

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1087

BY: PILGRIM

AS INTRODUCED

AN ACT RELATING TO MOTOR VEHICLES; AUTHORIZING THE  
ESTABLISHMENT OF TRAFFIC SAFETY CHECKPOINTS;  
STATING PURPOSES THEREFOR; REQUIRING WRITTEN  
PROCEDURES; REQUIRING FILING OF PROCEDURES;  
PROVIDING REQUIREMENTS FOR OPERATION OF  
CHECKPOINTS; REQUIRING OPERATORS OF MOTOR VEHICLES  
TO STOP AT CHECKPOINTS; PROVIDING PENALTIES;  
PROVIDING FOR CODIFICATION; 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 to be codified  
in the Oklahoma Statutes as Section 11-108 of Title 47, unless there  
is created a duplication in numbering, reads as follows:

A. One or more uniformed peace officers of this state may  
establish traffic safety checkpoints upon any road, street or  
highway of this state for the purpose of detecting and upon  
detection, apprehending operators of motor vehicles:

1. driving under the influence of alcohol or other intoxicating substances;

2. having no valid driver's license;

3. driving under suspension or revocation of driver's license;

4. having an expired or no motor vehicle inspection decal;

5. having no security verification form;

6. having an invalid motor vehicle registration;

7. having no valid permit or other document required by the motor carrier laws or size and weight laws of this state or comparable law or regulation of the United States Government.

B. Administrative level personnel of law enforcement agencies shall establish written procedures for the operation of traffic safety checkpoints within the jurisdiction of each agency. The procedures shall include, but shall not be limited to:

1. criteria to be used in determining the need for such checkpoints;

2. regularity of the establishment of such checkpoints;

3. guidelines to be used by officers to lessen the degree of intrusion and fright which may be endured by individuals passing through the checkpoints with due regard for the convenience and safety of the motoring public;

4. a community awareness program that such checkpoints will be established with regularity, how to recognize such checkpoints and what may be expected of the public upon reaching such checkpoint; and

5. training requirements of officers concerning procedures relating to the establishment and operation of such checkpoints.

Such written procedures, or amendments thereto, shall be filed with the district court clerk and shall be readily available for public inspection.

C. Such traffic safety checkpoints shall be operated by officers wearing the distinctive uniform of the officers' employing law enforcement agency.

D. The parameters of each traffic safety checkpoint site shall be clearly identified as such by portable signs measuring not less than three (3) feet by four (4) feet and bearing the uniform wording "TRAFFIC SAFETY CHECKPOINT OPERATION. STOP OR PROCEED AT DIRECTION OF PEACE OFFICER". Such signs shall be sufficiently lighted so as to be readily discernible by the driver of an approaching motor vehicle. Other traffic control devices and signs may be placed within or adjacent to the site as deemed needed.

E. Law enforcement agencies establishing and operating traffic safety checkpoints may have at the site or adjacent to the site, such support personnel and equipment as the agency deems necessary to carry out the provisions of this section.

F. Every operator of a motor vehicle approaching such traffic safety checkpoint shall stop at the checkpoint unless directed otherwise by a peace officer in attendance thereto. Every operator of a motor vehicle who fails to stop at such checkpoint or exits the parameters of such checkpoint except upon direction of a uniformed peace officer shall, upon conviction, be guilty of a misdemeanor.

G. Any violation of law, as provided for in subsection A of this section, discovered during the operation of such traffic safety checkpoint shall be proceeded against as provided for in Title 47 of the Oklahoma Statutes.

SECTION 2. This act shall become effective September 1, 1991.

43-1-5365

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