

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

SENATE BILL 856

By: Rozell

AS INTRODUCED

An Act relating to motor vehicles; defining crime of aggressive driving; setting parameters of aggressive driving; providing for penalties; providing for codification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 901.1 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. A person commits the crime of aggressive driving if both of the following occur while the person is operating a motor vehicle during a single, continuous period of driving:

1. The person's driving is an immediate hazard to any other person or vehicle; and

2. The person commits a violation of Section 11-801 of Title 47 of the Oklahoma Statutes and one or more of the following violations:

a. failure to obey an official traffic-control device as provided in Section 11-201, 11-202, 11-204, 11-307, 11-311, 11-701, 11-703, 11-705, or 11-705.1 of Title 47 of the Oklahoma Statutes,

b. overtaking and passing another vehicle on the right by driving off the pavement or main traveled portion of the roadway as provided in Section 11-304 of Title 47 of the Oklahoma Statutes,

- c. unsafe lane change, improper use of lane, or failure to keep in proper lane as provided in Section 11-309 of Title 47 of the Oklahoma Statutes,
- d. following a vehicle too closely as provided in Section 11-310 of Title 47 of the Oklahoma Statutes, or
- e. failure to stop or to yield the right-of-way as provided in Section 11-401, 11-402, 11-403, 11-404, 11-405, 11-406, 11-701, or 11-704 of Title 47 of the Oklahoma Statutes.

B. 1. A person convicted of a violation of subsection A of this section shall be guilty of a misdemeanor, punishable by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not more than ten (10) days, or by both such fine and imprisonment. The court convicting the person may recommend to the Department of Public Safety the revocation of the convicted person's driving privilege for up to six (6) months. Upon receipt of the recommendation of revocation from the court, the Department shall revoke the person's driving privilege for the period recommended by the court. Such period of revocation shall not be subject to modification.

2. Upon a second or subsequent conviction of a violation of subsection A of this section when a previous conviction of a violation of subsection A of this section occurred within the immediately preceding twenty-four (24) months, the Department of Public Safety shall revoke the driving privilege of the person for one (1) year. Such period of revocation shall not be subject to modification.

C. A person convicted of a violation of subsection A of this section and who is involved in or causes a collision in the same incident which results in personal injury to any other person shall be guilty of:

1. A misdemeanor for the first offense and shall be punished by a fine of not 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

2. A felony, for a second or subsequent conviction, and shall be punished by a fine of not more than Five Thousand Dollars (\$5,000.00) or by imprisonment in a state correctional institution for not less than one (1) year and not more than five (5) years, or by both such fine and imprisonment.

The Department of Public Safety shall revoke the driving privilege of the person for two (2) years. Such period of revocation shall not be subject to modification.

D. A person convicted of a violation of subsection A of this section and who is involved in or causes a collision in the same incident which results in the death of any other person shall be guilty of manslaughter in the first degree and shall be punished as provided in Section 715 of Title 21 of the Oklahoma Statutes and by a fine of not more than Ten Thousand Dollars (\$10,000.00). The Department of Public Safety shall revoke the person's driving privilege for three (3) years. Such period of revocation shall not be subject to modification.

E. 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 2. 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.