

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2263

By: Christian

4
5 AS INTRODUCED

6
7 An Act relating to motor vehicles; amending 47 O.S.
8 2001, Section 6-303, as last amended by Section 13,
9 Chapter 326, O.S.L. 2007 (47 O.S. Supp. 2008, Section
10 6-303), which relates to driving without a driver
11 license; providing statutory references; providing
12 gender-neutral language; directing Department of
13 Public Safety to extend period of suspension,
14 revocation or denial of driving privilege for certain
15 conviction; amending 47 O.S. 2001, Sections 11-903,
16 as amended by Section 1, Chapter 164, O.S.L. 2005 and
17 11-904, as amended by Section 13, Chapter 275, O.S.L.
18 2004 (47 O.S. Supp. 2008, Sections 11-903 and 11-
19 904), which relate to vehicular negligent homicide
20 and personal injury accidents caused while under the
21 influence of alcohol or intoxicating substance;
22 providing statutory references; updating language;
23 making certain acts unlawful; providing penalties;
24 defining term; providing for codification; and
providing an effective date.

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

SECTION 1. 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

1 vehicle being operated from the Department of Public Safety, except
2 as herein specifically exempted.

3 Any violation of the provisions of this subsection shall
4 constitute a misdemeanor and shall be punishable by a fine of not
5 less than Fifty Dollars (\$50.00) nor more than Three Hundred Dollars
6 (\$300.00) plus costs or by imprisonment in the county jail for not
7 more than thirty (30) days, or by both such fine and imprisonment.

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

12 B. Any Except as provided for in Section 4 of this act, any
13 person who drives a motor vehicle on any public roads, streets,
14 highways, turnpikes or other public place of this state at a time
15 when the ~~person's~~ privilege of the person to do so is canceled,
16 denied, suspended or revoked or at a time when the person is
17 disqualified from so doing shall be guilty of a misdemeanor and upon
18 conviction shall be punished by a fine:

19 1. For a first conviction, of not less than One Hundred Dollars
20 (\$100.00) and not more than Five Hundred Dollars (\$500.00);

21 2. For a second conviction, of not less than Two Hundred
22 Dollars (\$200.00) and not more than Seven Hundred Fifty Dollars
23 (\$750.00); or
24

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

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

14 1. For a first conviction, of not less than Five Hundred
15 Dollars (\$500.00) and not more than One Thousand Dollars
16 (\$1,000.00);

17 2. For a second conviction, of not less than One Thousand
18 Dollars (\$1,000.00) and not more than Two Thousand Dollars
19 (\$2,000.00); or

20 3. For a third and subsequent conviction, of not less than Two
21 Thousand Dollars (\$2,000.00) and not more than Five Thousand Dollars
22 (\$5,000.00),
23
24

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

4 D. 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 suspension or revocation, shall extend the period
8 of such suspension or revocation for an additional three-month
9 period of time. The additional orders of suspension or revocation
10 shall be dated and become effective the day following the date
11 terminating the prior order of suspension or revocation.

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

21 F. The Department, upon receiving a record of conviction for a
22 person convicted of an offense specified in Section 4 of this act,
23 shall extend the period of such suspension, revocation or denial of
24 driving privilege for an additional twelve-month period of time.

1 The additional orders of suspension, revocation or denial of driving
2 privilege shall be dated and become effective the day following the
3 date terminating the prior order of suspension, revocation or denial
4 of driving privilege.

5 G. It shall be a misdemeanor, punishable by imprisonment in the
6 county jail for not less than seven (7) days, nor more than six (6)
7 months, or by a fine of not more than Five Hundred Dollars
8 (\$500.00), or by both such fine and imprisonment for any person to
9 apply for a renewal or a replacement license to operate a motor
10 vehicle while the ~~person's~~ license of the person, permit or other
11 evidence of driving privilege is in the custody of a law enforcement
12 officer or the Department. A notice regarding this offense and the
13 penalty therefor shall be included on the same form containing the
14 notice of revocation issued by the officer.

