

1 STATE OF OKLAHOMA

2 1st Session of the 47th Legislature (1999)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 234

By: Rozell of the Senate

and

Ostrander of the House

7
8
9 COMMITTEE SUBSTITUTE

10 An Act relating to motor vehicles; creating the
11 "Oklahoma Speed Trap Law"; providing short title;
12 defining terms; authorizing the Commissioner of the
13 Department of Public Safety to make certain
14 determinations if a law enforcement officer of a
15 municipality is using unreasonable traffic
16 enforcement; requiring municipalities to submit
17 certain certified records; permitting the Department
18 of Public Safety to review certain records; providing
19 for sanction; providing information to district
20 attorney; authorizing district court to impose
21 sanction on the municipality using unreasonable
22 traffic enforcement; specifying certain orders;
23 providing for codification; and providing an
24 effective date.

25
26
27
28
29
30
31
32
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 11-811 of Title 47, unless there
is created a duplication in numbering, reads as follows:

The provisions of this act shall be known and may be cited as
the "Oklahoma Speed Trap Law".

SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 11-812 of Title 47, unless there
is created a duplication in numbering, reads as follows:

A. For purposes of this section:

1. "Unreasonable traffic enforcement" means the exercise of
police power by a law enforcement officer to enforce traffic laws

1 for the principal purpose of raising revenue for an affected
2 municipality and not for the purpose of public safety and welfare;

3 2. "Affected highway" means any through highway which is
4 located outside the urban district of an affected municipality; and

5 3. "Affected municipality" means any municipality with a
6 population of ten thousand (10,000) or less according to the latest
7 Federal Decennial Census through which passes an affected highway.

8 B. Upon the request of the district attorney of any district
9 attorney district in which an affected municipality is located, the
10 Commissioner of the Department of Public Safety is authorized to
11 investigate and determine whether any law enforcement officer of an
12 affected municipality is using unreasonable traffic enforcement.

13 Such investigation shall require the affected municipality to
14 submit a certified record of all fines, costs, citations, and
15 percentage of citations that are written for less than ten (10)
16 miles per hour over the posted speed.

17 1. Such records may be over a reasonable period of time as
18 requested by the Department of Public Safety, but in no event shall
19 be less than ninety (90) days of documentation.

20 2. The affected municipality shall submit requested records
21 within thirty (30) days, unless an extension for submission is
22 approved, and shall cooperate with all other aspects of the
23 investigation. Failure to comply with any requirement of this
24 section shall result in automatic sanctions as provided in
25 subsection E of this section.

26 C. It shall be presumed that the affected municipality is
27 allowing a law enforcement officer to use unreasonable traffic
28 enforcement upon a finding that more than fifty percent (50%) of the
29 citations written for speeding in the affected municipality are
30 written for speed limit violations which were for less than ten (10)
31 miles per hour over the posted limit on an affected highway within
32 the affected municipality.

1 D. Upon the completion of an inquiry, the Commissioner shall
2 forward all information to the district attorney requesting the
3 investigation.

4 E. Upon application by the district attorney and after notice
5 and a hearing, the district court, upon a finding by clear and
6 convincing evidence that the affected municipality has engaged in
7 unreasonable traffic enforcement pursuant to this act or that the
8 affected municipality has failed to comply with requirements of
9 subsection B of this section, shall order all citations issued for
10 speeding by the affected municipality on the affected highway to be
11 filed in the district court of that county for a period of not less
12 than ninety (90) days.

13 SECTION 3. This act shall become effective November 1, 1999.

14
15 47-1-6760 LAC 3/16/99
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32