

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL 2263

By: Christian and Ritze of the
House

6 and

7 Leftwich of the Senate

8
9 COMMITTEE SUBSTITUTE

10 [motor vehicles - driving without license and
11 personal injury - penalties - codification -
noncodification - effective date -

12 emergency]

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

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

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

19 SECTION 2. AMENDATORY 47 O.S. 2001, Section 6-303, as
20 last amended by Section 13, Chapter 326, O.S.L. 2007 (47 O.S. Supp.
21 2008, Section 6-303), is amended to read as follows:

22 Section 6-303. A. No person shall operate a motor vehicle upon
23 the public roads, streets, highways, turnpikes or other public place
24 of this state without having a valid driver license for the class of

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
23
24

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 3 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.
24

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

19 A. Any person who, while operating a vehicle in this state
20 without a valid driver license for the class of vehicle being
21 operated, or while knowingly disqualified to operate a motor vehicle
22 in this state, or while such person knows or should have known that
23 his or her driver license is canceled, denied, suspended or revoked,
24 causes an accident involving another vehicle which results in

1 personal injury to any person in the other vehicle may be charged
2 with a violation of the provisions of this subsection. Any person
3 who is convicted of a violation of the provisions of this subsection
4 shall be deemed guilty of a misdemeanor punishable by imprisonment
5 in the county jail for a term not more than one (1) year, or by a
6 fine in an amount not exceeding Two Thousand Dollars (\$2,000.00), or
7 by both such fine and imprisonment.

8 B. 1. Any person who, while operating a vehicle in this state
9 without a valid driver license for the class of vehicle being
10 operated, or while knowingly disqualified to operate a motor vehicle
11 in this state, or while such person knows or should have known that
12 his or her driver license is canceled, denied, suspended or revoked,
13 causes an accident involving another vehicle resulting in great
14 bodily injury to any person in the other vehicle, may be charged
15 with a violation of the provisions of this subsection. Any person
16 who is convicted of a violation of the provisions of this subsection
17 shall be deemed guilty of a felony punishable by imprisonment in the
18 custody of the Department of Corrections for a term not more than
19 five (5) years, or by a fine in an amount not exceeding Three
20 Thousand Dollars (\$3,000.00), or by both such fine and imprisonment.

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

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

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

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

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

21

22 52-1-1808 NP 4/6/2009 12:06:32 PM

23

24