

1 THE STATE SENATE
2 Monday, February 25, 2008

3 Committee Substitute for
4 Senate Bill No. 1599

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

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

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

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

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

19 Any violation of the provisions of this subsection shall
20 constitute a misdemeanor and shall be punishable by a fine of not
21 less than Fifty Dollars (\$50.00) nor more than Three Hundred Dollars
22 (\$300.00) plus costs or by imprisonment for not more than thirty
23 (30) days, or by both such fine and imprisonment.

24 Any person charged with violating this section who produces in
25 court, on or before the court date, a renewal or replacement driver

1 license issued to him or her shall be entitled to dismissal of such
2 charge without payment of court costs and fine.

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

10 1. For a first conviction, of not less than One Hundred Dollars
11 (\$100.00) and not more than Five Hundred Dollars (\$500.00);

12 2. For a second conviction, of not less than Two Hundred
13 Dollars (\$200.00) and not more than Seven Hundred Fifty Dollars
14 (\$750.00); or

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

21 C. ~~Any~~ Except as provided in Section 4 of this act, any person
22 who drives a motor vehicle on any public roads, streets, highways,
23 turnpikes or other public roads of this state at a time when the

1 driving privilege of that person is canceled, denied, suspended or
2 revoked, pursuant to paragraph 1 of subsection A of Section 6-205.1
3 of this title, shall be guilty of a misdemeanor and upon conviction
4 shall be punished by a fine:

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

8 2. For a second conviction, of not less than One Thousand
9 Dollars (\$1,000.00) and not more than Two Thousand Dollars
10 (\$2,000.00); or

11 3. For a third and subsequent conviction, of not less than Two
12 Thousand Dollars (\$2,000.00) and not more than Five Thousand Dollars
13 (\$5,000.00),
14 or by imprisonment for not more than one (1) year or by both such
15 fine and imprisonment. Each act of driving on the highways as
16 prohibited shall constitute a separate offense.

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

1 shall be dated and become effective the day following the date
2 terminating the prior order of suspension or revocation.

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

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

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

1 One Thousand Dollars (\$1,000.00), or by both such fine and
2 imprisonment.

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

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

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

16 1. Any person who is convicted of a violation of the provisions
17 of this subsection shall be deemed guilty of a misdemeanor for the
18 first offense and shall be punished by imprisonment in the county
19 jail for not less than ninety (90) days nor more than one (1) year,
20 and a fine of not more than Two Thousand Five Hundred Dollars
21 (\$2,500.00); and

22 2. Any person who is convicted of a violation of the provisions
23 of this subsection after having been previously convicted of a

1 violation of this subsection or of Section 11-902 of this title
2 shall be deemed guilty of a felony and shall be punished by
3 imprisonment in a state correctional institution for not less than
4 one (1) year and not more than five (5) years, and a fine of not
5 more than Five Thousand Dollars (\$5,000.00).

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

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

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

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

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

18 1. Any person who is convicted of a violation of the provisions
19 of this subsection shall be deemed guilty of a felony and, upon
20 conviction, shall be punished by imprisonment in the custody of the
21 Department of Corrections for a term not more than three (3) years
22 and a fine of not more than Two Thousand Five Hundred Dollars
23 (\$2,500.00); and

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

7 C. 1. Any person who, while knowingly disqualified to operate
8 a 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 an accident resulting in great
11 bodily injury to any person other than himself or herself and who is
12 in violation of Section 11-902 of Title 47 of the Oklahoma Statutes
13 may be charged with a violation of the provisions of this
14 subsection. Any person who is convicted of a violation of the
15 provisions of this subsection shall be deemed guilty of a felony
16 and, upon conviction, shall be punished by imprisonment in the
17 custody of the Department of Corrections for a term not less than
18 one (1) year and not more than seven (7) years and a fine of not
19 more than Five Thousand Dollars (\$5,000.00).

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

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

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

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

18 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-20-08 - DO
19 PASS, As Amended and Coauthored.