

THE HOUSE OF REPRESENTATIVES
Monday, February 23, 2009

Committee Substitute for
House Bill No. 2263

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2263 - By: CHRISTIAN AND RITZE of the House and LEFTWICH of the Senate.

An Act relating to motor vehicles; 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 driving without a driver license; providing statutory references; providing gender-neutral language; directing Department of Public Safety to extend period of suspension, revocation or denial of driving privilege for certain conviction; amending 47 O.S. 2001, Section 11-904, as amended by Section 13, Chapter 275, O.S.L. 2004 (47 O.S. Supp. 2008, Section 11-904), which relates to personal injury accidents caused while under the influence of alcohol or intoxicating substance; updating language; making certain acts unlawful; providing penalties; defining term; providing for codification; providing an effective date; and declaring an emergency.

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

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

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

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

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

8 B. ~~Any~~ Except as provided for in Section 3 of this act, any person who drives a
9 motor vehicle on any public roads, streets, highways, turnpikes or other public place of
10 this state at a time when the ~~person's~~ person's privilege of the person to do so is canceled, denied,
11 suspended or revoked or at a time when the person is disqualified from so doing shall be
12 guilty of a misdemeanor and upon conviction shall be punished by a fine:

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

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

17 3. For a third and subsequent conviction, of not less than Three Hundred Dollars
18 (\$300.00) and not more than One Thousand Dollars (\$1,000.00),
19 or by imprisonment in the county jail for not more than one (1) year, or by both such fine
20 and imprisonment. Each act of driving on the highways as prohibited shall constitute a
21 separate offense.

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

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

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

10 3. For a third and subsequent conviction, of not less than Two Thousand Dollars
11 (\$2,000.00) and not more than Five Thousand Dollars (\$5,000.00),
12 or by imprisonment in the county jail for not more than one (1) year, or by both such fine
13 and imprisonment. Each act of driving on the highways as prohibited shall constitute a
14 separate offense.

15 D. ~~The~~ Except as provided for in subsection F of this section, the Department upon
16 receiving a record of conviction of an offense committed by any person whose license or
17 privilege to operate motor vehicles is under suspension or revocation, shall extend the
18 period of such suspension or revocation for an additional three-month period of time.
19 The additional orders of suspension or revocation shall be dated and become effective the
20 day following the date terminating the prior order of suspension or revocation.

21 E. ~~The~~ Except as provided for in subsection F of this section, the Department upon
22 receiving a record of conviction of an offense committed by any person whose license or

1 privilege to operate motor vehicles is under revocation, pursuant to paragraph 1, 2, or 3
2 of subsection A of Section 6-205.1 of this title, shall extend the period of such revocation
3 for an additional four-month period of time. The additional orders of revocation shall be
4 dated and become effective the day following the date terminating the prior order of
5 revocation.

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

12 G. It shall be a misdemeanor, punishable by imprisonment in the county jail for not
13 less than seven (7) days, nor more than six (6) months, or by a fine of not more than Five
14 Hundred Dollars (\$500.00), or by both such fine and imprisonment for any person to
15 apply for a renewal or a replacement license to operate a motor vehicle while the ~~person's~~
16 license of the person, permit or other evidence of driving privilege is in the custody of a
17 law enforcement officer or the Department. A notice regarding this offense and the
18 penalty therefor shall be included on the same form containing the notice of revocation
19 issued by the officer.

20 ~~G.~~ H. Any fine collected pursuant to a second or subsequent conviction as provided
21 ~~for~~ in subsections B and C of this section, shall be deposited to the Trauma Care

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 Assistance Revolving Fund created in Section ~~1-2522~~ 1-2530.9 of Title 63 of the
2 Oklahoma Statutes.

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

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

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

14 2. Any person who is convicted of a violation of the provisions of this subsection
15 after having been previously convicted of a violation of this subsection or of Section 11-
16 902 of this title shall be deemed guilty of a felony and shall be punished by imprisonment
17 ~~in a state correctional institution~~ the custody of the Department of Corrections for not
18 less than one (1) year and not more than five (5) years, and a fine of not more than Five
19 Thousand Dollars (\$5,000.00).

20 B. 1. Any person who causes an accident resulting in great bodily injury to any
21 other person ~~other than himself~~ while driving or operating a motor vehicle within this
22 state and who is in violation of the provisions of subsection A of Section 11-902 of this

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1 title may be charged with a violation of the provisions of this subsection. Any person who
2 is convicted of a violation of the provisions of this subsection shall be deemed guilty of a
3 felony punishable by imprisonment in ~~a state correctional institution~~ the custody of the
4 Department of Corrections for not less than one (1) year and not more than five (5) years,
5 and a fine of not more than Five Thousand Dollars (\$5,000.00.

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

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

12 A. Any person age sixteen (16) years or older who, while knowingly disqualified to
13 operate a motor vehicle in this state or while such person knows or should have known
14 that the driver license of the person is canceled, denied, suspended or revoked, causes an
15 accident involving another vehicle which results in personal injury to any person in
16 another vehicle may be charged with a violation of the provisions of this subsection. Any
17 person who is convicted of a violation of the provisions of this subsection shall be deemed
18 guilty of a misdemeanor punishable by imprisonment in the county jail for a term of not
19 more than one (1) year, or by a fine in an amount not exceeding Two Thousand Dollars
20 (\$2,000.00), or by both such fine and imprisonment.

21 B. 1. Any person age sixteen (16) years or older who, while knowingly disqualified
22 to operate a motor vehicle in this state or while such person knows or should have known

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

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

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

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

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

1 SECTION 5. It being immediately necessary for the preservation of the public
2 peace, health and safety, an emergency is hereby declared to exist, by reason whereof
3 this act shall take effect and be in full force from and after its passage and approval.
4 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02-19-09 - DO
5 PASS, As Amended and Coauthored.