

1 ENGROSSED SENATE  
2 BILL NO. 1599

By: Leftwich of the Senate

3 and

4 Morrissette of the House

5  
6  
7 [ motor vehicles - accidents while disqualified to  
8 operate vehicle - penalties - codification -  
9 effective date -

10 emergency ]

11  
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 47 O.S. 2001, Section 6-303, as  
14 last amended by Section 13, Chapter 326, O.S.L. 2007 (47 O.S. Supp.  
15 2007, Section 6-303), is amended to read as follows:

16 Section 6-303. A. No person shall operate a motor vehicle upon  
17 the public roads, streets, highways, turnpikes or other public place  
18 of this state without having a valid driver license for the class of  
19 vehicle being operated from the Department of Public Safety, except  
20 as herein specifically exempted.

21 Any violation of the provisions of this subsection shall  
22 constitute a misdemeanor and shall be punishable by a fine of not  
23 less than Fifty Dollars (\$50.00) nor more than Three Hundred Dollars

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1 (\$300.00) plus costs or by imprisonment for not more than thirty  
2 (30) days, or by both such fine and imprisonment.

3 Any person charged with violating this section who produces in  
4 court, on or before the court date, a renewal or replacement driver  
5 license issued to him or her shall be entitled to dismissal of such  
6 charge without payment of court costs and fine.

7 B. ~~Any~~ Except as provided in Section 4 of this act, any person  
8 who drives a motor vehicle on any public roads, streets, highways,  
9 turnpikes or other public place of this state at a time when the  
10 person's privilege to do so is canceled, denied, suspended or  
11 revoked or at a time when the person is disqualified from so doing  
12 shall be guilty of a misdemeanor and upon conviction shall be  
13 punished by a fine:

14 1. For a first conviction, of not less than One Hundred Dollars  
15 (\$100.00) and not more than Five Hundred Dollars (\$500.00);

16 2. For a second conviction, of not less than Two Hundred  
17 Dollars (\$200.00) and not more than Seven Hundred Fifty Dollars  
18 (\$750.00); or

19 3. For a third and subsequent conviction, of not less than  
20 Three Hundred Dollars (\$300.00) and not more than One Thousand  
21 Dollars (\$1,000.00),  
22 or by imprisonment for not more than one (1) year or by both such  
23 fine and imprisonment. Each act of driving on the highways as  
24 prohibited shall constitute a separate offense.

1 C. ~~Any~~ Except as provided in Section 4 of this act, any person  
2 who drives a motor vehicle on any public roads, streets, highways,  
3 turnpikes or other public roads of this state at a time when the  
4 driving privilege of that person is canceled, denied, suspended or  
5 revoked, pursuant to paragraph 1 of subsection A of Section 6-205.1  
6 of this title, shall be guilty of a misdemeanor and upon conviction  
7 shall be punished by a fine:

8 1. For a first conviction, of not less than Five Hundred  
9 Dollars (\$500.00) and not more than One Thousand Dollars  
10 (\$1,000.00);

11 2. For a second conviction, of not less than One Thousand  
12 Dollars (\$1,000.00) and not more than Two Thousand Dollars  
13 (\$2,000.00); or

14 3. For a third and subsequent conviction, of not less than Two  
15 Thousand Dollars (\$2,000.00) and not more than Five Thousand Dollars  
16 (\$5,000.00),

17 or by imprisonment for not more than one (1) year or by both such  
18 fine and imprisonment. Each act of driving on the highways as  
19 prohibited shall constitute a separate offense.

20 D. ~~The~~ Except as provided in subsection F of this section, the  
21 Department upon receiving a record of conviction of an offense  
22 committed by any person whose license or privilege to operate motor  
23 vehicles is under suspension or revocation, shall extend the period  
24 of such suspension or revocation for an additional three-month

1 period of time. The additional orders of suspension or revocation  
2 shall be dated and become effective the day following the date  
3 terminating the prior order of suspension or revocation.

