

ENGROSSED HOUSE
BILL NO. 1657

By: Rice of the House

and

Rozell of the Senate

An Act relating to motor vehicles; amending 47 O.S. 1991, Section 11-801c, which relates to restrictions on recording points for speeding; providing exception under certain circumstances; amending Section 30, Chapter 303, O.S.L. 1992 (47 O.S. Supp. 1994, Section 11-810), which relates to points on conviction for speeding; requiring point assessment and recording under certain circumstances; amending 47 O.S. 1991, Section 18-101, which relates to reports of traffic convictions to Department of Public Safety; requiring report under certain circumstances; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 11-801c, is amended to read as follows:

Section 11-801c. The Oklahoma Department of Public Safety shall not record or assess points for traffic violations or convictions for traffic offenses on any licensee's traffic record as maintained by said Department, where such violation or conviction is for

exceeding the speed limit specified in this act, but not exceeding the speed limit previously in force where the violation occurred, except when the violation or conviction is for exceeding the posted speed limit in a school zone.

SECTION 2. AMENDATORY Section 30, Chapter 303, O.S.L. 1992 (47 O.S. Supp. 1994, Section 11-810), is amended to read as follows:

Section 11-810. The Oklahoma Department of Public Safety shall not record or assess points for convictions provided for in paragraph 1 of subsection A of Section 153 of Title 28 of the Oklahoma Statutes on any licensee's traffic record as maintained by said Department. However, if the conviction is the result of a violation for exceeding the posted speed limit in a school zone, then the Department shall record and assess points for the conviction on the traffic record of the offender.

SECTION 3. AMENDATORY 47 O.S. 1991, Section 18-101, is amended to read as follows:

Section 18-101. ~~(a)~~ A. Every magistrate or judge of a court shall keep or cause to be kept a record of every traffic complaint, traffic citation or other legal form of traffic charge deposited with or presented to said court or its traffic-violations bureau, and shall keep a record of every official action by said court or its traffic-violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal and the amount of fine or forfeiture resulting from every said traffic complaint or citation deposited with or presented to said court or traffic-violations bureau.

~~(b)~~ B. Within ten (10) days after the conviction or forfeiture of bail of a person upon a charge of violating any provision of this act or other law regulating the operation of vehicles on highways every said magistrate of the court or clerk of the court of record, in which such conviction was had or bail was forfeited shall prepare

and immediately forward to the Department an abstract of the record of said court covering the case in which said person was so convicted or forfeited bail, which abstract must be certified by the person so required to prepare the same to be true and correct. A report need not be made of any conviction involving the illegal parking or standing of a vehicle. A magistrate of a municipal court shall not make such a report of a conviction involving speeding if the speed limit is not exceeded by more than ten (10) miles per hour. However, if the conviction is the result of a violation for exceeding the posted speed limit in a school zone, then the magistrate shall make a report of the conviction to the Department.

~~(c)~~ C. Said abstract must be made upon a form furnished by the Department and shall include the name and address of the party charged, the number, if any, of his operator's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, or whether bail forfeited and the amount of the fine or forfeiture as the case may be.

~~(d)~~ D. Every court of record shall also forward a like report to the Department upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

~~(e)~~ E. The failure, refusal or neglect of any such judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be ground for removal therefrom.

SECTION 4. This act shall become effective November 1, 1995.

Passed the House of Representatives the 28th day of February, 1995.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1995.

President of the Senate