

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1895

By: Peterson

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5
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending Section
8 2, Chapter 343, O.S.L. 2008 (47 O.S. Supp. 2008,
9 Section 11-1119), which relates to the Forget-Me-Not
Vehicle Safety Act; increasing penalties for certain
crimes; and providing an effective date.

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

13 SECTION 1. AMENDATORY Section 2, Chapter 343, O.S.L.
14 2008 (47 O.S. Supp. 2008, Section 11-1119), is amended to read as
15 follows:

16 Section 11-1119. A. As used in the Forget-Me-Not Vehicle
17 Safety Act:

18 1. "Person responsible for a child" means a custodial parent or
19 legal guardian of a child, or a person who has been directed or
20 authorized to supervise a child by ~~that child's~~ the custodial parent
21 or legal guardian of the child;

22 2. "Unattended" means beyond ~~a person's~~ the direct ability of a
23 person to care for or come to the aid of the unaccompanied person;
24 and

1 3. "Motor vehicle" means the same as defined in Section 1-134
2 of ~~Title 47 of the Oklahoma Statutes~~ this title.

3 B. A person responsible for a child who is six (6) years of age
4 or younger, or a caretaker of a vulnerable adult as defined by
5 Section 10-103 of Title 43A of the Oklahoma Statutes, shall not
6 leave that child or vulnerable adult unattended in a motor vehicle
7 if the conditions, including, but not limited to, extreme weather,
8 inadequate ventilation, or hazardous or malfunctioning components
9 within the vehicle present a risk to the health or safety of the
10 unattended child or vulnerable adult.

11 C. It shall not be considered a violation of this section if
12 the child or vulnerable adult is accompanied in the motor vehicle by
13 a person at least twelve (12) years of age who is not mentally
14 incompetent as defined by Section 1-103 of Title 43A of the Oklahoma
15 Statutes.

16 D. Any person convicted of violating the provisions of this
17 section shall be guilty of a ~~misdemeanor~~ felony and shall be
18 punished by:-

19 ~~1. A fine of not less than Fifty Dollars (\$50.00) upon a first~~
20 ~~conviction;~~

21 ~~2. A fine of not less than One Hundred Dollars (\$100.00) and~~
22 ~~ordered to perform community service of not less than fifty (50)~~
23 ~~hours upon a second conviction; and~~

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1 3. ~~A fine of not less than Two Hundred Dollars (\$200.00) upon a~~
2 ~~third or subsequent conviction, and the full record of that person's~~
3 ~~convictions of the violations of this section shall be submitted to~~
4 ~~the Department of Human Services for evaluation~~ imprisonment in the
5 custody of the Department of Corrections for a term not exceeding
6 life, or by imprisonment in the county jail for a term not exceeding
7 one (1) year, or by a fine of not less than Five Hundred Dollars
8 (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or by
9 both such fine and imprisonment.

10 E. Any person convicted of violating the provisions of this
11 section who has left a child or vulnerable adult unattended in a
12 motor vehicle on the premises of any establishment which holds any
13 license for the sale of alcoholic beverages for consumption on the
14 premises pursuant to Section 521 of Title 37 of the Oklahoma
15 Statutes, and who has consumed any alcoholic beverage during the
16 period of time the child or vulnerable adult has been unattended,
17 shall be punished by imprisonment in the custody of the Department
18 of Corrections for a term not exceeding life, or by imprisonment in
19 the county jail for a term not exceeding one (1) year, or by a fine
20 of not less than ~~Five Hundred Dollars (\$500.00)~~ One Thousand Dollars
21 (\$1,000.00) nor more than Ten Thousand Dollars (\$10,000.00), or by
22 both such fine and imprisonment.

23 F. Nothing in this section precludes prosecution under any
24 other provision of law.

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SECTION 2. This act shall become effective November 1, 2009.

52-1-5073 GRS 01/04/09