

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1170

By: Leftwich

4  
5  
6 AS INTRODUCED

7 An Act relating to motor vehicles; naming certain  
8 provision; providing short title; amending 47 O.S.  
9 2001, Sections 6-303, as last amended by Section 13,  
10 Chapter 326, O.S.L. 2008, 11-903, as amended by  
11 Section 1, Chapter 164, O.S.L. 2005, 11-904, as  
12 amended by Section 13, Chapter 275, O.S.L. 2004 (47  
13 O.S. Supp. 2008, Sections 6-303, 11-903 and 11-904),  
14 which relate to driving without license, negligent  
15 homicide, personal injury accident while under  
16 influence of intoxicating substance; providing  
17 extension of revocation period for certain period of  
18 time for certain conviction; authorizing revocation  
19 of driver license upon certain conviction; providing  
20 exception to penalty for certain accident upon  
21 driving under suspended license; making language  
22 gender neutral; creating crimes for certain personal  
23 injury accidents while disqualified to operate  
24 vehicle or driving under revocation or suspension;  
requiring fault in causing accident; setting  
penalties; defining term; providing for codification;  
providing for noncodification; providing an effective  
date; and declaring an emergency.

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

22 SECTION 1. NEW LAW A new section of law not to be  
23 codified in the Oklahoma Statutes reads as follows:  
24

1 Section 5 of this act shall be known and may be cited as the  
2 "Gaje Jeffrey Florence Act".

3 SECTION 2. AMENDATORY 47 O.S. 2001, Section 6-303, as  
4 last amended by Section 13, Chapter 326, O.S.L. 2007 (47 O.S. Supp.  
5 2008, Section 6-303), is amended to read as follows:

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

11 Any violation of the provisions of this subsection shall  
12 constitute a misdemeanor and shall be punishable by a fine of not  
13 less than Fifty Dollars (\$50.00) nor more than Three Hundred Dollars  
14 (\$300.00) plus costs or by imprisonment for not more than thirty  
15 (30) days, or by both such fine and imprisonment.

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

20 B. ~~Any~~ Except as provided in Section 5 of this act, any person  
21 who drives a motor vehicle on any public roads, streets, highways,  
22 turnpikes or other public place of this state at a time when the  
23 person's privilege to do so is canceled, denied, suspended or  
24 revoked or at a time when the person is disqualified from so doing

1 shall be guilty of a misdemeanor and upon conviction shall be  
2 punished by a fine:

3 1. For a first conviction, of not less than One Hundred Dollars  
4 (\$100.00) and not more than Five Hundred Dollars (\$500.00);

5 2. For a second conviction, of not less than Two Hundred  
6 Dollars (\$200.00) and not more than Seven Hundred Fifty Dollars  
7 (\$750.00); or

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

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

21 1. For a first conviction, of not less than Five Hundred  
22 Dollars (\$500.00) and not more than One Thousand Dollars  
23 (\$1,000.00);

24

1           2. For a second conviction, of not less than One Thousand  
2 Dollars (\$1,000.00) and not more than Two Thousand Dollars  
3 (\$2,000.00); or

4           3. For a third and subsequent conviction, of not less than Two  
5 Thousand Dollars (\$2,000.00) and not more than Five Thousand Dollars  
6 (\$5,000.00),  
7 or by imprisonment for not more than one (1) year or by both such  
8 fine and imprisonment. Each act of driving on the highways as  
9 prohibited shall constitute a separate offense.

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

18           E. ~~The~~ Except as provided in subsection F of this section, the  
19 Department upon receiving a record of conviction of an offense  
20 committed by any person whose license or privilege to operate motor  
21 vehicles is under revocation, pursuant to paragraph 1, 2, or 3 of  
22 subsection A of Section 6-205.1 of this title, shall extend the  
23 period of such revocation for an additional four-month period of  
24 time. The additional orders of revocation shall be dated and become

1 effective the day following the date terminating the prior order of  
2 revocation.

3 F. The Department upon receiving a record of conviction for a  
4 person convicted of an offense specified in Section 5 of this act  
5 shall extend the period of such suspension, revocation or denial of  
6 driving privilege for an additional twelve-month period of time.