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

20 SECTION 2. AMENDATORY 47 O.S. 2001, Section 11-903, as
21 amended by Section 1, Chapter 164, O.S.L. 2005 (47 O.S. Supp. 2008,
22 Section 11-903), is amended to read as follows:

23 Section 11-903. A. When the death of any person ensues within
24 one (1) year as a proximate result of injury received by the driving

1 of any vehicle by any person in reckless disregard of the safety of
2 others, the person so operating such vehicle shall be guilty of
3 negligent homicide.

4 B. Any person convicted of negligent homicide shall be punished
5 by imprisonment in the county jail for not more than one (1) year or
6 by fine of not less than One Hundred Dollars (\$100.00) nor more than
7 One Thousand Dollars (\$1,000.00), or by both such fine and
8 imprisonment.

9 C. The Commissioner of Public Safety shall revoke the license
10 or permit to drive, and any nonresident operating privilege, of any
11 person convicted of negligent homicide as provided in Section 6-205
12 or 6-303 of this title.

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

16 Section 11-904. A. ~~Any~~ Except as provided for in Section 4 of
17 this act, any person who is involved in a personal injury accident
18 while driving or operating a motor vehicle within this state and who
19 is in violation of the provisions of subsection A of Section 11-902
20 of this title may be charged with a violation of the provisions of
21 this subsection as follows:

22 1. Any person who is convicted of a violation of the provisions
23 of this subsection shall be deemed guilty of a misdemeanor for the
24 first offense and shall be punished by imprisonment in the county

1 jail for not less than ninety (90) days nor more than one (1) year,
2 and a fine of not more than Two Thousand Five Hundred Dollars
3 (\$2,500.00); and

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

12 B. 1. ~~Any~~ Except as provided for in Section 4 of this act, any
13 person who causes an accident resulting in great bodily injury to
14 any other person ~~other than himself~~ while driving or operating a
15 motor vehicle within this state and who is in violation of the
16 provisions of subsection A of Section 11-902 of this title may be
17 charged with a violation of the provisions of this subsection. Any
18 person who is convicted of a violation of the provisions of this
19 subsection shall be deemed guilty of a felony punishable by
20 imprisonment in ~~a state correctional institution~~ the custody of the
21 Department of Corrections for not less than one (1) year and not
22 more than five (5) years, and a fine of not more than Five Thousand
23 Dollars (\$5,000.00).

24

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

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

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

18 B. 1. Any person who, while knowingly disqualified to operate
19 a motor vehicle in this state or while such person knows or should
20 have known that the driver license of the person is canceled,
21 denied, suspended or revoked, is involved in an accident resulting
22 in great bodily injury to any other person and who is in violation
23 of Section 11-902 of Title 47 of the Oklahoma Statutes 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 and shall be punished
3 by imprisonment in the custody of the Department of Corrections for
4 a term of not less than one (1) year and not more than seven (7)
5 years, and a fine of not more than Five Thousand Dollars
6 (\$5,000.00).

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

11 C. Any person who, while knowingly disqualified to operate a
12 motor vehicle in this state or while such person knows or should
13 have known that the driver license of the person is canceled,
14 denied, suspended or revoked, is involved in an accident resulting
15 in the death of any person within one (1) year as a proximate result
16 of the injury received in such accident may be charged with a
17 violation of the provisions of this subsection. Any person who is
18 convicted of a violation of the provisions of this subsection shall
19 be deemed guilty of a felony and shall be punished by imprisonment
20 in the custody of the Department of Corrections for a term of not
21 less than two (2) years and not more than seven (7) years, and a
22 fine of not more than Seven Thousand Dollars (\$7,000.00).

23

24

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

SECTION 5. This act shall become effective November 1, 2009.

52-1-6218 GRS 01/02/09