

An Act

ENROLLED HOUSE
BILL NO. 1806

By: Banz and Loring of the
House

and

Justice of the Senate

An Act relating to driving under the influence; amending 47 O.S. 2011, Section 753, which relates to blood or breath test refusals; authorizing search warrant requests under certain circumstances; requiring reinstatement of driving privileges under certain circumstances; and providing an effective date.

SUBJECT: Driving under the influence

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

SECTION 1. AMENDATORY 47 O.S. 2011, Section 753, is amended to read as follows:

Section 753. A. If a conscious person under arrest refuses to submit to testing of his or her blood or breath for the purpose of determining the alcohol concentration thereof, or to a test of his or her blood, saliva or urine for the purpose of determining the presence or concentration of any other intoxicating substance, or the combined influence of alcohol and any other intoxicating substance, none shall be given, except upon the issuance of a search warrant or unless the investigating officer has probable cause to believe that the person under arrest, while intoxicated, has operated the motor vehicle in such a manner as to have caused the death or serious physical injury of any other person or persons. In such event, such test otherwise authorized by law may be made in the same manner as if a search warrant had been issued for such test or tests. The sample shall be taken in a medically acceptable manner

~~at a hospital or other suitable health care facility as authorized~~ by Section 752 of this title. The Commissioner of Public Safety, upon the receipt of a sworn report of the law enforcement officer that the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle upon the public roads, highways, streets, turnpikes or other public place of this state while under the influence of alcohol, any other intoxicating substance, or the combined influence of alcohol and any other intoxicating substance and that the person had refused to submit to the test or tests, shall revoke the license to drive and any nonresident operating privilege for a period as provided by Section 6-205.1 of this title. If the person is a resident or a nonresident without a license or permit to operate a motor vehicle in this state, the Commissioner of Public Safety shall deny to the person the issuance of a license or permit for a period as provided by Section 6-205.1 of this title subject to a review as provided in Section 754 of this title. The revocation or denial shall become effective thirty (30) days after the arrested person is given written notice thereof by the officer or by the Department as provided in Section 754 of this title.

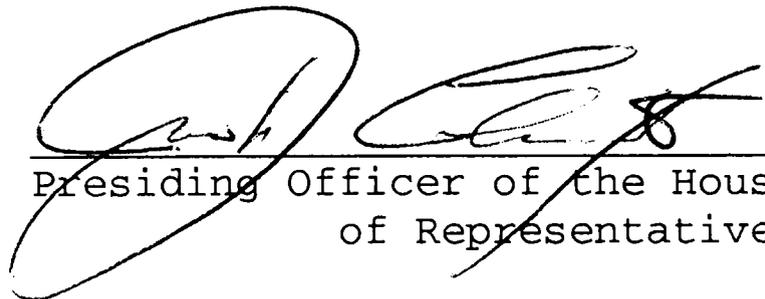
B. The Department shall immediately reinstate the driving privilege of the person if:

1. The arrested person was required to submit to the testing of his or her blood or breath pursuant to the provisions of a search warrant despite his or her refusal to submit to testing; and

2. The Department receives a written blood or breath test report that reflects the arrested person did not have any measurable quantity of alcohol, any other intoxicating substance, or the combination of alcohol and any other intoxicating substance in the arrested person's blood or breath.

SECTION 2. This act shall become effective November 1, 2015.

Passed the House of Representatives the 16th day of February, 2015.


Presiding Officer of the House
of Representatives

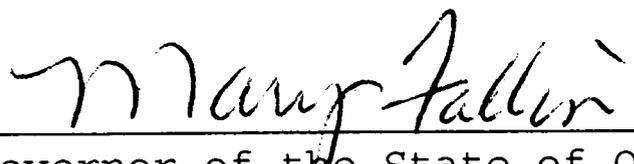
Passed the Senate the 15th day of April, 2015.


Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 16th
day of April, 20 15, at 2:55 o'clock P M.
By: Audrey Kettwell

Approved by the Governor of the State of Oklahoma this 21st
day of April, 20 15, at 2:01 o'clock P M.


Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 21st
day of April, 20 15, at 3:19 o'clock P. M.
By: Ch. Benz