<DateSubmitted>

HOUSE OF REPRESENTATIVES
CONFERENCE COMMITTEE REPORT

Mr. President:
Mr. Speaker:

The Conference Committee, to which was referred

HB1507

By: Schwartz of the House and Johnson (Rob) of the Senate

Title: Motor vehicles; creating Aaron's Law; modifying penalties; effective date.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from its Amendment No. 1; and
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

House Action _____ Date _____ Senate Action _____ Date _____

HB1507 CCR A

HOUSE CONFEREES

Jordan _____

Martin (Steve) _____

McCullough _____

Moore _____

Morrissette _____

Roan _____

Roberts (Dustin) _____

Schwartz _____

Sherrer _____

Sullivan _____

Tibbs _____

Wesselhoft _____

Williams _____

House Action _____ Date _____ Senate Action _____ Date _____

SENATE CONFEREES

Johnson (Rob) _____

Barrington _____

Crain _____

Nichols _____

Burrage _____

Garrison _____

House Action _____ Date _____ Senate Action _____ Date _____

STATE OF OKLAHOMA

1st Session of the 53rd Legislature (2011)

CONFERENCE COMMITTEE
SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 1507 By: Schwartz and Ritze of the House

And

Johnson (Rob) and Garrison of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; creating Aaron's Law; amending 47 O.S. 2001, Section 6-205, as last amended by Section 2, Chapter 333, O.S.L. 2010 (47 O.S. Supp. 2010, Section 6-205), which relates to mandatory revocation of driving privileges; making certain offenses subject to mandatory revocation; defining term; amending 47 O.S. 2001, Section 11-903, as amended by Section 1, Chapter 164, O.S.L. 2005 (47 O.S. Supp. 2010, Section 11-903), which relates to negligent homicide; modifying penalties; providing for noncodification; and providing an effective date.

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:

This act shall be known and may be cited as "Aaron's Law".

SECTION 2. AMENDATORY 47 O.S. 2001, Section 6-205, as last amended by Section 2, Chapter 333, O.S.L. 2010 (47 O.S. Supp. 2010, Section 6-205), is amended to read as follows:

Section 6-205. A. The Department of Public Safety shall immediately revoke the driving privilege of any person, whether adult or juvenile, upon receiving a record of conviction in any municipal, state or federal court within the United States of any of the following offenses, when such conviction has become final:

1. Manslaughter or negligent homicide resulting from the operation of a motor vehicle;

2. Driving or being in actual physical control of a motor vehicle while under the influence of alcohol, any other intoxicating substance, or the combined influence of alcohol and any other intoxicating substance, any violation of paragraph 1, 2, 3 or 4 of subsection A of Section 11-902 of this title or any violation of Section 11-906.4 of this title. However, the Department shall not additionally revoke the driving privileges of the person pursuant to this subsection if the ~~person's~~ driving privilege <u>of the person</u> has been revoked because of a test result or test refusal pursuant to Section 753 or 754 of this title arising from the same circumstances which resulted in the conviction unless the revocation because of a test result or test refusal is set aside;

3. Any felony during the commission of which a motor vehicle is used;

4. Failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;

5. Perjury or the making of a false affidavit or statement under oath to the Department under the Uniform Vehicle Code or under any other law relating to the ownership or operation of motor vehicles;

6. A misdemeanor or felony conviction for unlawfully possessing, distributing, dispensing, manufacturing, trafficking, cultivating, selling, transferring, attempting or conspiring to possess, distribute, dispense, manufacture, traffic, sell, or transfer of a controlled dangerous substance as defined in the Uniform Controlled Dangerous Substances Act while using a motor vehicle;

7. Failure to pay for gasoline pumped into a vehicle pursuant to Section 1740 of Title 21 of the Oklahoma Statutes;

8. A misdemeanor conviction for a violation of Section 1465 of Title 21 of the Oklahoma Statutes; ~~or~~

9. A misdemeanor conviction for a violation of Section ~~1~~ 609 of ~~this act~~ Title 37 of the Oklahoma Statutes;

10. Reckless driving without regard for the safety of others pursuant to Section 11-901 of this title;

11. Failure to obey a traffic control device as provided in Section 11-202 of this title or a stop sign when such failure results in great bodily injury to any other person; or

12. Failure to stop or to remain stopped for school bus loading or unloading of children pursuant to Section 11-705 or 11-705.1 of this title.

B. The first license revocation under any provision of this section, except for paragraph 2, 6, or 7 of subsection A of this section, shall be for a period of one (1) year. Such period shall not be modified.

C. A license revocation under any provision of this section, except for paragraph 2, 6, or 7 of subsection A of this section, shall be for a period of three (3) years if a prior revocation under this section, except under paragraph 2 of subsection A of this section, commenced within the preceding five-year period as shown by the ~~Department's record~~ records of the Department. Such period shall not be modified.

D. The period of license revocation under paragraph 2 or 6 of subsection A of this section shall be governed by the provisions of Section 6-205.1 of this title.

E. The first license revocation under paragraph 7 of subsection A of this section shall be for a period of six (6) months. A second or subsequent license revocation under paragraph 7 of subsection A

of this section shall be for a period of one (1) year. Such periods shall not be modified.

F. As used in this section, "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.

SECTION 3. AMENDATORY 47 O.S. 2001, Section 11-903, as amended by Section 1, Chapter 164, O.S.L. 2005 (47 O.S. Supp. 2010, Section 11-903), is amended to read as follows:

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

B. Any person convicted of negligent homicide shall be ~~punished~~ guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year or by fine of not less than ~~One Hundred Dollars ($100.00) nor more than~~ One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

In addition to the fine or penalty, the court shall order the person to attend a driver improvement or defensive driving course, as provided in Section 6-206.1 of this title. Furthermore, if the records of the Department of Public Safety for the person reflect a conviction for any traffic offense within the three (3) years

immediately preceding the conviction for negligent homicide, the fine shall be enhanced to double the amount of the fine imposed pursuant to this subsection.

C. The Commissioner of Public Safety shall revoke the license or permit to drive and any nonresident operating privilege of any person convicted of negligent homicide.

SECTION 4. This act shall become effective November 1, 2011.

53-1-7724 GRS 05/03/11