

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
3 BILL NO. 2263

By: Christian and Ritze of the
House

4 and

5 Leftwich of the Senate

6
7
8 (motor vehicles - amending 47 O.S., Sections 6-303

9 and 11-904 - Department of Public Safety -

10 penalties - codification - effective date -

11 emergency)

12
13 AMENDMENT NO. 1. Page 1, strike the stricken title, enacting
14 clause and entire bill and insert

15 "An Act relating to motor vehicles; creating the Gaje
16 Jeffrey Florence Act; amending 47 O.S. 2001, Section
17 6-303, as last amended by Section 13, Chapter 326,
18 O.S.L. 2007 (47 O.S. Supp. 2008, Section 6-303),
19 which relates to operating a vehicle without valid
20 driver license; providing extension of certain
21 periods of suspension, revocation or denial of
22 driving privilege under certain circumstance;
23 creating certain offenses for personal injury
24 accidents while driving without valid driver license;
setting penalties; defining term; allowing
prosecution in addition to other chargeable offenses;
providing for noncodification; providing for
codification; providing an effective date; and
declaring an 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
2 codified in the Oklahoma Statutes reads as follows:

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

5 SECTION 2. AMENDATORY 47 O.S. 2001, Section 6-303, as
6 last amended by Section 13, Chapter 326, O.S.L. 2007 (47 O.S. Supp.
7 2008, Section 6-303), is amended to read as follows:

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

13 Any violation of the provisions of this subsection shall
14 constitute a misdemeanor and shall be punishable by a fine of not
15 less than Fifty Dollars (\$50.00) nor more than Three Hundred Dollars
16 (\$300.00) plus costs or by imprisonment for not more than thirty
17 (30) days, or by both such fine and imprisonment.

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

22 B. Any person who drives a motor vehicle on any public roads,
23 streets, highways, turnpikes or other public place of this state at
24 a time when the person's privilege to do so is canceled, denied,

1 suspended or revoked or at a time when the person is disqualified
2 from so doing shall be guilty of a misdemeanor and upon conviction
3 shall be punished by a fine:

4 1. For a first conviction, of not less than One Hundred Dollars
5 (\$100.00) and not more than Five Hundred Dollars (\$500.00);

6 2. For a second conviction, of not less than Two Hundred
7 Dollars (\$200.00) and not more than Seven Hundred Fifty Dollars
8 (\$750.00); or

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

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

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

21 1. For a first conviction, of not less than Five Hundred
22 Dollars (\$500.00) and not more than One Thousand Dollars
23 (\$1,000.00);

24

1 2. For a second conviction, of not less than One Thousand
2 Dollars (\$1,000.00) and not more than Two Thousand Dollars
3 (\$2,000.00); or

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

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

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

1 F. The Department, upon receiving a record of conviction for a
2 person convicted of an offense specified in Section 3 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.

24

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

4 A. Any person who, while operating a vehicle in this state
5 without a valid driver license for the class of vehicle being
6 operated, or while knowingly disqualified to operate a motor vehicle
7 in this state, or while such person knows or should have known that
8 his or her driver license is canceled, denied, suspended or revoked,
9 causes an accident involving another vehicle which results in
10 personal injury to any person in the other vehicle may be charged
11 with a violation of the provisions of this subsection. Any person
12 who is convicted of a violation of the provisions of this subsection
13 shall be deemed guilty of a misdemeanor punishable by imprisonment
14 in the county jail for a term not more than one (1) year, or by a
15 fine in an amount not exceeding Two Thousand Dollars (\$2,000.00), or
16 by both such fine and imprisonment.

17 B. 1. Any person who, while operating a vehicle in this state
18 without a valid driver license for the class of vehicle being
19 operated, or while knowingly disqualified to operate a motor vehicle
20 in this state, or while such person knows or should have known that
21 his or her driver license is canceled, denied, suspended or revoked,
22 causes an accident involving another vehicle resulting in great
23 bodily injury to any person in the other vehicle, may be charged
24 with a violation of the provisions of this subsection. Any person

1 who is convicted of a violation of the provisions of this subsection
2 shall be deemed guilty of a felony punishable by imprisonment in the
3 custody of the Department of Corrections for a term not more than
4 five (5) years, or by a fine in an amount not exceeding Three
5 Thousand Dollars (\$3,000.00), or by both such fine and imprisonment.

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

10 C. Any person who, while operating a vehicle in this state
11 without a valid driver license for the class of vehicle being
12 operated, or while knowingly disqualified to operate a motor vehicle
13 in this state, or while such person knows or should have known that
14 his or her driver license is canceled, denied, suspended or revoked,
15 causes an accident involving another vehicle resulting in the death
16 of any person in the other vehicle, may be charged with a violation
17 of the provisions of this subsection. Any person who is convicted
18 of a violation of the provisions of this subsection shall be deemed
19 guilty of a felony punishable by imprisonment in the custody of the
20 Department of Corrections for a term not more than five (5) years,
21 or by a fine in an amount not exceeding Five Thousand Dollars
22 (\$5,000.00), or by both such fine and imprisonment.

23 D. The provisions of this section may be charged in addition to
24 any other chargeable offense allowed by law.

1 SECTION 4. This act shall become effective July 1, 2009.

2 SECTION 5. It being immediately necessary for the preservation
3 of the public peace, health and safety, an emergency is hereby
4 declared to exist, by reason whereof this act shall take effect and
5 be in full force from and after its passage and approval."

6 Passed the Senate the 14th day of April, 2009.

7
8 _____
9 Presiding Officer of the Senate

10 Passed the House of Representatives the ____ day of _____,
11 2009.

12
13 _____
14 Presiding Officer of the House
15 of Representatives
16
17
18
19
20
21
22
23
24