

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1090

6 By: Sherrer

7 COMMITTEE SUBSTITUTE

8 An Act relating to motor vehicles; amending 21 O.S.
9 2001, Section 264, which relates to false personation
10 of peace officers; making certain acts unlawful;
11 providing penalties; providing an exception; amending
12 47 O.S. 2001, Section 1-103, as last amended by
13 Section 6, Chapter 190, O.S.L. 2005 (47 O.S. Supp.
14 2006, Section 1-103), which relates to authorized
15 emergency vehicle definition; modifying definition;
16 amending 47 O.S. 2001, Sections 17-101, as amended by
17 Section 2, Chapter 387, O.S.L. 2004 and 17-102, as
18 amended by Section 3, Chapter 387, O.S.L. 2004 (47
19 O.S. Supp. 2006, Sections 17-101 and 17-102), which
20 relate to misdemeanor and felony penalties; providing
21 waiver under certain circumstances; and providing an
22 effective date.

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

24 SECTION 1. AMENDATORY 21 O.S. 2001, Section 264, is
amended to read as follows:

Section 264. A. Any person who shall without due authority
exercise or attempt to exercise the functions of or hold himself or
herself out to any one as a deputy sheriff, marshal, policeman
police officer, constable or peace officer, shall ~~be deemed guilty~~

1 ~~of a misdemeanor and, upon conviction thereof, shall be imprisoned~~
2 guilty of a misdemeanor punishable by imprisonment in the county
3 jail for any period not more than one (1) year, to which may be
4 added or by a fine not exceeding One Hundred Dollars (\$100.00)+
5 Provided, However, that, or by both such fine and imprisonment;
6 provided, however, this section shall not be so construed as to
7 prevent private persons from making arrests for felonies or
8 misdemeanors committed in their presence.

9 B. It shall be unlawful for any person to affix on his or her
10 motor vehicle, either temporarily or permanently, any insignia
11 typically used by a law enforcement agency for the purpose of
12 causing any other motor vehicle operator to yield the right-of-way
13 and stop, or which actually causes any other motor vehicle operator
14 to yield the right-of-way and stop, whether intended or not. Any
15 person who violates the provisions of this subsection shall, upon
16 conviction, be guilty of a misdemeanor punishable by imprisonment in
17 the county jail for not more than one (1) year, or by a fine not
18 exceeding One Thousand Dollars (\$1,000.00), or by both such fine and
19 imprisonment. The provisions of this subsection shall not apply to
20 vehicles of any fire department, fire patrol, law enforcement
21 vehicles, ambulances, or other authorized emergency vehicles.

22 SECTION 2. AMENDATORY 47 O.S. 2001, Section 1-103, as
23 last amended by Section 6, Chapter 190, O.S.L. 2005 (47 O.S. Supp.
24 2006, Section 1-103), is amended to read as follows:

1 Section 1-103. A. When equipped as prescribed in subsection B
2 of this section:

3 1. Vehicles of fire departments;

4 2. Ambulances or vehicles specified pursuant to subsection B
5 of Section 1-2512 of Title 63 of the Oklahoma Statutes of licensed
6 ambulance service providers;

7 3. State vehicles of law enforcement agencies;

8 4. County vehicles of sheriffs and full-time commissioned
9 deputies and vehicles designated by the sheriff for support of the
10 sheriff's office including privately owned vehicles driven by the
11 sheriff and full-time, part-time and reserve commissioned deputies;

12 5. Municipal vehicles of police departments;

13 6. Vehicles owned and operated by the United States Marshals
14 Service or the Federal Bureau of Investigation;

15 7. Vehicles of Oklahoma National Guard units designated by the
16 Adjutant General for support to civil authorities; or

17 8. Vehicles owned and operated by any local organization for
18 emergency management as defined by Section 683.3 of Title 63 of the
19 Oklahoma Statutes, are authorized emergency vehicles.

20 B. All vehicles prescribed in subsection A of this section
21 shall be equipped with sirens capable of giving audible signals as
22 required by the provisions of Section 12-218 of this title and
23 flashing red lights as authorized by the provisions of Section 12-
24 218 of this title.

