

1 ENGROSSED SENATE
2 BILL NO. 1170

By: Leftwich of the Senate

and

Christian of the House

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

emergency]

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

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

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

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

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

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

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

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

16 1. For a first conviction, of not less than One Hundred Dollars
17 (\$100.00) and not more than Five Hundred Dollars (\$500.00);

18 2. For a second conviction, of not less than Two Hundred
19 Dollars (\$200.00) and not more than Seven Hundred Fifty Dollars
20 (\$750.00); or

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

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

10 1. For a first conviction, of not less than Five Hundred
11 Dollars (\$500.00) and not more than One Thousand Dollars
12 (\$1,000.00);

13 2. For a second conviction, of not less than One Thousand
14 Dollars (\$1,000.00) and not more than Two Thousand Dollars
15 (\$2,000.00); or

16 3. For a third and subsequent conviction, of not less than Two
17 Thousand Dollars (\$2,000.00) and not more than Five Thousand Dollars
18 (\$5,000.00),

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

22 D. The Department, upon receiving a record of conviction of an
23 offense committed by any person whose license or privilege to
24 operate motor vehicles is under suspension or revocation, shall

1 extend the period of such suspension or revocation for an additional
2 three-month period of time. The additional orders of suspension or
3 revocation shall be dated and become effective the day following the
4 date terminating the prior order of suspension or revocation.

5 E. The Department, upon receiving a record of conviction of an
6 offense committed by any person whose license or privilege to
7 operate motor vehicles is under revocation, pursuant to paragraph 1,
8 2, or 3 of subsection A of Section 6-205.1 of this title, shall
9 extend the period of such revocation for an additional four-month
10 period of time. The additional orders of revocation shall be dated
11 and become effective the day following the date terminating the
12 prior order of 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 of time.
17 The 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 for
22 not less than seven (7) days, nor more than six (6) months, or by a
23 fine of not more than Five Hundred Dollars (\$500.00), or by both
24 such fine and imprisonment, for any person to apply for a renewal or

1 a replacement license to operate a motor vehicle while the person's
2 license, permit or other evidence of driving privilege is in the
3 custody of a law enforcement officer or the Department. A notice
4 regarding this offense and the penalty therefor shall be included on
5 the same form containing the notice of revocation issued by the
6 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 3. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 11-905 of Title 47, unless there
14 is created a duplication in numbering, reads as follows:

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

1 Two Thousand Dollars (\$2,000.00), or by both such fine and
2 imprisonment.

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

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

19 C. Any person who, while knowingly disqualified to operate a
20 motor vehicle in this state, or while such person knows or should
21 have known that his or her driver license is canceled, denied,
22 suspended or revoked, causes an accident involving another vehicle
23 resulting in the death of any person in the other vehicle, may be
24 charged with a violation of the provisions of this subsection. Any

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

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

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

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

14 Passed the Senate the 3rd day of March, 2009.

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Presiding Officer of the Senate

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18 Passed the House of Representatives the ____ day of _____,
19 2009.

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Presiding Officer of the House
of Representatives

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