4 E. The Except as provided in subsection F of this section, the  
5 Department upon receiving a record of conviction of an offense  
6 committed by any person whose license or privilege to operate motor  
7 vehicles is under revocation, pursuant to paragraph 1, 2, or 3 of  
8 subsection A of Section 6-205.1 of this title, shall extend the  
9 period of such revocation for an additional four-month period of  
10 time. The additional orders of revocation shall be dated and become  
11 effective the day following the date terminating the prior order of  
12 revocation.

13 F. The Department upon receiving a record of conviction for a  
14 person convicted of an offense specified in Section 4 of this act  
15 shall extend the period of such suspension, revocation or denial of  
16 driving privilege for an additional twelve-month period of time.  
17 The additional orders of suspension, revocation or denial of driving  
18 privilege shall be dated and become effective the day following the  
19 date terminating the prior order of suspension, revocation or denial  
20 of driving privilege.

21 G. It shall be a misdemeanor, punishable by imprisonment for  
22 not less than seven (7) days, nor more than six (6) months or by a  
23 fine of not more than Five Hundred Dollars (\$500.00), or by both  
24 such fine and imprisonment for any person to apply for a renewal or

1 a replacement license to operate a motor vehicle while the person's  
2 license, permit or other evidence of driving privilege is in the  
3 custody of a law enforcement officer or the Department. A notice  
4 regarding this offense and the penalty therefor shall be included on  
5 the same form containing the notice of revocation issued by the  
6 officer.

7 G. H. Any fine collected pursuant to a second or subsequent  
8 conviction as provided for in subsections B and C of this section,  
9 shall be deposited to the Trauma Care Assistance Revolving Fund  
10 created in Section ~~1-2522~~ 1-2530.9 of Title 63 of the Oklahoma  
11 Statutes.

12 SECTION 2. AMENDATORY 47 O.S. 2001, Section 11-903, as  
13 amended by Section 1, Chapter 164, O.S.L. 2005 (47 O.S. Supp. 2007,  
14 Section 11-903), is amended to read as follows:

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

20 B. Any person convicted of negligent homicide shall be punished  
21 by imprisonment in the county jail for not more than one (1) year or  
22 by fine of not less than One Hundred Dollars (\$100.00) nor more than  
23 One Thousand Dollars (\$1,000.00), or by both such fine and  
24 imprisonment.

1 C. The Commissioner of Public Safety shall revoke the license  
2 or permit to drive, and any nonresident operating privilege, of any  
3 person convicted of negligent homicide as provided in Section 6-205  
4 or 6-303 of this title.

5 SECTION 3. AMENDATORY 47 O.S. 2001, Section 11-904, as  
6 amended by Section 13, Chapter 275, O.S.L. 2004 (47 O.S. Supp. 2007,  
7 Section 11-904), is amended to read as follows:

8 Section 11-904. A. Any Except as provided in Section 4 of this  
9 act, any person who is involved in a personal injury accident while  
10 driving or operating a motor vehicle within this state and who is in  
11 violation of the provisions of subsection A of Section 11-902 of  
12 this title may be charged with a violation of the provisions of this  
13 subsection as follows:

14 1. Any person who is convicted of a violation of the provisions  
15 of this subsection shall be deemed guilty of a misdemeanor for the  
16 first offense and shall be punished by imprisonment in the county  
17 jail for not less than ninety (90) days nor more than one (1) year,  
18 and a fine of not more than Two Thousand Five Hundred Dollars  
19 (\$2,500.00); and

20 2. Any person who is convicted of a violation of the provisions  
21 of this subsection after having been previously convicted of a  
22 violation of this subsection or of Section 11-902 of this title  
23 shall be deemed guilty of a felony and shall be punished by  
24 imprisonment in a state correctional institution for not less than

1 one (1) year and not more than five (5) years, and a fine of not  
2 more than Five Thousand Dollars (\$5,000.00).

3 B. 1. ~~Any~~ Except as provided in Section 4 of this act, any  
4 person who causes an accident resulting in great bodily injury to  
5 any person other than himself or herself while driving or operating  
6 a motor vehicle within this state and who is in violation of the  
7 provisions of subsection A of Section 11-902 of this title may be  
8 charged with a violation of the provisions of this subsection. Any  
9 person who is convicted of a violation of the provisions of this  
10 subsection shall be deemed guilty of a felony punishable by  
11 imprisonment in a state correctional institution for not less than  
12 one (1) year and not more than five (5) years, and a fine of not  
13 more than Five Thousand Dollars (\$5,000.00).

