

1 ENGROSSED HOUSE  
2 BILL NO. 2263

By: Christian and Ritze of the  
House

3 and

4 Leftwich of the Senate

5  
6  
7 ( motor vehicles - amending 47 O.S., Sections 6-303  
8 and 11-904 - Department of Public Safety -  
9 penalties - codification - effective date -  
10 emergency )

11  
12

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

14 SECTION 1. AMENDATORY 47 O.S. 2001, Section 6-303, as  
15 last amended by Section 13, Chapter 326, O.S.L. 2007 (47 O.S. Supp.  
16 2008, Section 6-303), is amended to read as follows:

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

22 Any violation of the provisions of this subsection shall  
23 constitute a misdemeanor and shall be punishable by a fine of not  
24 less than Fifty Dollars (\$50.00) nor more than Three Hundred Dollars

1 (\$300.00) plus costs or by imprisonment in the county jail for not  
2 more than thirty (30) days, or by both such fine and imprisonment.

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

7 B. ~~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 place of this state at a time  
10 when the ~~person's~~ privilege of the person to do so is canceled,  
11 denied, suspended or revoked or at a time when the person is  
12 disqualified from so doing shall be guilty of a misdemeanor and upon  
13 conviction shall be punished by a fine:

14 1. For a first conviction, of not less than One Hundred Dollars  
15 (\$100.00) and not more than Five Hundred Dollars (\$500.00);

16 2. For a second conviction, of not less than Two Hundred  
17 Dollars (\$200.00) and not more than Seven Hundred Fifty Dollars  
18 (\$750.00); or

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

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

8 1. For a first conviction, of not less than Five Hundred  
9 Dollars (\$500.00) and not more than One Thousand Dollars  
10 (\$1,000.00);

11 2. For a second conviction, of not less than One Thousand  
12 Dollars (\$1,000.00) and not more than Two Thousand Dollars  
13 (\$2,000.00); or

14 3. For a third and subsequent conviction, of not less than Two  
15 Thousand Dollars (\$2,000.00) and not more than Five Thousand Dollars  
16 (\$5,000.00),

17 or by imprisonment in the county jail for not more than one (1)  
18 year, or by both such fine and imprisonment. Each act of driving on  
19 the highways as prohibited shall constitute a separate offense.

20 D. ~~The~~ Except as provided for in subsection F of this section,  
21 the Department upon receiving a record of conviction of an offense  
22 committed by any person whose license or privilege to operate motor  
23 vehicles is under suspension or revocation, shall extend the period  
24 of such suspension or revocation for an additional three-month

1 period of time. The additional orders of suspension or revocation  
2 shall be dated and become effective the day following the date  
3 terminating the prior order of suspension or revocation.

4 E. 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 revocation, pursuant to paragraph 1, 2, or 3 of  
8 subsection A of Section 6-205.1 of this title, shall extend the  
9 period of such revocation for an additional four-month period of  
10 time. The additional orders of revocation shall be dated and become  
11 effective the day following the date terminating the prior order of  
12 revocation.

13 F. The Department, upon receiving a record of conviction for a  
14 person convicted of an offense specified in Section 3 of this act,  
15 shall extend the period of such suspension, revocation or denial of  
16 driving privilege for an additional twelve-month period. The  
17 additional orders of suspension, revocation or denial of driving  
18 privilege shall be dated and become effective the day following the  
19 date terminating the prior order of suspension, revocation or denial  
20 of driving privilege.

21 G. It shall be a misdemeanor, punishable by imprisonment in the  
22 county jail for not less than seven (7) days, nor more than six (6)  
23 months, or by a fine of not more than Five Hundred Dollars  
24 (\$500.00), or by both such fine and imprisonment for any person to

1 apply for a renewal or a replacement license to operate a motor  
2 vehicle while the ~~person's~~ license of the person, permit or other  
3 evidence of driving privilege is in the custody of a law enforcement  
4 officer or the Department. A notice regarding this offense and the  
5 penalty therefor shall be included on the same form containing the  
6 notice of revocation issued by the officer.

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

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

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

20       1. Any person who is convicted of a violation of the provisions  
21 of this subsection shall be deemed guilty of a misdemeanor for the  
22 first offense and shall be punished by imprisonment in the county  
23 jail for not less than ninety (90) days nor more than one (1) year,  
24

1 and a fine of not more than Two Thousand Five Hundred Dollars  
2 (\$2,500.00); and

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

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

22 2. As used in this subsection, "great bodily injury" means  
23 bodily injury which creates a substantial risk of death or which  
24

1 causes serious, permanent disfigurement or protracted loss or  
2 impairment of the function of any bodily member or organ.

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

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

18 B. 1. Any person age sixteen (16) years or older who, while  
19 knowingly disqualified to operate a motor vehicle in this state or  
20 while such person knows or should have known that the driver license  
21 of the person is canceled, denied, suspended or revoked, causes an  
22 accident involving another vehicle resulting in great bodily injury  
23 to any person in the other vehicle, may be charged with a violation  
24 of the provisions of this subsection. Any person who is convicted

1 of a violation of the provisions of this subsection shall be deemed  
2 guilty of a felony punishable by imprisonment in the custody of the  
3 Department of Corrections for a term of not more than five (5)  
4 years, or by a fine in an amount not exceeding Three Thousand  
5 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 age sixteen (16) years or older who, while  
11 knowingly disqualified to operate a motor vehicle in this state or  
12 while such person knows or should have known that the driver license  
13 of the person is canceled, denied, suspended or revoked, causes an  
14 accident involving another vehicle resulting in the death of any  
15 person in the other vehicle, may be charged with a violation of the  
16 provisions of this subsection. Any person who is convicted of a  
17 violation of the provisions of this subsection shall be deemed  
18 guilty of a felony punishable by imprisonment in the custody of the  
19 Department of Corrections for a term of not more than five (5)  
20 years, or by a fine in an amount not exceeding Five Thousand Dollars  
21 (\$5,000.00), or by both such fine and imprisonment.

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

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

