



OKLAHOMA
Board of Tests for
Alcohol and Drug Influence

Impaired Driver Accountability Program (IDAP): Legal Toolkit

TABLE OF CONTENTS

BOT IDAP Facts and Information	Pages 4-5
Contact Information	Page 6
Applying or Requesting Participation in BOT IDAP	Page 7
Enrollment Process	Pages 8-10
Requesting Program Completion	Pages 11-12
Affordability Accommodations	Page 13
Medical Exemptions	Page 14
Employer Vehicle Exceptions	Page 15
Violations	Pages 16-17
Appendix	Page 18

Greetings,

The Board of Tests for Alcohol and Drug Influence (BOT) has made efforts to build a Impaired Driver Accountability Program (BOT IDAP) that protects the public. It also creates an opportunity to educate and demonstrate the ability and willingness to make safer choices when it comes to impaired driving. Through the use of ignition interlock devices (IID) to aid in determining when it is safe to operate a vehicle and record of compliance, the BOT will support a participant's efforts to regain full driving privileges.

The Board has created this toolkit to provide guidance for legal counsel as they work with the BOT to serve their clients.

FACTS ABOUT BOT IDAP

1. BOT IDAP applies to persons arrested on or after November 1, 2022 under the Implied Consent statutes, whose licenses are administratively revoked. BOT IDAP is not applicable to court orders related to ignition interlock requirements imposed in family law cases, criminal cases, or ordered by a Drug/DUI Court for meeting its requirements.
2. Application for participation is required and must be accompanied with the Order of Revocation and/or Disqualification issued by Service Oklahoma via US Mail. The chemical test affidavit does not qualify as the notice or order. Without the Order of Revocation and/or Disqualification, the Board is unable to determine the appropriate program length or determine if/when administrative action has been taken by the state.
3. The arresting officer will no longer serve notice of revocation/disqualification to the driver. Service Oklahoma will issue an Order of Revocation/Disqualification based upon the receipt of the Impaired Driving Affidavit or court conviction.
4. Service Oklahoma will not take action against driving privileges unless it receives a sworn affidavit signed by the arresting officer. Enrolling in BOT IDAP prior to receiving an Order of Revocation will expose your client to non-refundable costs, including ignition interlock service fees, and is not encouraged.
5. Service Oklahoma will send the Order of Revocation and/or Disqualification to the licensee's address on file. To change an address on file, the licensee must appear in person at Service Oklahoma or a Licensed Operator (Tag Agent). Address change requirements may be found at <https://oklahoma.gov/service.html>.
6. The Revocation and/or Disqualification will be effective date will be reported on the Notice and Order of Revocation from Service Oklahoma.
7. Procedures related to appeals of the Order of Revocation and/or Disqualification may be found at 47 O.S. §§ 2-116, 6-205, 6-211.
8. The driver's motor vehicle report (MVR) will reflect a revocation. If commercial driving privileges are affected, a disqualification will also appear on the MVR.
9. Enrollment in BOT IDAP does not grant driving privileges in and of itself. Service Oklahoma must determine if a participant is eligible for restricted driving privileges and if granted will only allow Class D privileges.
10. There is no deadline for enrollment, but please be aware that the commencement date of the program can not start until the revocation is effective and the Board has received all required documentation and program fees, and the enrollment is completed.

FACTS ABOUT THE BOT IDAP (CONT.)

11. Successful completion of BOT IDAP is now a requisite for reinstatement. A licensee can no longer "sit-out" or "wait" the revocation period.

12. Only participants whose driving privileges are revoked pursuant to 47 O.S. §6-205.1(A)(1) are eligible for a medical exemption and such exemption does not grant the individual driving privileges.

Individuals seeking medical exemption must:

(A) submit a pulmonologist's certification indicating the person has a documented medical condition preventing the person from providing a breath sample of at least one and two-tenths (1.2) Liters; and

(B) enroll in IDAP with the exception of an Installation Verification Form; and

(C) not operate, drive, or be in actual physical control of a motor vehicle; and

(D) complete the required program length.

