



## SENATE BILL 366 AN UPDATE FOR LAW ENFORCEMENT



Senate Bill 366 was passed by the 59<sup>th</sup> Session of the Oklahoma Legislature in 2022 and signed by Governor Stitt. The effective date of the Act is November 1, 2022. SB 366 contains a minor number of changes impacting impaired driving cases. These changes impact the civil procedure of impaired driving cases. The changes are outlined below from those perspectives.

### ENFORCEMENT

1. Law enforcement officers are no longer obligated to serve notice to the individual arrested for impaired driving. This will place the duty of serving notice on the state's licensing authority. The affidavit has been retitled to "Officer's Impaired Driving Affidavit". Section 3 on the affidavit has been updated to remove the serving officer signature and other details revolving around serving of notice. With these changes, Operators must ensure that the affidavit is being submitted to the state. No action will be taken against a driver's driving privileges unless an affidavit is received. No action will be taken by the state if an affidavit is received after 180 days from the date of arrest.
  - a. An example of the new affidavit is included with this training bulletin.
  - b. The amended Handwritten Affidavit is also included with this training bulletin.
  - c. Instruments will begin to receive the updated forms, continue to conduct business as trained when encountering an instrument that has not yet received the update.
2. A Bill was passed this legislative session to transfer driver licensing authority from the Department of Public Safety to Service Oklahoma, a division of Oklahoma Management Enterprise Services (OMES). There are no changes to report. All affidavits may continue to be mailed to:
  - a. Records Division P.O. Box 11415 OKC, OK 73136; or
  - b. Emailed in PDF format to [DUAffidavits@dps.ok.gov](mailto:DUAffidavits@dps.ok.gov). Each affidavit must be attached to a separate email.
3. The transition to a new licensing authority has resulted in the necessity to produce a new Implied Consent Advisory Notice. The operator will no longer need to notify the arrestee of IDAP. The new advisory is included with this training bulletin and will also be hosted on the BOT website.

### CONCLUSION

This Update is the combined effort of the Department of Public Safety and the Board of Tests for Alcohol and Drug Influence. Please direct any questions raised by the Update to Josh Smith ([joshua.smith@bot.ok.gov](mailto:joshua.smith@bot.ok.gov)), David Cravens ([david.cravens@bot.ok.gov](mailto:david.cravens@bot.ok.gov)), or Kevin Behrens ([kevin.behrens@dps.ok.gov](mailto:kevin.behrens@dps.ok.gov)).