



OKLAHOMA
Board of Tests for
Alcohol and Drug Influence

Impaired Driver Accountability Program (IDAP): Legal Toolkit

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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 or will be. 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 a copy of the Order of Revocation and/or Disqualification issued by Service Oklahoma via US Mail. A copy of the Officer's Impaired Driving Affidavit may be submitted if the applicant is trying to enroll within thirty (30) days of arrest for a first-time offense and they possess a valid class D license according to the records of Service Oklahoma.
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. Acting prior to receiving an Order of Revocation may 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 effective date will be reported on the Order of Revocation and/or disqualification from Service Oklahoma.
7. Enrollment in BOT IDAP does not grant driving privileges in and of itself. Service Oklahoma is the only entity that can grant driving privileges.
8. Please be aware that the commencement date of the program can be no earlier than the revocation date for arrests prior to 11/01/2024. The Board will not issue any IDAP documentation until all required documentation and program fees have been received, verified, and processed.

FACTS ABOUT THE BOT IDAP (CONT.)

9. Successful completion of BOT IDAP is now a requisite for reinstatement. A motorists can no longer "sit-out" or "wait" for the revocation period to expire.
10. All participants whose driving privileges are revoked pursuant to an impaired driving offense requiring completion of BOT-IDAP are eligible for a medical exemption.

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

BOT IDAP APPLICATION AND ENROLLMENT

1) Apply on the BOT website: www.idap.ok.gov 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 in the guide received to complete enrollment with the Board.

3) Complete the enrollment process and deliver the received *BOT IDAP Confirmation of Enrollment* to Service Oklahoma for lawful driving privileges.

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 www.idap.ok.gov
3. The Board will review the request and respond using the 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

All participants whose driving privileges are revoked or will be revoked pursuant to an impaired driving offense requiring completion of BOT IDAP are eligible to request a medical exemption.

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) deliver Board issued exemption documentation to Service Oklahoma. Driving privileges will not be granted until reinstatement is completed w/ Service Oklahoma.

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 accompanied with vehicle registration under the employer's business name; provided, a request shall not be approved 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; or
- (iii) Failure to provide proper vehicle registration.

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)
- Permanent lockout.
- Power violation. (no power to the device for 72 hours or more)

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. Interlock days served prior to the program failure date are invalid for credit towards re-enrollment. Participants that fail the program or choose to discontinue participating in the program are authorized to re-enroll in BOT IDAP but will not receive credit for interlock activity prior to the program failure date.

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) participants issued a citation for operating a vehicle not equipped with an ignition interlock device by law enforcement after the Board has issued documented warning to the participant that they are unauthorized to do so. Failure to have received the documented warning shall not be a valid argument of defense for administrative appeals pursuant to 40:50-3-6.

APPENDIX

ADMINISTRATIVE RULES TITLE 40 CHAPTER 50

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