

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 1089

By: Snyder of the Senate

and

Vaughn (Ray) of the House

COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; amending 47 O.S. 1991, Section 10-102, as amended by Section 5, Chapter 382, O.S.L. 1992 (47 O.S. Supp. 1993, Section 10-102), which relates to leaving the scene of nonfatal accident; increasing penalty for leaving scene of nonfatal accident; prohibiting drag racing; providing penalties; defining terms; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 10-102, as amended by Section 5, Chapter 382, O.S.L. 1992 (47 O.S. Supp. 1993, Section 10-102), is amended to read as follows:

Section 10-102. A. The driver of any vehicle involved in an accident resulting in a nonfatal injury to any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of Section 10-104 of this title. Every such stop shall be made without obstructing traffic more than is necessary.

B. Any person willfully, maliciously, or feloniously failing to stop to avoid detection or prosecution or to comply with said requirements under such circumstances, shall upon conviction be guilty of a felony punishable by imprisonment for not less than ~~ten (10) days~~ one (1) year nor more than ~~two (2) five (5) years~~,

~~or and by a fine of not less than Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment Two Thousand Five Hundred Dollars (\$2,500.00).~~

C. The Commissioner of Public Safety shall revoke the license or permit to drive and any nonresident operating privilege of the person so convicted.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 11-903.1 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. 1. Any person who drives any vehicle on any public roadway in any race, drag race, speed competition or contest involving an exhibition of speed, except as provided in Section 1148 of Title 47 of the Oklahoma Statutes, may be charged with a violation of this subsection as follows:

- a. Any person who is convicted of a violation of the provisions of this subsection shall be deemed guilty of a misdemeanor for the first offense and shall be punished by imprisonment in the county jail up to ninety (90) days, and a fine of not more than Five Hundred Dollars (\$500.00), and
- b. Any person who is convicted of a second or subsequent violation of the provisions of this subsection shall be deemed guilty of a misdemeanor and shall be punished by imprisonment in the county jail for up to one (1) year, and a fine of not more than One Thousand Dollars (\$1,000).

2. As used in this subsection, "racing" or "drag racing" means the operation of two or more vehicles from a certain point, side by side at accelerating speeds in a competitive attempt to out-distance each other, or the operation of two or more vehicles at different times over a selected course for the purpose of comparing the speed, endurance or acceleration of such vehicles.

B. 1. Any person who causes an accident resulting in death or great bodily injury to any person other than himself while driving or operating a motor vehicle in this state and who is in violation of the provisions of subsection A of this section may be

charged with a violation of the provisions of this subsection. Any person who is convicted of a violation of the provisions of this subsection shall be deemed guilty of a felony punishable by imprisonment in the State Penitentiary for not less than two (2) years and not more than five (5) years, and a fine of not more than Five Thousand Dollars (\$5,000.00).

2. As used in this subsection, "great bodily injury" means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

SECTION 3. This act shall become effective July 1, 1994.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

44-2-9461

SD