IMPORTANT CONTACT INFORMATION

When you...	Contact...	Phone/Email/URL
... need to locate an approved ignition interlock service provider.	Board of Tests for Alcohol and Drug Influence	405-425-2142 https://oklahoma.gov/bot.html
...have questions about BOT IDAP program length or requirements.	Board of Tests for Alcohol and Drug Influence	405-425-2460 bot@bot.ok.gov
...have questions about interlock violations.	Board of Tests for Alcohol and Drug Influence	405-425-2460 bot@bot.ok.gov
...have technical issues related to the interlock device.	Your ignition interlock service center	https://oklahoma.gov/bot.html
...need to obtain an ADSAC assessment.	Department of Mental Health and Substance Abuse Services	https://oklahoma.gov/odmhsas/treatment/adsac.html
...have questions about reinstatement.	Service Oklahoma	405-522-7000 https://oklahoma.gov/service.html

APPLYING OR REQUESTING PARTICIPATION IN BOT IDAP

1) Apply on the BOT website: https://oklahoma.gov/bot/bot_idap/program-enrollment.html

Or

Apply by US Mail: Form to apply by mail can be found here.

2) Wait for a response from BOT

DISAPPROVAL RESPONSE: Try to resolve issue reported by BOT

or

APPROVAL RESPONSE RECEIVED: Follow steps for the remainder of this guide to complete enrollment with the Board.

Post application and approval, the Board will move forward with the enrollment process and send the participant a BOT IDAP Agreement and a BOT IDAP Enrollment Guide. Your client will need to follow the steps in the guide to complete enrollment but please educate them prior to choosing an ignition interlock device provider. You may refer your client to any approved provider of your recommendation.

ENROLLMENT PROCESS

STEP 1: Install an ignition interlock in your vehicle

Find an approved interlock service provider and get an ignition interlock device scheduled for installation.

- The State of Oklahoma has approved a number of IID Manufacturers and devices.
- Prices, devices, and service center locations vary by Manufacturer.
- It is recommended that you contact each Manufacturer to determine the best fit for your budget and lifestyle.
- A recorded list of Approved Device Manufacturer's corporate toll-free phone numbers can be accessed by calling 405-425-2142. **You may also access our map of service centers licensed throughout the state on our website home page www.oklahoma.gov/bot .**

At the conclusion of the installation, the service provider should issue you an Oklahoma Ignition Interlock Verification Form. RETAIN THIS FORM FOR YOUR RECORDS.

APPROVED INTERLOCK PROVIDERS

1A Smart Start, Inc.(866) 418-6267

1A Lifesafer Interlock, Inc.(800) 743-0373

Alcohol Countermeasures Systems (800) 998-2566

Alcohol Detection Systems(888) 205-1802

A Simple Interlock(844) 432-4775

CST Intoxalock(833) 210-8204

Guardian Interlock Systems(800) 548-3636

RoadGuard Interlock(800) 299-9343

NOTICE: NO INTERLOCK PARTICIPANT IS REQUIRED TO PURCHASE DEVICE INSURANCE, ROADSIDE ASSISTANCE, OR CAR INSURANCE OFFERED BY AN APPROVED INTERLOCK PROVIDER. ANY INTERLOCK PARTICIPANT BEING PRESSURED OR INFORMED THAT THEY ARE REQUIRED TO PURCHASE SUCH INSURANCE OR ASSISTANCE SHOULD STOP COMMUNICATIONS WITH THAT PROVIDER AND CONTACT THE BOARD OF TESTS IGNITION INTERLOCK ADMINISTRATOR.

ENROLLMENT PROCESS CONTD...

STEP 2: Read the IDAP Agreement

FOR ONLINE ENROLLMENT SUBMISSIONS:

Read the IDAP Agreement and contact the Board of Tests with any questions or concerns BEFORE completing your enrollment online. On the BOT IDAP Enrollment Form online, you will need to check the box under “Agreement” **certifying that you have read the IDAP Agreement and understand / agree to the terms and conditions of the program.** **RETAIN THIS FORM** for your records and make a copy if necessary.

FOR ENROLLMENT SUBMISSION VIA U.S. POSTAL SERVICE:

Read the IDAP Agreement and contact the Board of Tests with any questions or concerns before you **sign Page 2.** **RETAIN THIS FORM** and make a copy for your records if you are going to submit your enrollment through US Mail.

ENROLLMENT PROCESS CONTD...

STEP 3: Enrollment Submission

1) ONLINE ENROLLMENT

Use the following link to submit your IDAP enrollment online:

https://oklahoma.gov/bot/bot_idap/program-enrollment/program-enrollment

- a. Check the box under “Agreement” **certifying that you have read the IDAP Agreement and understand / agree to the terms and conditions of the program.**
- b. Fill out the Ignition Interlock section to indicate which interlock company you installed with, as well as the date and city/state of the installation.
- c. Pay the program fee (\$150.00 + online service fee)

-OR-

2) MAILING:

MAIL THE FOLLOWING DOCUMENTATION TO BOT FOR YOUR IDAP ENROLLMENT.