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

18 SECTION 4. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 11-905 of Title 47, unless there  
20 is created a duplication in numbering, reads as follows:

21 A. Any person who, while knowingly disqualified to operate a  
22 motor vehicle in this state or while such person knows or should  
23 have known that his or her driver license is canceled, denied,  
24 suspended or revoked, is involved in a personal injury accident may

1 be charged with a violation of the provisions of this subsection.  
2 Any person who is convicted of a violation of the provisions of this  
3 subsection shall be deemed guilty of a misdemeanor and, upon  
4 conviction, shall be punished by imprisonment in the county jail for  
5 a term not more than one (1) year and a fine of not more than Two  
6 Thousand Dollars (\$2,000.00).

7 B. Any person who, while knowingly disqualified to operate a  
8 motor vehicle in this state or while such person knows or should  
9 have known that his or her driver license is canceled, denied,  
10 suspended or revoked, is involved in a personal injury accident and  
11 who is in violation of Section 11-902 of Title 47 of the Oklahoma  
12 Statutes may be charged with a violation of the provisions of this  
13 subsection as follows:

14 1. Any person who is convicted of a violation of the provisions  
15 of this subsection shall be deemed guilty of a felony and, upon  
16 conviction, shall be punished by imprisonment in the custody of the  
17 Department of Corrections for a term not more than three (3) years  
18 and a fine of not more than Two Thousand Five Hundred Dollars  
19 (\$2,500.00); and

20 2. Any person who is convicted of a violation of the provisions  
21 of this subsection after having been previously convicted of a  
22 violation of this subsection shall be deemed guilty of a felony and,  
23 upon conviction, shall be punished by imprisonment in the custody of  
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1 the Department of Corrections for a term not more than five (5)  
2 years and a fine of not more than Five Thousand Dollars (\$5,000.00).

3 C. 1. Any person who, while knowingly disqualified to operate  
4 a motor vehicle in this state or while such person knows or should  
5 have known that his or her driver license is canceled, denied,  
6 suspended or revoked, is involved in an accident resulting in great  
7 bodily injury to any person other than himself or herself and who is  
8 in violation of Section 11-902 of Title 47 of the Oklahoma Statutes  
9 may be charged with a violation of the provisions of this  
10 subsection. Any person who is convicted of a violation of the  
11 provisions of this subsection shall be deemed guilty of a felony  
12 and, upon conviction, shall be punished by imprisonment in the  
13 custody of the Department of Corrections for a term not less than  
14 one (1) year and not more than seven (7) years and a fine of not  
15 more than Five Thousand Dollars (\$5,000.00).

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

20 D. Any person who, while knowingly disqualified to operate a  
21 motor vehicle in this state or while such person knows or should  
22 have known that his or her driver license is canceled, denied,  
23 suspended or revoked, is involved in an accident resulting in the  
24 death of any person within one (1) year as a proximate result of the

1 injury received in such accident may be charged with a violation of  
2 the provisions of this subsection. Any person who is convicted of a  
3 violation of the provisions of this subsection shall be deemed  
4 guilty of a felony and, upon conviction, shall be punished by  
5 imprisonment in the custody of the Department of Corrections for a  
6 term not less than two (2) years and not more than seven (7) years  
7 and a fine of not more than Seven Thousand Dollars (\$7,000.00).

8 SECTION 5. This act shall become effective July 1, 2008.

9 SECTION 6. It being immediately necessary for the preservation  
10 of the public peace, health and safety, an emergency is hereby  
11 declared to exist, by reason whereof this act shall take effect and  
12 be in full force from and after its passage and approval.

13 Passed the Senate the 11th day of March, 2008.

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Presiding Officer of the Senate

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17 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,

18 2008.

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Presiding Officer of the House  
of Representatives

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