7 The additional orders of suspension, revocation or denial of driving  
8 privilege shall be dated and become effective the day following the  
9 date terminating the prior order of suspension, revocation or denial  
10 of driving privilege.

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

21 ~~G.~~ H. Any fine collected pursuant to a second or subsequent  
22 conviction as provided for in subsections B and C of this section,  
23 shall be deposited to the Trauma Care Assistance Revolving Fund  
24

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

3 SECTION 3. AMENDATORY 47 O.S. 2001, Section 11-903, as  
4 amended by Section 1, Chapter 164, O.S.L. 2005 (47 O.S. Supp. 2008,  
5 Section 11-903), is amended to read as follows:

6 Section 11-903. A. When the death of any person ensues within  
7 one (1) year as a proximate result of injury received by the driving  
8 of any vehicle by any person in reckless disregard of the safety of  
9 others, the person so operating such vehicle shall be guilty of  
10 negligent homicide.

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

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

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

23 Section 11-904. A. Any Except as provided in Section 5 of this  
24 act, any person who is involved in a personal injury accident while

1 driving or operating a motor vehicle within this state and who is in  
2 violation of the provisions of subsection A of Section 11-902 of  
3 this title may be charged with a violation of the provisions of this  
4 subsection as follows:

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

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

18 B. 1. ~~Any~~ Except as provided in Section 5 of this act, any  
19 person who causes an accident resulting in great bodily injury to  
20 any person other than himself or herself while driving or operating  
21 a motor vehicle within this state and who is in violation of the  
22 provisions of subsection A of Section 11-902 of this title may be  
23 charged with a violation of the provisions of this subsection. Any  
24 person who is convicted of a violation of the provisions of this

1 subsection shall be deemed guilty of a felony punishable by  
2 imprisonment in a state correctional institution for not less than  
3 one (1) year and not more than five (5) years, and a fine of not  
4 more than Five Thousand Dollars (\$5,000.00).

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

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

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

23 B. 1. Any person who, while knowingly disqualified to operate  
24 a motor vehicle in this state, or while such person knows or should

1 have known that his or her driver license is canceled, denied,  
2 suspended or revoked, causes a personal injury accident resulting in  
3 great bodily injury to any person other than himself or herself, and  
4 is found guilty of disobeying any traffic signal or for a moving  
5 violation, or who is found guilty of a violation of Section 11-902  
6 of Title 47 of the Oklahoma Statutes, may be charged with a  
7 violation of the provisions of this subsection. Any person who is  
8 convicted of a violation of the provisions of this subsection shall  
9 be deemed guilty of a felony punishable by imprisonment in the  
10 custody of the Department of Corrections for a term not less than  
11 one (1) year nor more than five (5) years or by a fine in an amount  
12 not exceeding Three Thousand Dollars (\$3,000.00).

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

17 C. Any person who, while knowingly disqualified to operate a  
18 motor vehicle in this state, or while such person knows or should  
19 have known that his or her driver license is canceled, denied,  
20 suspended or revoked, causes a personal injury accident resulting in  
21 the death of any person within one (1) year as a proximate result of  
22 the injury received in such accident, and who is found guilty of  
23 disobeying any traffic signal or for a moving violation, or who is  
24 found guilty of a violation of Section 11-902 of Title 47 of the

1 Oklahoma Statutes, may be charged with a violation of the provisions  
2 of this subsection. Any person who is convicted of a violation of  
3 the provisions of this subsection shall be deemed guilty of a felony  
4 punishable by imprisonment in the custody of the Department of  
5 Corrections for a term not less than two (2) years nor more than  
6 seven (7) years, or by a fine in an amount not exceeding Five  
7 Thousand Dollars (\$5,000.00).

8 SECTION 6. This act shall become effective July 1, 2009.

9 SECTION 7. It being immediately necessary for the preservation  
10 of the public peace, health and safety, an emergency is hereby  
11 declared to exist, by reason whereof this act shall take effect and  
12 be in full force from and after its passage and approval.

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