

THE HOUSE OF REPRESENTATIVES
Tuesday, April 15, 2008

Committee Substitute for
ENGROSSED
Senate Bill No. 1599

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 1599 - By:
LEFTWICH of the Senate and MORRISSETTE of the House.

(Motor vehicles - accidents while disqualified to operate vehicle - penalties -
codification – noncodification - effective date -
emergency)

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

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

3 Section 5 of this act shall be known and may be cited as the “Gaje Jeffrey Florence
4 Act”.

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

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

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

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

8 B. ~~Any~~ Except as provided in Section 5 of this act, any person who drives a motor
9 vehicle on any public roads, streets, highways, turnpikes or other public place of this
10 state at a time when the 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 shall be guilty of a
12 misdemeanor and upon conviction shall be punished by a fine:

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

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

17 3. For a third and subsequent conviction, of not less than Three Hundred Dollars
18 (\$300.00) and not more than One Thousand Dollars (\$1,000.00),
19 or by imprisonment for not more than one (1) year or by both such fine and
20 imprisonment. Each act of driving on the highways as prohibited shall constitute a
21 separate offense.

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

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

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

10 3. For a third and subsequent conviction, of not less than Two Thousand Dollars
11 (\$2,000.00) and not more than Five Thousand Dollars (\$5,000.00),

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

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

21 E. ~~The~~ Except as provided in subsection F of this section, the Department upon
22 receiving a record of conviction of an offense committed by any person whose license or

1 privilege to operate motor vehicles is under revocation, pursuant to paragraph 1, 2, or 3
2 of subsection A of Section 6-205.1 of this title, shall extend the period of such revocation
3 for an additional four-month period of time. The additional orders of revocation shall be
4 dated and become effective the day following the date terminating the prior order of
5 revocation.

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

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

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

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

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

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

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

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

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

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

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

5 2. Any person who is convicted of a violation of the provisions of this subsection
6 after having been previously convicted of a violation of this subsection or of Section 11-
7 902 of this title shall be deemed guilty of a felony and shall be punished by imprisonment
8 in a state correctional institution for not less than one (1) year and not more than five (5)
9 years, and a fine of not more than Five Thousand Dollars (\$5,000.00).

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

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

1 SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma
2 Statutes as Section 11-905 of Title 47, unless there is created a duplication in numbering,
3 reads as follows:

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

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

1 2. As used in this subsection, “great bodily injury” means bodily injury which
2 creates a substantial risk of death or which causes serious, permanent disfigurement or
3 protracted loss or impairment of the function of any bodily member or organ.

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

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

14 SECTION 7. It being immediately necessary for the preservation of the public
15 peace, health and safety, an emergency is hereby declared to exist, by reason whereof
16 this act shall take effect and be in full force from and after its passage and approval.

17 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT AND
18 TRANSPORTATION, dated 04-14-08 - DO PASS, As Amended.