

ENROLLED SENATE
BILL NO. 1599

By: Leftwich of the Senate

and

Morrisette and Pittman of
the House

An Act relating to motor vehicles; providing short title; naming certain provision; amending 47 O.S. 2001, Sections 6-303, as last amended by Section 13, Chapter 326, O.S.L. 2007, 11-903, as amended by Section 1, Chapter 164, O.S.L. 2005, 11-904, as amended by Section 13, Chapter 275, O.S.L. 2004 (47 O.S. Supp. 2007, Sections 6-303, 11-903 and 11-904), which relate to driving without license, negligent homicide, personal injury accident while under influence of intoxicating substance; providing extension of revocation period for certain period of time for certain conviction; authorizing revocation of driver license upon certain conviction; providing exception to penalty for certain accident upon driving under suspended license; making language gender neutral; creating crimes for certain personal injury accidents while disqualified to operate vehicle or driving under revocation or suspension; setting penalties; defining term; providing for codification; providing for noncodification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

Section 5 of this act shall be known and may be cited as the "Gaje Jeffrey Florence Act".

SECTION 2. AMENDATORY 47 O.S. 2001, Section 6-303, as last amended by Section 13, Chapter 326, O.S.L. 2007 (47 O.S. Supp. 2007, Section 6-303), is amended to read as follows:

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

Any violation of the provisions of this subsection shall constitute a misdemeanor and shall be punishable by a fine of not less than Fifty Dollars (\$50.00) nor more than Three Hundred Dollars (\$300.00) plus costs or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment.

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

B. ~~Any~~ Except as provided in Section 5 of this act, any person who drives a motor vehicle on any public roads, streets, highways, turnpikes or other public place of this state at a time when the person's privilege to do so is canceled, denied, suspended or revoked or at a time when the person is disqualified from so doing shall be guilty of a misdemeanor and upon conviction shall be punished by a fine:

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

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

3. For a third and subsequent conviction, of not less than Three Hundred Dollars (\$300.00) and not more than One Thousand Dollars (\$1,000.00),

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

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

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

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

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

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

D. The Except as provided in subsection F of this section, the Department upon receiving a record of conviction of an offense committed by any person whose license or privilege to operate motor vehicles is under suspension or revocation, shall extend the period of such suspension or revocation for an additional three-month period of time. The additional orders of suspension or revocation shall be dated and become effective the day following the date terminating the prior order of suspension or revocation.

E. The Except as provided in subsection F of this section, the Department upon receiving a record of conviction of an offense committed by any person whose license or privilege to operate motor vehicles is under revocation, pursuant to paragraph 1, 2, or 3 of

subsection A of Section 6-205.1 of this title, shall extend the period of such revocation for an additional four-month period of time. The additional orders of revocation shall be dated and become effective the day following the date terminating the prior order of revocation.

F. The Department upon receiving a record of conviction for a person convicted of an offense specified in Section 5 of this act shall extend the period of such suspension, revocation or denial of driving privilege for an additional twelve-month period of time. The additional orders of suspension, revocation or denial of driving privilege shall be dated and become effective the day following the date terminating the prior order of suspension, revocation or denial of driving privilege.

G. It shall be a misdemeanor, punishable by imprisonment for not less than seven (7) days, nor more than six (6) months or by a fine of not more than Five Hundred Dollars (\$500.00), or by both such fine and imprisonment for any person to apply for a renewal or a replacement license to operate a motor vehicle while the person's license, permit or other evidence of driving privilege is in the custody of a law enforcement officer or the Department. A notice regarding this offense and the penalty therefor shall be included on the same form containing the notice of revocation issued by the officer.

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

SECTION 3. AMENDATORY 47 O.S. 2001, Section 11-903, as amended by Section 1, Chapter 164, O.S.L. 2005 (47 O.S. Supp. 2007, Section 11-903), is amended to read as follows:

Section 11-903. 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 in reckless disregard of the safety of others, the person so operating such vehicle shall be guilty of negligent homicide.

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. 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 as provided in Section 6-205 or 6-303 of this title.

SECTION 4. AMENDATORY 47 O.S. 2001, Section 11-904, as amended by Section 13, Chapter 275, O.S.L. 2004 (47 O.S. Supp. 2007, Section 11-904), is amended to read as follows:

Section 11-904. A. Any Except as provided in Section 5 of this act, any person who is involved in a personal injury accident while driving or operating a motor vehicle within this state and who is in violation of the provisions of subsection A of Section 11-902 of this title may be charged with a violation of the provisions of this subsection as follows:

1. 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 for not less than ninety (90) days nor more than one (1) year, and a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00); and

2. Any person who is convicted of a violation of the provisions of this subsection after having been previously convicted of a violation of this subsection or of Section 11-902 of this title shall be deemed guilty of a felony and shall be punished by imprisonment in a state correctional institution for not less than one (1) year and not more than five (5) years, and a fine of not more than Five Thousand Dollars (\$5,000.00).

B. 1. Any Except as provided in Section 5 of this act, any person who causes an accident resulting in great bodily injury to any person other than himself or herself while driving or operating a motor vehicle within this state and who is in violation of the provisions of subsection A of Section 11-902 of this title 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 a state correctional institution for not less than one (1) year 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 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 11-905 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. Any person who, while knowingly disqualified to operate a motor vehicle in this state or while such person knows or should have known that his or her driver license is canceled, denied, suspended or revoked, is involved in a personal injury accident 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 misdemeanor and, upon conviction, shall be punished by imprisonment in the county jail for a term not more than one (1) year and a fine of not more than Two Thousand Dollars (\$2,000.00).

B. 1. Any person who, while knowingly disqualified to operate a motor vehicle in this state or while such person knows or should have known that his or her driver license is canceled, denied, suspended or revoked, is involved in an accident resulting in great bodily injury to any person other than himself or herself and who is in violation of Section 11-902 of Title 47 of the Oklahoma Statutes 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 and, upon conviction, shall be punished by imprisonment in the custody of the Department of Corrections for a term not less than one (1) year and not more than seven (7) 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.

C. Any person who, while knowingly disqualified to operate a motor vehicle in this state or while such person knows or should have known that his or her driver license is canceled, denied, suspended or revoked, is involved in an accident resulting in the death of any person within one (1) year as a proximate result of the injury received in such accident 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 and, upon conviction, shall be punished by imprisonment in the custody of the Department of Corrections for a term not less than two (2) years and not more than seven (7) years and a fine of not more than Seven Thousand Dollars (\$7,000.00).

SECTION 6. This act shall become effective July 1, 2008.

SECTION 7. 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.

Passed the Senate the 22nd day of May, 2008.

Presiding Officer of the Senate

Passed the House of Representatives the 23rd day of May, 2008.

Presiding Officer of the House
of Representatives