- a. A copy of the Oklahoma Ignition Interlock Verification Form
- b. A copy of the Impaired Driving Accountability Agreement (IDAP Agreement)
- c. A business check/cashiers check/money order in the amount of \$150.00 payable to Board of Tests. (We cannot accept cash.)

**BOARD OF TESTS
ATTN: IDAP ENROLLMENT
PO BOX 36307
OKLAHOMA CITY, OK 73136**

STEP 4:

After receipt and review, the Board will submit a *BOT IDAP Confirmation of Enrollment* to the participant. The Board currently submits the Confirmation of Enrollment to Service Oklahoma on the participant's behalf, unless otherwise informed.

The Confirmation of IDAP Enrollment will inform the participant when the program period starts and when they are eligible to request program completion review.

REQUESTING PROGRAM COMPLETION

Upon reaching the tentative completion date documented on the *BOT IDAP Confirmation of Enrollment*, a participant is eligible to request a review of their program.

Follow the steps below prior to submitting the request to reduce the chances of delay in the reviewing process.

ATTENTION: DO NOT REMOVE THE IGNITION INTERLOCK DEVICE UNTIL THE BOARD HAS ISSUED A CERTIFICATE OF COMPLETION AND YOU HAVE HAD THE RESTRICTION TAKEN OFF YOUR LICENSE BY SERVICE OKLAHOMA.

Removal may cause a failure to meet the program requirements, incur additional fees, and put the participant in jeopardy of driving unlawfully.

STEPS PRIOR TO SUBMITTING A REQUEST

1. Request a Compliance Download Service with the interlock service provider on or after the tentative completion date.
2. After completing the download service, a request may now be submitted for program review utilizing the form on our website https://oklahoma.gov/bot/bot_idap/program-completion.html .
3. The Board will review the request and respond using the reported preferred method of contact. The Board will not conduct a review of the BOT IDAP request for program completion if the participant has not met the tentative completion date.

The review will consist of verifying:

- (1) program date eligibility; and*
- (2) active days of ignition interlock; and*
- (3) program participation; and*
- (4) no interlock violations in the last 90 active days of the required program length.*

REQUESTING PROGRAM COMPLETION (CONT.)

The issuance of the IDAP Certificate of Completion does not reinstate driving privileges. DO NOT REMOVE THE IGNITION INTERLOCK DEVICE UNTIL THE RESTRICTION HAS BEEN REMOVED FROM YOUR LICENSE BY SERVICE OKLAHOMA. It is the participant's responsibility to deliver the BOT IDAP Completion Certificate to Service Oklahoma and any other supporting documentation and fees required to reinstate driving privileges.

AFFORDABILITY ACCOMMODATIONS

Participants applying for affordability status for the purpose of the ignition interlock program shall be deemed to qualify for such status by showing valid proof that the person applying for accommodations is actively receiving benefits from one of the following state or federal public assistance programs listed below:

- i. Temporary Assistance for Needy Families (TANF)
- ii. Supplemental Nutritional Assistance Program (SNAP)

Participants meeting affordability requirements shall receive the following credit that shall be distributed into the participants account by the manufacturer not to exceed a frequency of \$25.00 per thirty (30) days.

(A) \$150.00 maximum credit for a first license revocation pursuant to 47 O.S. § 6-205.1(A)(1); or

(B) \$300.00 maximum credit for a second license revocation pursuant to 47 O.S. § 6-205.1(A)(2); or

(C) \$450.00 maximum credit for a third or subsequent license revocation pursuant to 47 O.S. § 6-205.1(A)(3).

Manufacturers are not allowed to count coupons, rebates, refunds, discounts, or other financial inducements otherwise available to any customer as the credit required for this program.

If a participant does not remain compliant with respect to the IDAP program or device lease fees, they forego his/her affordability eligibility. The manufacturer may inquire with the Board whether the person still meets the affordability accommodations and qualifies for the credit.

APPLYING

The participant must provide the required documentation to the Board. Upon approval, the Board will notify the applicant and manufacturer after completing BOT IDAP enrollment.

Participants denied affordability accommodations may appeal the denial.

MEDICAL EXEMPTIONS

Typically, if an individual is physically capable of driving a motor vehicle, they are capable of operating an IID. The Board of Tests has accommodated the reduction of the required minimum breath volume from 1.5 to 1.2 liters for any participant that makes the request. This is the lowest level of breath volume at which IIDs have been tested by the National Highway Traffic Safety Administration.

