

SHORT TITLE: Motor vehicles; prohibiting report to Department of Public Safety of traffic convictions rendered by nonlawyer judge; effective date.

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

SENATE BILL NO. 298

By: Smith

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 1991, Section 18-101, 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, 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~~ 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~~ or citation or other legal form of traffic charge deposited with or presented to ~~said~~ the 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~~ 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.

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

1. The name and address of the party charged, ~~the~~;

2. The number, if any, of ~~his~~ any operator's or chauffeur's license, ~~the~~;

3. The registration number of the vehicle involved, ~~the~~;

4. The nature of the offense, ~~the~~;

5. The date of hearing, ~~the~~; and

6. The plea, and the judgment, or ~~whether~~ if bail was 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 2. This act shall become effective November 1, 1995.

45-1-0618

KSM