

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL 1170

6 By: Leftwich

7 COMMITTEE SUBSTITUTE

8 [ motor vehicles - driving without license and  
9 personal injury - penalties - codification -  
noncodification - effective date -  
10 emergency ]

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12  
13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

18 SECTION 2. AMENDATORY 47 O.S. 2001, Section 6-303, as  
19 last amended by Section 13, Chapter 326, O.S.L. 2007 (47 O.S. Supp.  
20 2008, Section 6-303), is amended to read as follows:

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

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

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

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

18 1. For a first conviction, of not less than One Hundred Dollars  
19 (\$100.00) and not more than Five Hundred Dollars (\$500.00);

20 2. For a second conviction, of not less than Two Hundred  
21 Dollars (\$200.00) and not more than Seven Hundred Fifty Dollars  
22 (\$750.00); or  
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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 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           C. Any person who drives a motor vehicle on any public roads,  
8 streets, highways, turnpikes or other public roads of this state at  
9 a time when the driving privilege of that person is canceled,  
10 denied, suspended or revoked, pursuant to paragraph 1 of subsection  
11 A of Section 6-205.1 of this title, shall be guilty of a misdemeanor  
12 and upon conviction shall be punished by a fine:

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

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

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

1 D. The Department, upon receiving a record of conviction of an  
2 offense committed by any person whose license or privilege to  
3 operate motor vehicles is under suspension or revocation, shall  
4 extend the period of such suspension or revocation for an additional  
5 three-month period of time. The additional orders of suspension or  
6 revocation shall be dated and become effective the day following the  
7 date terminating the prior order of suspension or revocation.

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

16 F. The Department, upon receiving a record of conviction for a  
17 person convicted of an offense specified in Section 4 of this act,  
18 shall extend the period of such suspension, revocation or denial of  
19 driving privilege for an additional twelve-month period of time.  
20 The additional orders of suspension, revocation or denial of driving  
21 privilege shall be dated and become effective the day following the  
22 date terminating the prior order of suspension, revocation or denial  
23 of driving privilege.  
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1        G. It shall be a misdemeanor, punishable by imprisonment for  
2 not less than seven (7) days, nor more than six (6) months, or by a  
3 fine of not more than Five Hundred Dollars (\$500.00), or by both  
4 such fine and imprisonment, for any person to apply for a renewal or  
5 a replacement license to operate a motor vehicle while the person's  
6 license, permit or other evidence of driving privilege is in the  
7 custody of a law enforcement officer or the Department. A notice  
8 regarding this offense and the penalty therefor shall be included on  
9 the same form containing the notice of revocation issued by the  
10 officer.

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

16        SECTION 3.        AMENDATORY        47 O.S. 2001, Section 11-904, as  
17 amended by Section 13, Chapter 275, O.S.L. 2004 (47 O.S. Supp. 2008,  
18 Section 11-904), is amended to read as follows:

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

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

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

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

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

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

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

20           B. 1. Any person age sixteen (16) years or older who, while  
21 knowingly disqualified to operate a motor vehicle in this state, or  
22 while such person knows or should have known that his or her driver  
23 license is canceled, denied, suspended or revoked, causes an  
24 accident involving another vehicle resulting in great bodily injury

1 to any person in the other vehicle, may be charged with a violation  
2 of the provisions of this subsection. Any person who is convicted  
3 of a violation of the provisions of this subsection shall be deemed  
4 guilty of a felony punishable by imprisonment in the custody of the  
5 Department of Corrections for a term not more than five (5) years,  
6 or by a fine in an amount not exceeding Three Thousand Dollars  
7 (\$3,000.00), or by both such fine and imprisonment.

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

12 C. 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 his or her driver  
15 license is canceled, denied, suspended or revoked, causes an  
16 accident involving another vehicle resulting in the death of any  
17 person in the other vehicle, may be charged with a violation of the  
18 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 felony punishable by imprisonment in the custody of the  
21 Department of Corrections for a term not more than five (5) years,  
22 or by a fine in an amount not exceeding Five Thousand Dollars  
23 (\$5,000.00), or by both such fine and imprisonment.

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

3 SECTION 5. This act shall become effective July 1, 2009.

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

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