

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

HOUSE BILL NO. 1851

By: Benson

AS INTRODUCED

An Act relating to the Department of Public Safety;
providing that officers are on duty under certain
circumstances; establishing certain rates for
compensation; providing for scheduling under
certain circumstances; prohibiting certain conduct;
providing certain costs included in fee schedule;
providing for collection and deposit of certain
fees; providing for rulemaking; providing
exception; 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 2-105.6 of Title 47, unless
there is created a duplication in numbering, reads as follows:

A. Notwithstanding the provisions of Sections 81, 82 and 84.1
of Title 28 of the Oklahoma Statutes or other law, any law
enforcement officer of the Department of Public Safety who
participates in the official investigation of an accident or
incident, or who is present or near the scene of an accident or
incident in the performance of official duties, and thereafter
expends time:

1. In an interview at the request of an attorney, private investigator, insurance company, adjuster or other person interested in potential or actual civil litigation relating thereto; or

2. In response to any civil process relating thereto, shall be considered to be on-duty by the Department for all purposes during the time expended in response to such interview request or civil process, including preparation and travel time. Compensation to be paid to the officer for such time shall be calculated at twice the rate of hourly base pay, plus reimbursement for actual and necessary expenses incurred. Provided however, any portion of an hour expended shall be rounded and compensated as a full hour.

B. Regarding an interview, the decision as to whether to grant such interview shall be at the discretion of the law enforcement officer, but if granted, the time scheduled shall be subject to approval by the Department. Regarding civil process, the Department shall have the authority to adjust work schedules as needed to accommodate the officer's appearance or response.

C. The officer shall not request or receive any fee, compensation or other personal benefit for an interview, testimony or other evidence arising from the performance of official duties relating to such accident or incident, except from the Department of Public Safety as provided for in this section.

D. The Department shall annually publish a standard fee schedule designed to recover all costs and intangible expenses of administering the provisions of subsection A of this section, which shall be available to any person upon request. In determining the amount of fees, the Department may consider overtime wages, benefits, the use and maintenance of vehicles and other direct and indirect costs of law enforcement operations.

E. The person requesting the civil process or interview as provided in subsection A of this section shall be billed by the Department in accordance with the standard fee schedule as provided

for in subsection D of this section, which shall constitute a legal debt. The Department may file suit in the District Court of Oklahoma County to recover such amount, plus interest, reasonable attorney's fees and costs. All monies received pursuant to this section shall be deposited into the Department of Public Safety Revolving Fund.

F. The Department may adopt appropriate rules in accordance with the Administrative Procedures Act and establish internal policies to implement the provisions of this section.

G. The provisions of this section shall not apply to an accident or incident where the purpose of the interview or process is on behalf of or against the Department of Public Safety or any employee thereof, nor apply to any criminal proceeding.

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

45-1-5981

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