

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

CONFERENCE COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
HOUSE BILL NO. 1920

By: Culver, Adair and Eddins of  
the House

and

Rozell of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; amending 47 O.S. 1991, Section 6-205, as last amended by Section 1, Chapter 293, O.S.L. 1998 (47 O.S. Supp. 1999, Section 6-205), which relates to mandatory revocation of driving privileges; requiring revocation upon conviction of charge of aggressive driving; amending 47 O.S. 1991, Section 11-901, which relates to reckless driving; prohibiting aggressive driving; stating conduct which constitutes aggressive driving; setting penalties; requiring attendance of driver improvement or defensive driving course upon aggressive driving conviction; amending 47 O.S. 1991, Section 11-903, which relates to negligent homicide; stating penalty for negligent homicide committed as a result of aggressive driving; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 6-205, as last amended by Section 1, Chapter 293, O.S.L. 1998 (47 O.S. Supp. 1999, Section 6-205), is amended to read as follows:

Section 6-205. A. The Department of Public Safety shall immediately revoke the driver license or driving privilege of any person, whether adult or juvenile, upon receiving a record of conviction in any municipal, state or federal court within the United States of any of the following offenses, when such conviction has become final:

1. Manslaughter or negligent homicide resulting from the operation of a motor vehicle;

2. Driving or being in actual physical control of a motor vehicle while under the influence of alcohol, any other intoxicating substance, or the combined influence of alcohol and any other intoxicating substance, or any violation of Section 6-106.4 of this title. However, the Department shall not additionally revoke a license pursuant to this subsection if the person's driving privilege has been revoked because of a test result or test refusal pursuant to Section 753 or 754 of this title arising from the same circumstances which resulted in the conviction;

3. Any felony during the commission of which a motor vehicle is used;

4. Failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;

5. Perjury or the making of a false affidavit or statement under oath to the Department under the Uniform Vehicle Code, Section 1-101 et seq. of this title, or under any other law relating to the ownership or operation of motor vehicles;

6. A misdemeanor or felony conviction for unlawfully possessing, distributing, dispensing, manufacturing or trafficking in a controlled dangerous substance as defined in the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of Title 63 of the Oklahoma Statutes;

7. Failure to pay for gasoline pumped into a vehicle pursuant to Section 1740 of Title 21 of the Oklahoma Statutes; ~~or~~

8. A conviction for a violation of paragraph 3 of subsection A of Section 1151 of this title;

9. A second or subsequent conviction for aggressive driving pursuant to paragraph 2 of subsection B of Section 11-901 of this title; or

10. A conviction for aggressive driving pursuant to paragraph 3 of Section 11-901 of this title.

B. The first license revocation under ~~any provision of this section, except for~~ paragraph ~~2, 6, 7 or 8~~ 1, 3, 4, 5 or 10 of subsection A of this section, shall be for a period of one (1) year. Such period shall not be modified.

C. A license revocation under ~~any provision of this section, except for~~ paragraph ~~2, 6, 7 or 8~~ 1, 3, 4, 5 or 10 of subsection A of this section, shall be for a period of three (3) years if a prior revocation under this section, except under paragraph 2 of subsection A of this section, commenced within the preceding five-year period as shown by the Department's record. Such period shall not be modified.

D. The period of license revocation under paragraph 2 or 6 of subsection A of this section shall be governed by the provisions of Section 6-205.1 of this title.

E. The first license revocation under paragraph 7 ~~or~~, 8 or 9 of subsection A of this section shall be for a period of six (6) months. A second or subsequent license revocation under paragraph 7 ~~or~~, 8 or 9 of subsection A of this section shall be for a period of one (1) year. Such periods shall not be modified.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 11-901, is amended to read as follows:

Section 11-901. ~~(a)~~ A. 1. It shall be deemed reckless driving for any person to drive a motor vehicle in a careless or wanton manner without regard for the safety of persons or property or in violation of the conditions outlined in Section 11-801 of this title.

~~(b)~~ 2. Every person convicted of reckless driving shall be punished:

- a. upon a first conviction by imprisonment for a period of not less than five (5) days nor more than ninety (90) days, or by fine of not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars

(\$500.00), or by both such fine and imprisonment; ~~or,~~  
or

- b. upon a second or subsequent conviction punishment shall be imprisonment for not less than ten (10) days nor more than six (6) months or by 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.

B. 1. It shall be deemed aggressive driving for any person to engage in reckless driving, pursuant to subsection A of this section, in combination with two or more of the following moving traffic violations occurring within one (1) mile of each other:

- a. unsafe lane change, improper use of lane, or failure to keep in proper lane,
- b. following a vehicle too closely,
- c. failure to stop or yield the right-of-way, or
- d. any other hazardous moving violation.

2. Every person convicted of aggressive driving shall be punished:

- a. upon a first conviction, by imprisonment for a period of not less than ten (10) days nor more than six (6) months, or by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), or by both such fine and imprisonment, or
- b. upon a second or subsequent conviction, punishment shall be imprisonment for not less than fifteen (15) days nor more than nine (9) months or 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.

3. Every person convicted of aggressive driving and who is involved in or causes a collision in the same incident which results in personal injury to any other person shall be:

a. upon a first offense, guilty of a misdemeanor and shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment, or

b. upon a second or subsequent conviction, guilty of a felony and shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Two Thousand Five Hundred Dollars (\$2,500.00) or by imprisonment for not less than one (1) year nor more than three (3) years, or by both such fine and imprisonment.

4. In addition to any other penalty prescribed by law, a person convicted of a violation of this section shall attend and successfully complete an approved driver improvement or defensive driving course which is designed to improve the safety and habits of drivers.

SECTION 3. AMENDATORY 47 O.S. 1991, Section 11-903, is amended to read as follows:

Section 11-903. ~~(a)~~ A. When the death of any person ensues within one (1) year as a proximate result of injury received by the driving of any vehicle by any person sixteen (16) years of age or older in reckless disregard of the safety of others, the person so operating such vehicle shall be guilty of negligent homicide.

~~(b)~~ B. Any person convicted of negligent homicide shall be punished by imprisonment in the county jail for not more than one (1) year or by fine of not less than One Hundred Dollars (\$100.00)

nor more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

C. Any person convicted of negligent homicide, when the death of the person resulted from an offense of aggressive driving, shall be guilty of a felony, punishable by imprisonment in the custody of the Department of Corrections for not less than one (1) years nor more than five (5) years or by a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

~~(e)~~ D. The Commissioner of Public Safety shall revoke the license or permit to drive and any nonresident operating privilege of any person convicted of negligent homicide.

SECTION 4. This act shall become effective November 1, 2000.

47-2-9267            LAC            6/11/15