A Participant rarely struggles with producing the required volume. They struggle with the anti-circumvention feature of a specific IID. Therefore, it is recommended that a participant test a demonstration unit of the IID they are interested in installing. This will help a participant decide whether they will be able to operate the IID on an ongoing basis. There are many distinct models of IID approved in Oklahoma, which gives a participant a good chance of finding an IID they are comfortable with operating. Historically, the Board has had numerous IID participants with diminished lung capacity, amputations, traumatic brain injuries, and other limitations, complete IID requirements in the State of Oklahoma.

STATUTORY LIMITATIONS

Only participants whose driving privileges are suspended pursuant to 47 O.S. §6-205.1(A)(1) are eligible for a medical exemption and such exemption does not grant the individual driving privileges.

APPLYING

Individuals seeking medical exemption must:

- (A) submit a pulmonologist's certification indicating the person has a documented medical condition preventing the person from providing a breath sample of at least one and two-tenths (1.2) Liters; and
- (B) enroll in IDAP with the exception of an Installation Verification Form; and
- (C) not operate, drive, or be in actual physical control of a motor vehicle; and
- (D) complete the required program length.

Participants denied medical exemption may appeal the denial.

EMPLOYER VEHICLE EXCEPTIONS

Occasionally, a participant may have employment that requires operating a company vehicle. The BOT IDAP program interlock requirement applies to all participant operated vehicles. An employer may request an interlock device not be installed on their owned or leased company vehicle, rentals do not qualify.

STATUTORY LIMITATIONS

Only IDAP Participants subject to first license revocation pursuant to 47 O.S. § 6-205.1(A)(1) are eligible for employer exceptions. Participants granted an employer exception are not relieved of the requirement to install an ignition interlock device on a vehicle as reflected on an Installation Verification Form. Such authorization for exception shall only apply to IDAP participants operating under the course and scope of employment.

APPLYING

Requests shall be in writing and notarized on the official letterhead of the employer and submitted by the employer to the Board; provided, a request shall not be accepted by the Board under the following circumstances:

- (i) When the person is self-employed or owns part or all of the company or corporation, or exercises control over some part of the business which owns or leases the vehicle; or
- (ii) When the person is employed by a relative who is within the first degree of consanguinity or who resides in the same household.

The Board will review the request and maintain an approved copy for agency records in the BOT IDAP participant's file. The Board will submit the approved document back to the employer. BOT IDAP participants shall keep the approved exception on them at all times they are operating the employer vehicle.

Participants denied an employer exception may appeal the denial.

BOT IDAP VIOLATIONS

Typically, a participant will need to return to the IID service center every thirty (30) days. However, when an Ignition Interlock violation occurs the device will begin a five (5) day timer ("grace period") to a permanent lockout status. When the timer expires, the vehicle will no longer have the ability to start. The participant will need to return to the service center prior to the expiration of the grace period to avoid a permanent lockout. A violation and/or lockout will result in additional fees paid to the service center and the state.

Whether as a result of a lockout, or as routine maintenance, all information stored in the IID will be downloaded when your vehicle is returned to the service center for maintenance. Violation triggers are programmed into the device at the time it is certified with the state and all violations are stored in the device logs.

IID VIOLATIONS

Violations, as defined by the Board are:

- Three (3) positive result startup tests within a fifteen (15) minute time frame.
- A circumvention (by-passing the correct operation of an interlock device by starting the vehicle, by any means, without first providing a negative result breath alcohol test or passing a confirmatory test).
- A retest violation. (For purposes of retest violations affecting program completion, three (3) or more retest violations occurring during the last ninety (90) active ignition interlock days shall constitute a reportable violation)
- Tampering (any act or attempt to alter, interfere, disable, defeat or circumvent the installation or operation of the device and/or camera).
- Permanent lockout.

MISCELLANEOUS PROGRAM VIOLATIONS

An additional arrest for DUI/APC prior to completion of the Participant's IDAP, at the date of discovery by the Board, shall be treated as a violation and shall have the same weight as reportable violations found in 40:50-1-3.2 when evaluating the requirements for an IDAP Certificate of Completion.

PROGRAM VIOLATIONS

Participants that are deemed to have failed the program or voluntarily discontinued participation in the program shall receive no credit for time served beginning from

BOT IDAP VIOLATIONS CONTD...

enrollment. Participants that fail the program or choose to discontinue participating in the program are authorized to re-enroll in BOT IDAP. The following actions will result in program failure:

(1) removal of the device from the Program Vehicle and failure to reinstall a device in a substitute Program Vehicle within sixty (60) days; or

(2) medical exemption participants reported or found to be operating a motor vehicle during his/her required program length.

APPENDIX

ADMINISTRATIVE RULES TITLE 40 CHAPTER 50 EFFECTIVE 08/11/2023

<https://rules.ok.gov/code>