

ENROLLED SENATE
BILL NO. 298

By: Smith of the Senate

and

Steidley of the House

An Act relating to motor vehicles; amending 47 O.S. 1991, Section 18-101, as amended by Section 14 of Enrolled House Bill No. 1830 of the 1st Session of the 45th Oklahoma Legislature, which relates to report of traffic convictions to Department of Public Safety; clarifying language; prohibiting report of traffic convictions rendered by nonlawyer judge; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 18-101, as amended by Section 14 of Enrolled House Bill No. 1830 of the 1st Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 18-101. 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~~ the court or its traffic-violations bureau, and shall keep a record of every official action by ~~said~~ the 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 or other legal form of traffic charge deposited with or presented to ~~said~~ the court or traffic-violations bureau.

B. Within ten (10) days after the conviction or forfeiture of bail of a person upon a charge of violating any ~~provision of this title 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~~ the conviction was had or bail was forfeited, shall prepare and immediately forward to the Department of Public Safety an abstract of the record ~~of said court~~ covering the case in which ~~said~~ the person was ~~so~~ convicted or forfeited bail, which ~~abstract must~~ shall be certified by the person ~~so~~ required to prepare the ~~same~~ abstract to be true and correct. A report ~~need~~ shall not be made of any conviction ~~involving~~:

1. 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;~~

2. Involving speeding if the speed limit is not exceeded by more than ten (10) miles per hour; or

3. Rendered by a nonlawyer judge, unless, within a period not to exceed the preceding reporting period for Mandatory Continuing Legal Education, the judge has completed courses held for municipal judges which have been approved by the Oklahoma Bar Association

Mandatory Legal Education Commission for at least twelve (12) hours of continuing legal education credit.

C. ~~Said~~ The abstract must be made upon a form furnished by the Department and shall include:

1. The name, address and driver license number, if any, of the person charged;

2. The registration number of the vehicle involved; and

3. The nature of the offense, the date of hearing, the plea, the judgment, or ~~whether~~ if bail was forfeited ~~and~~, the amount of the fine or forfeiture ~~as the case may be.~~

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. 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 2. This act shall become effective November 1, 1995.

Passed the Senate the 18th day of May, 1995.

President of the Senate

Passed the House of Representatives the 22nd day of May, 1995.

Speaker of the House of Representatives