1 SECTION 3. AMENDATORY 47 O.S. 2001, Section 17-101, as
2 amended by Section 2, Chapter 387, O.S.L. 2004 (47 O.S. Supp. 2006,
3 Section 17-101), is amended to read as follows:

4 Section 17-101. A. It is a misdemeanor for any person to
5 violate any of the provisions of this title unless such violation is
6 by this title or other law of this state declared to be a felony.

7 B. 1. Every person convicted of a misdemeanor for a violation
8 of any of the provisions of Sections 10-101 through 14-121 or
9 Sections 16-101 through 16-114 of this title for which another
10 penalty is not provided shall upon conviction thereof be punished by
11 a fine of not less than Five Dollars (\$5.00) nor more than Five
12 Hundred Dollars (\$500.00) or by imprisonment for not more than ten
13 (10) days; for a second such conviction within one (1) year after
14 the first conviction by imprisonment for not more than twenty (20)
15 days; upon a third or subsequent conviction within one (1) year
16 after the first conviction by imprisonment for not more than six (6)
17 months, or by both such fine and imprisonment.

18 2. Any person violating the provisions of Sections 10-101
19 through 14-121 or Sections 16-101 through 16-114 of this title,
20 where a jail sentence is not mandatory may, in the discretion of the
21 district attorney wherein the offense occurred, be permitted to
22 enter a plea of guilty by written statement by the person charged to
23 be presented to the court wherein the case is filed. A remittance
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1 covering the fine and costs may be considered and received with the
2 same force and effect as a written plea of guilty.

3 C. Unless another penalty is in this title or by the laws of
4 this state provided, every person convicted of a misdemeanor for the
5 violation of any other provision of this title shall be punished by
6 a fine of not less than Five Dollars (\$5.00) nor more than Five
7 Hundred Dollars (\$500.00), or by imprisonment for not more than six
8 (6) months, or by both such fine and imprisonment.

9 D. Provided, however, notwithstanding any provision of law to
10 the contrary, any offense, including traffic offenses, in violation
11 of any of the provisions of this title which is not otherwise
12 punishable by a term of imprisonment or confinement shall be
13 punishable by a term of imprisonment not to exceed one day in the
14 discretion of the court, in addition to any fine prescribed by law.

15 E. The conviction of any person, as prescribed in this section,
16 when the offense occurred during a period when the driving
17 privileges of the person were under suspension, revocation,
18 cancellation, denial, or disqualification or the person had not been
19 granted driving privileges by Oklahoma or any other state, shall
20 result in the doubling of the appropriate fine, as provided for in
21 subsections B and C of this section, and the doubling of all court
22 costs and all fees collected by the court on behalf of any other
23 entity, unless waived by the court.

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1 F. One-half (1/2) of any fine collected pursuant to the
2 provisions of subsection E of this section, shall be deposited to
3 the Trauma Care Assistance Revolving Fund created in Section 1-2522
4 of Title 63 of the Oklahoma Statutes.

5 SECTION 4. AMENDATORY 47 O.S. 2001, Section 17-102, as
6 amended by Section 3, Chapter 387, O.S.L. 2004 (47 O.S. Supp. 2006,
7 Section 17-102), is amended to read as follows:

8 Section 17-102. A. Any person who is convicted of a violation
9 of any of the provisions of the Uniform Vehicle Code declared by the
10 Code or by other laws of this state to constitute a felony shall be
11 guilty of a felony and shall be punished by imprisonment for not
12 less than one (1) year nor more than five (5) years, or by a fine of
13 not less than Five Hundred Dollars (\$500.00) nor more than Five
14 Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

15 B. The conviction of any person, as prescribed in this section,
16 when the offense occurred during a period when the driving
17 privileges of the person were under suspension, revocation,
18 cancellation, denial, or disqualification or the person had not been
19 granted driving privileges by Oklahoma or any other state, shall
20 result in the doubling of the appropriate fine, as provided for in
21 subsection A of this section, and the doubling of all court costs
22 and all fees collected by the court on behalf of any other entity,
23 unless waived by the court.

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1 C. One-half (1/2) of any fine collected pursuant to the
2 provisions of subsection B of this section, shall be deposited to
3 the Trauma Care Assistance Revolving Fund created in Section 1-2522
4 of Title 63 of the Oklahoma Statutes.

5 SECTION 5. This act shall become effective November 1, 2007.

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7 51-1-7444 SD 03/01/07

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