

ENROLLED HOUSE
BILL NO. 2263

By: Christian and Ritze of the
House

and

Leftwich of the Senate

An Act relating to motor vehicles; creating the Gaje Jeffrey Florence Act; amending 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), which relates to operating a vehicle without valid driver license; providing extension of certain periods of suspension, revocation or denial of driving privilege under certain circumstance; creating certain offenses for personal injury accidents while driving without valid driver license; setting penalties; defining term; allowing prosecution in addition to other chargeable offenses; providing for noncodification; providing for codification; providing an effective date; and declaring an emergency.

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

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

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

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

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

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

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

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

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

3. For a third and subsequent conviction, of not less than Three Hundred Dollars (\$300.00) and not more than One Thousand Dollars (\$1,000.00),

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

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

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

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

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

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

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

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

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

G. It shall be a misdemeanor, punishable by imprisonment for not less than seven (7) days, nor more than six (6) months, or by a

fine of not more than Five Hundred Dollars (\$500.00), or by both such fine and imprisonment, for any person to apply for a renewal or a replacement license to operate a motor vehicle while the person's license, permit or other evidence of driving privilege is in the custody of a law enforcement officer or the Department. A notice regarding this offense and the penalty therefor shall be included on the same form containing the notice of revocation issued by the officer.

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

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

A. Any person who, while operating a vehicle in this state without a valid driver license for the class of vehicle being operated, or while knowingly disqualified to operate a motor vehicle in this state, or while such person knows or should have known that his or her driver license is canceled, denied, suspended or revoked, causes an accident involving another vehicle which results in personal injury to any person in the other vehicle may be charged with a violation of the provisions of this subsection. Any person who is convicted of a violation of the provisions of this subsection shall be deemed guilty of a misdemeanor punishable by imprisonment in the county jail for a term not more than one (1) year, or by a fine in an amount not exceeding Two Thousand Dollars (\$2,000.00), or by both such fine and imprisonment.

B. 1. Any person who, while operating a vehicle in this state without a valid driver license for the class of vehicle being operated, or while knowingly disqualified to operate a motor vehicle in this state, or while such person knows or should have known that his or her driver license is canceled, denied, suspended or revoked, causes an accident involving another vehicle resulting in great bodily injury to any person in the other vehicle, may be charged with a violation of the provisions of this subsection. Any person who is convicted of a violation of the provisions of this subsection shall be deemed guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not more than

five (5) years, or by a fine in an amount not exceeding Three Thousand Dollars (\$3,000.00), or by both such fine and imprisonment.

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

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

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

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

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

Passed the House of Representatives the 4th day of May, 2009.

Presiding Officer of the House
of Representatives

Passed the Senate the 14th day of April, 2009.

Presiding Officer of the Senate