 thirty (30) days after the arrested person is given written notice
2 thereof by the officer as provided in this section or by the
3 Department as provided in Section 2-116 of this title.

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

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

- 17 a. if timely requested by the person, the person was not
18 denied a breath or blood test,
- 19 b. the specimen was obtained from the person within two
20 (2) hours of the arrest of the person,
- 21 c. the person, if under twenty-one (21) years of age, was
22 advised that driving privileges would be revoked or
23 denied if the test result reflected the presence of
24 any measurable quantity of alcohol,

- 1 d. the person, if twenty-one (21) years of age or older,
2 was advised that driving privileges would be revoked
3 or denied if the test result reflected an alcohol
4 concentration of eight-hundredths (0.08) or more, and
5 e. the test result in fact reflects the alcohol
6 concentration.

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

- 11 a. the person refused to submit to the test or tests, and
12 b. the person was informed that driving privileges would
13 be revoked or denied if the person refused to submit
14 to the test or tests.

15 E. After the hearing, the district court shall order the
16 revocation or denial either rescinded or sustained.

17 SECTION 9. AMENDATORY 47 O.S. 2011, Section 754.1, as
18 last amended by Section 14, Chapter 392, O.S.L. 2017 (47 O.S. Supp.
19 2018, Section 754.1), is amended to read as follows:

20 Section 754.1 A. Modification of a revocation or denial
21 arising under the provisions of Section 6-205.1 of this title or
22 under the provisions of Sections 751 through 754 or 761 of this
23 title shall apply to Class D ~~motor vehicles~~ driver licenses only.
24

1 B. As a prerequisite and condition of any modification, the
2 person shall be required to have installed an ignition interlock
3 device approved by the Board of Tests for Alcohol and Drug
4 Influence, at the person's own expense, upon any motor vehicle
5 operated by the person. ~~A person whose revocation is modified may~~
6 ~~only operate a motor vehicle equipped with an approved ignition~~
7 ~~interlock device.~~ The Department shall require, as a condition of
8 modification, the device to be installed upon any vehicle owned or
9 leased, as reflected on the vehicle registration, by an employer of
10 the person for use by the ~~person~~ employer, except when the employer
11 requests the ignition interlock device not be installed. The
12 request shall be in writing and notarized on the official letterhead
13 of the employer and provided by the ~~employer~~ person to the
14 Department; provided, a request shall not be accepted by the
15 Department under the following circumstances:

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

19 2. When the person is employed by a relative who either is
20 within the first degree of consanguinity or who resides in the same
21 household; or

22 3. When the person has had a prior revocation pursuant to
23 paragraph 2 of subsection A of Section 6-205 of this title or to
24 Section 753 or 754 of this title.

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

3 C. Upon the issuance of a modification order pursuant to this
4 section, Section 10 of this act, or under the provisions of
5 paragraph 1, 2, or 3 of subsection A or paragraph 1, 2, or 3 of
6 subsection B of Section 6-205.1 of this title, for a violation of
7 this title, the person shall pay a modification fee of One Hundred
8 Seventy-five Dollars (\$175.00) to the Department. For each
9 modification fee collected pursuant to the provisions of this
10 subsection, One Hundred Dollars (\$100.00) shall be remitted to the
11 State Treasurer to be credited to the General Revenue Fund in the
12 State Treasury and Seventy-five Dollars (\$75.00) shall be remitted
13 to the State Treasurer to be credited to the Department of Public
14 Safety Restricted Revolving Fund. All monies accruing to the credit
15 of the Department of Public Safety Restricted Revolving Fund from
16 modification fees shall be budgeted and expended solely for the
17 purpose of administering the provisions of this section and Section
18 10 of this act.

19 D. The Board of Tests for Alcohol and Drug Influence shall
20 promulgate such rules as are necessary to implement and administer
21 the provisions of this subsection relating to ignition interlock
22 devices and the providers of such devices.

1 SECTION 10. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 754.2 of Title 47, unless there
3 is created a duplication in numbering, reads as follows:

4 The district court shall modify, upon request, the revocation or
5 denial occurring pursuant to Section 753 or 754 of this title. The
6 district court shall enter a written order directing the Department
7 of Public Safety to allow driving, subject to the limitations of
8 Section 6-205.1 of Title 47 of the Oklahoma Statutes and the
9 requirement of an ignition interlock device as provided in Section
10 754.1 of Title 47 of the Oklahoma Statutes; provided, any
11 modification under this paragraph shall apply to Class D driver
12 licenses only.

13 SECTION 11. This act shall become effective November 1, 2019.

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