

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2263 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Mike Christian _____

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2263

By: Christian

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to motor vehicles; amending 47 O.S.
9 2001, Section 6-303, as last amended by Section 13,
10 Chapter 326, O.S.L. 2007 (47 O.S. Supp. 2008, Section
11 6-303), which relates to driving without a driver
12 license; providing statutory references; providing
13 gender-neutral language; directing Department of
14 Public Safety to extend period of suspension,
15 revocation or denial of driving privilege for certain
16 conviction; amending 47 O.S. 2001, Section 11-904, as
17 amended by Section 13, Chapter 275, O.S.L. 2004 (47
18 O.S. Supp. 2008, Section 11-904), which relates to
19 personal injury accidents caused while under the
20 influence of alcohol or intoxicating substance;
21 updating language; making certain acts unlawful;
22 providing penalties; defining term; providing for
23 codification; providing an effective date; and
24 declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 2001, Section 6-303, as
last amended by Section 13, Chapter 326, O.S.L. 2007 (47 O.S. Supp.
2008, 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

1 of this state without having a valid driver license for the class of
2 vehicle being operated from the Department of Public Safety, except
3 as herein specifically exempted.

4 Any violation of the provisions of this subsection shall
5 constitute a misdemeanor and shall be punishable by a fine of not
6 less than Fifty Dollars (\$50.00) nor more than Three Hundred Dollars
7 (\$300.00) plus costs or by imprisonment in the county jail for not
8 more than thirty (30) days, or by both such fine and imprisonment.

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

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

20 1. For a first conviction, of not less than One Hundred Dollars
21 (\$100.00) and not more than Five Hundred Dollars (\$500.00);

22 2. For a second conviction, of not less than Two Hundred
23 Dollars (\$200.00) and not more than Seven Hundred Fifty Dollars
24 (\$750.00); or

1 3. For a third and subsequent conviction, of not less than
2 Three Hundred Dollars (\$300.00) and not more than One Thousand
3 Dollars (\$1,000.00),
4 or by imprisonment in the county jail for not more than one (1)
5 year, or by both such fine and imprisonment. Each act of driving on
6 the highways as prohibited shall constitute a separate offense.

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

14 1. For a first conviction, of not less than Five Hundred
15 Dollars (\$500.00) and not more than One Thousand Dollars
16 (\$1,000.00);

17 2. For a second conviction, of not less than One Thousand
18 Dollars (\$1,000.00) and not more than Two Thousand Dollars
19 (\$2,000.00); or

20 3. For a third and subsequent conviction, of not less than Two
21 Thousand Dollars (\$2,000.00) and not more than Five Thousand Dollars
22 (\$5,000.00),
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1 or by imprisonment in the county jail for not more than one (1)
2 year, or by both such fine and imprisonment. Each act of driving on
3 the highways as prohibited shall constitute a separate offense.

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

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

21 F. The Department, upon receiving a record of conviction for a
22 person convicted of an offense specified in Section 3 of this act,
23 shall extend the period of such suspension, revocation or denial of
24 driving privilege for an additional twelve-month period. The

1 additional orders of suspension, revocation or denial of driving
2 privilege shall be dated and become effective the day following the
3 date terminating the prior order of suspension, revocation or denial
4 of driving privilege.

5 G. It shall be a misdemeanor, punishable by imprisonment in the
6 county jail for not less than seven (7) days, nor more than six (6)
7 months, or by a fine of not more than Five Hundred Dollars
8 (\$500.00), or by both such fine and imprisonment for any person to
9 apply for a renewal or a replacement license to operate a motor
10 vehicle while the ~~person's~~ license of the person, permit or other
11 evidence of driving privilege is in the custody of a law enforcement
12 officer or the Department. A notice regarding this offense and the
13 penalty therefor shall be included on the same form containing the
14 notice of revocation issued by the officer.

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

20 SECTION 2. AMENDATORY 47 O.S. 2001, Section 11-904, as
21 amended by Section 13, Chapter 275, O.S.L. 2004 (47 O.S. Supp. 2008,
22 Section 11-904), is amended to read as follows:

23 Section 11-904. A. Any person who is involved in a personal
24 injury accident while driving or operating a motor vehicle within

1 this state and who is in violation of the provisions of subsection A
2 of Section 11-902 of this title may be charged with a violation of
3 the provisions of this subsection as follows:

4 1. Any person who is convicted of a violation of the provisions
5 of this subsection shall be deemed guilty of a misdemeanor for the
6 first offense and shall be punished by imprisonment in the county
7 jail for not less than ninety (90) days nor more than one (1) year,
8 and a fine of not more than Two Thousand Five Hundred Dollars
9 (\$2,500.00); and

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

18 B. 1. Any person who causes an accident resulting in great
19 bodily injury to any other person ~~other than himself~~ while driving
20 or operating a motor vehicle within this state and who is in
21 violation of the provisions of subsection A of Section 11-902 of
22 this title may be charged with a violation of the provisions of this
23 subsection. Any person who is convicted of a violation of the
24 provisions of this subsection shall be deemed guilty of a felony

1 punishable by imprisonment in a ~~state correctional institution~~ the
2 custody of the Department of Corrections for not less than one (1)
3 year and not more than five (5) years, and a fine of not more than
4 Five Thousand Dollars (\$5,000.00.

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

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

12 A. Any person age sixteen (16) years or older who, while
13 knowingly disqualified to operate a motor vehicle in this state or
14 while such person knows or should have known that the driver license
15 of the person is canceled, denied, suspended or revoked, causes an
16 accident involving another vehicle which results in personal injury
17 to any person in another vehicle may be charged with a violation of
18 the provisions of this subsection. Any person who is convicted of a
19 violation of the provisions of this subsection shall be deemed
20 guilty of a misdemeanor punishable by imprisonment in the county
21 jail for a term of not more than one (1) year, or by a fine in an
22 amount not exceeding Two Thousand Dollars (\$2,000.00), or by both
23 such fine and imprisonment.

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1 B. 1. Any person age sixteen (16) years or older who, while
2 knowingly disqualified to operate a motor vehicle in this state or
3 while such person knows or should have known that the driver license
4 of the person is canceled, denied, suspended or revoked, causes an
5 accident involving another vehicle resulting in great bodily injury
6 to any person in the other vehicle, may be charged with a violation
7 of the provisions of this subsection. Any person who is convicted
8 of a violation of the provisions of this subsection shall be deemed
9 guilty of a felony punishable by imprisonment in the custody of the
10 Department of Corrections for a term of not more than five (5)
11 years, or by a fine in an amount not exceeding Three Thousand
12 Dollars (\$3,000.00), or by both such fine and imprisonment.

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

17 C. Any person age sixteen (16) years or older who, while
18 knowingly disqualified to operate a motor vehicle in this state or
19 while such person knows or should have known that the driver license
20 of the person is canceled, denied, suspended or revoked, causes an
21 accident involving another vehicle resulting in the death of any
22 person in the other vehicle, may be charged with a violation of the
23 provisions of this subsection. Any person who is convicted of a
24 violation of the provisions of this subsection shall be deemed

1 guilty of a felony punishable by imprisonment in the custody of the
2 Department of Corrections for a term of not more than five (5)
3 years, or by a fine in an amount not exceeding Five Thousand Dollars
4 (\$5,000.00), or by both such fine and imprisonment.

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

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

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

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13 52-1-6831 GRS 02/17/09

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