

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SENATE BILL 1599

By: Leftwich

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5
6 AS INTRODUCED

7 An Act relating to motor vehicles; creating crimes
8 for personal injury accidents while disqualified to
operate vehicle or driving under revocation or
9 suspension; setting penalties; defining term;
10 providing enhanced penalties for great bodily injury,
death and being under the influence of intoxicating
11 substance while disqualified or subject to revocation
or suspension; authorizing certain penalty in
12 addition to prosecution for negligent homicide,
manslaughter or felony murder; amending 47 O.S. 2001,
13 Sections 6-303, as last amended by Section 13,
Chapter 326, O.S.L. 2007, 11-903, as amended by
14 Section 1, Chapter 164, O.S.L. 2005, 11-904, as
amended by Section 13, Chapter 275, O.S.L. 2004 (47
15 O.S. Supp. 2007, Sections 6-303, 11-903 and 11-904),
which relate to driving without license, negligent
16 homicide, personal injury accident while under
influence of intoxicating substance; providing
17 extension of revocation period for certain period of
time for certain conviction; authorizing revocation
18 of driver license upon certain conviction; providing
exception to penalty for certain accident upon
19 driving under suspended license; making language
gender neutral; providing for codification; providing
an effective date; and declaring an emergency.

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22 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:
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1 SECTION 1. AMENDATORY 47 O.S. 2001, Section 6-303, as
2 last amended by Section 13, Chapter 326, O.S.L. 2007 (47 O.S. Supp.
3 2007, Section 6-303), is amended to read as follows:

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

9 Any violation of the provisions of this subsection shall
10 constitute a misdemeanor and shall be punishable by a fine of not
11 less than Fifty Dollars (\$50.00) nor more than Three Hundred Dollars
12 (\$300.00) plus costs or by imprisonment for not more than thirty
13 (30) days, or by both such fine and imprisonment.

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

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

1 1. For a first conviction, of not less than One Hundred Dollars
2 (\$100.00) and not more than Five Hundred Dollars (\$500.00);

3 2. For a second conviction, of not less than Two Hundred
4 Dollars (\$200.00) and not more than Seven Hundred Fifty Dollars
5 (\$750.00); or

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

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

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

19 1. For a first conviction, of not less than Five Hundred
20 Dollars (\$500.00) and not more than One Thousand Dollars
21 (\$1,000.00);

22 2. For a second conviction, of not less than One Thousand
23 Dollars (\$1,000.00) and not more than Two Thousand Dollars
24 (\$2,000.00); or

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

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

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

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1 F. The Department upon receiving a record of conviction for a
2 person convicted of an offense specified in Section 4 of this act
3 shall extend the period of such suspension, revocation or denial of
4 driving privilege for an additional twelve-month period of time.
5 The additional orders of suspension, revocation or denial of driving
6 privilege shall be dated and become effective the day following the
7 date terminating the prior order of suspension, revocation or denial
8 of driving privilege.

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

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

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

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

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

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

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

21 Section 11-904. A. ~~Any~~ Except as provided in Section 4 of this
22 act, any person who is involved in a personal injury accident while
23 driving or operating a motor vehicle within this state and who is in
24 violation of the provisions of subsection A of Section 11-902 of

1 this title may be charged with a violation of the provisions of this
2 subsection as follows:

3 1. Any person who is convicted of a violation of the provisions
4 of this subsection shall be deemed guilty of a misdemeanor for the
5 first offense and shall be punished by imprisonment in the county
6 jail for not less than ninety (90) days nor more than one (1) year,
7 and a fine of not more than Two Thousand Five Hundred Dollars
8 (\$2,500.00); and

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

16 B. 1. ~~Any~~ Except as provided in Section 4 of this act, any
17 person who causes an accident resulting in great bodily injury to
18 any person other than himself or herself while driving or operating
19 a motor vehicle within this state and who is in violation of the
20 provisions of subsection A of Section 11-902 of this title may be
21 charged with a violation of the provisions of this subsection. Any
22 person who is convicted of a violation of the provisions of this
23 subsection shall be deemed guilty of a felony punishable 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 2. As used in this subsection, "great bodily injury" means
4 bodily injury which creates a substantial risk of death or which
5 causes serious, permanent disfigurement or protracted loss or
6 impairment of the function of any bodily member or organ.

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

10 A. Any person who, while disqualified to operate a motor
11 vehicle in this state or while such person's driver license is
12 canceled, denied, suspended or revoked, is involved in a personal
13 injury accident may be charged with a violation of the provisions of
14 this 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 more than
18 two (2) years and a fine of not more than Two Thousand Five Hundred
19 Dollars (\$2,500.00).

20 B. Any person who, while disqualified to operate a motor
21 vehicle in this state or while such person's driver license is
22 canceled, denied, suspended or revoked, is involved in a personal
23 injury accident and who is in violation of Section 11-902 of Title
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1 47 of the Oklahoma Statutes may be charged with a violation of the
2 provisions of this subsection as follows:

3 1. Any person who is convicted of a violation of the provisions
4 of this subsection shall be deemed guilty of a felony and, upon
5 conviction, shall be punished by imprisonment in the custody of the
6 Department of Corrections for a term not more than three (3) years
7 and a fine of not more than Two Thousand Five Hundred Dollars
8 (\$2,500.00); and

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

15 C. 1. Any person who, while disqualified to operate a motor
16 vehicle in this state or while such person's driver license is
17 canceled, denied, suspended or revoked, is involved in an accident
18 resulting in great bodily injury to any person other than himself or
19 herself and who is in violation of Section 11-902 of Title 47 of the
20 Oklahoma Statutes may be charged with a violation of the provisions
21 of this subsection. Any person who is convicted of a violation of
22 the provisions of this subsection shall be deemed guilty of a felony
23 and, upon conviction, shall be punished by imprisonment in the
24 custody of the Department of Corrections for a term not less than

1 one (1) year and not more than seven (7) years and a fine of not
2 more than Five Thousand Dollars (\$5,000.00).

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

7 D. Any person who, while disqualified to operate a motor
8 vehicle in this state or while such person's driver license is
9 canceled, denied, suspended or revoked, is involved in an accident
10 resulting in the death of any person within one (1) year as a
11 proximate result of the injury received in such accident may be
12 charged with a violation of the provisions of this subsection. Any
13 person who is convicted of a violation of the provisions of this
14 subsection shall be deemed guilty of a felony and, upon conviction,
15 shall be punished by imprisonment in the custody of the Department
16 of Corrections for a term not less than two (2) year and not more
17 than seven (7) years and a fine of not more than Seven Thousand
18 Dollars (\$7,000.00). Such penalty may be in addition to a
19 prosecution for negligent homicide, manslaughter or felony murder at
20 the discretion of the district attorney.

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

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

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