



**STATE OF OKLAHOMA
BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE**

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www.bot.ok.gov

Dr. Kenneth Blick
Chairman

Kevin Behrens
Director

TRAINING BULLETIN

January 14, 2015

To: All Law Enforcement
From: Kevin Behrens, Director
Re: Refusal Affidavits

The Department of Public Safety has reported that it continues to receive a number of refusal affidavits containing language that has been ruled inadequate by the Oklahoma Court of Civil Appeals. An updated form has been created that should be used instead. A fillable pdf copy of the updated form is on the Board's website at www.ok.gov/bot. Additionally, a blank copy of the updated form is attached to this bulletin.

- Affidavits containing the following language in Section 1 should not be submitted to the Department of Public Safety.

“On the above date, time, and location, the above named person was arrested in accordance with Title 47 Section 751A.”

Please discard any blank affidavits with the above quoted language in Section 1. Also, delete any computer files with these blank forms to avoid accidental use.

- Only affidavits containing the following language in Section 1 should be submitted to the Department of Public Safety.

“On the above date, time and location the above named person was arrested, and I had reasonable grounds to believe the person was driving or in actual physical control of a motor vehicle upon a public road, highway, street, turnpike, public parking lot, or other public place, or upon a private road, street, alley or lane which provides access to one or more single or multi-family dwelling within this state while under the influence of alcohol and/or other intoxicating substances as prohibited by law.”

Thank you for your attention to this matter. Should any questions or concerns arise, please do not hesitate to contact the Board of Tests for Alcohol and Drug Influence.

OFFICER'S AFFIDAVIT AND NOTICE OF REVOCATION/DISQUALIFICATION

Section 1

ARREST DATE		ARREST TIME		COUNTY #	CITY #	CITATION #				
ARREST LOCATION					CITY		COUNTY			
SUBJECT NAME				DATE OF BIRTH		SEX	RACE	HEIGHT	WEIGHT	
ADDRESS				CITY		STATE		ZIP CODE		
DRIVER LICENSE #			EXPIRATION DATE		STATE	CLASS	RESTRICTIONS	ENDORSEMENTS		
VEHICLE MAKE		MODEL			TAG #		STATE	CMV	PLACARD	

On the above date, time, and location, the above named person was arrested, and I had reasonable grounds to believe the person was driving or in actual physical control of a motor vehicle upon a public road, highway, street, turnpike, public parking lot, or other public place, or upon a private road, street, alley or lane which provides access to one or more single or multi-family dwelling within this state while under the influence of alcohol and/or other intoxicating substances as prohibited by law.

(Describe driving behavior or circumstances):

Describe person's condition (odor, actions, etc.):

THE PERSON WAS INFORMED OF THE IMPLIED CONSENT TEST REQUEST

REFUSED TEST Whereupon the person refused the requested test(s) by stating or doing the following:

Section 2

IF a TEMPORARY LICENSE is issued - Anyone using this form thirty (30) days after issuance may be driving under suspension. All law enforcement officers may determine if the holder is driving under suspension by requesting a Driver's License status through OLETS. This receipt and permit is issued to individuals who have refused to take a breath or blood test to determine Alcohol Content and the results indicated a Breath Alcohol Content as specified under the Implied Consent Law and Title 47, 11-902, and/or 11-906.4.

I have been informed of the
Implied Consent Test Request
and refuse the state's test:



SIGNATURE OF ARRESTEE

(if the person refuses to sign so state here)

Receipt for Driver License and Temporary Driving Permit

If person named in section 1 has a valid Driver License in his/her possession the arresting officer shall seize it and issue this form as a temporary permit good for thirty (30) days from the date issued in section 4.

EFFECTIVE THIRTY (30) DAYS FROM DATE SERVED. Notice of Revocation is given that your driver's license is revoked or denied for a period of one hundred eighty (180) days or more, if you refused or failed the state's test(s). In addition, your commercial driving privilege in this state will be disqualified if you refused or failed the state's tests (operating a CMV or CDL holder) OR a test result of .04 or more while operating a commercial motor vehicle. To appeal the drivers license revocation/disqualification, the Department of Public Safety must receive your written request for an Administrative Hearing **within fifteen (15) days from the date you received notice of revocation or disqualification.** Submit your **written** request in person at 3600 N. MLK Ave. or by mail to Legal Division, Department of Public Safety, P.O. Box 11415, OKC, OK, 73136

Section 3

SERVING OF NOTICE: A copy of this form containing the Notice of Revocation was hand-delivered to the person named in Section 1 above ON THE DATE INDICATED IN SECTION 4.

In accordance with Title 12 O.S. Section 426, "I state under penalty of perjury under the laws of Oklahoma that the foregoing is true and correct,"

Section 4

Date: _____ Signature of arresting officer: _____

Place (location when signed): _____

NAME (PRINT)		AGENCY		
BADGE	AGENCY ADDRESS	ZIP CODE	PHONE	

OTHER WITNESSES:

Section 5

A Name: _____ Title _____ Address: _____ Phone _____
 B Name: _____ Title _____ Address: _____ Phone _____

Temporary License Issued:
YES **NO**

MAKE NECESSARY COPIES - SEND THE ORIGINAL TO DPS LEGAL DIVISION

BOT Form AFF03 09/2009