

SB 228

Senate Bill No. 228
As Amended

SENATE BILL NO. 228 - By: SHURDEN of the Senate and LEIST of the House.

[motor vehicles - traffic-related enforcement - effective date]

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 2-117, as amended by Section 4, Chapter 324, O.S.L. 1996 (47 O.S. Supp. 1998, Section 2-117), is amended to read as follows:

Section 2-117. The Commissioner and each commissioned officer of the Department of Public Safety as shall be designated and all ~~members~~ officers of the Oklahoma Highway Patrol Division shall have the following powers and duties:

1. Of peace officers for the purpose of enforcing the provisions of ~~the Uniform Vehicle Code~~ this title and any other law regulating the operation of vehicles or the use of the highways, ~~including the Motor Carriers Act of this state~~ or any other laws of this state by the direction of the Governor.

2. The Commissioner, designated commissioned officers and ~~members~~ officers of the Oklahoma Highway Patrol Division are hereby declared to be peace officers of the State of Oklahoma and shall be

1 so deemed and taken in all courts having jurisdiction of offenses
2 against the laws of the state. The ~~members~~ officers of the Oklahoma
3 Highway Patrol Division shall have the powers now or hereafter
4 vested by law in peace officers except the serving or execution of
5 civil process. The ~~members~~ officers of the Oklahoma Highway Patrol
6 Division shall have authority to arrest without writ, rule, order or
7 process any person detected by them in the act of violating any law
8 of the state. When ~~a member~~ an officer of the Oklahoma Highway
9 Patrol Division is in pursuit of a violator or suspected violator
10 and is unable to arrest such violator or suspected violator within
11 the limits of ~~the district or territory over which~~ the jurisdiction
12 of such ~~member~~ officer of the Oklahoma Highway Patrol Division
13 extends, the officer shall be and is hereby authorized to continue
14 in pursuit of such violator or suspected violator into whatever part
15 of the state may be reasonably necessary to effect the apprehension
16 and arrest of the same, and to arrest such violator or suspected
17 violator wherever he or she may be overtaken, and to assist in the
18 location of stolen property, including livestock and poultry or the
19 carcasses thereof, and to make any inspection necessary of any
20 truck, trailer or contents thereof in connection therewith.

21 The powers and duties conferred on the ~~members and~~ officers of
22 the Oklahoma Highway Patrol Division shall not limit the powers and
23 duties of sheriffs or other peace officers of the state or any

1 political subdivision of the state; provided, however, that the
2 Oklahoma Highway Patrol Division shall have primary law enforcement
3 authority respecting traffic-related offenses upon the National
4 System of Interstate and Defense Highways, and may have special law
5 enforcement authority on those portions of the federal-aid primary
6 highways and the state highway system which are located on the
7 outskirts and are within the boundaries of any municipality, and
8 designated by the Commissioner of Public Safety for such special law
9 enforcement authority. The outskirts of a municipality may be
10 determined by reference to the following factors:

- 11 a. low land use density,
- 12 b. absence of any school or residential subdivision
13 requiring direct ingress or egress from the highway,
- 14 c. low volume of traffic on the highway, and
- 15 d. a scarcity of retail or commercial business abutting
16 the highway.

17 The Commissioner may designate any portion of the National
18 System of Interstate and Defense Highways, and those portions of the
19 federal-aid primary highways and the state highway system which are
20 located on the outskirts and are within the boundaries of any
21 municipality, as ~~hereinbefore~~ defined above for special
22 traffic-related enforcement by the Oklahoma Highway Patrol Division
23 and issue a written notice to any other law enforcement agency

1 affected thereby. Upon receipt of such notice, the affected law
2 enforcement agency shall not regulate traffic nor enforce
3 traffic-related statutes or ordinances upon such designated portion
4 of the National System of Interstate and Defense Highways or such
5 designated portions of the federal-aid primary highways and the
6 state highway system without prior coordination and written approval
7 of the Commissioner. Nothing in this section shall limit ~~a member~~
8 an officer of the Oklahoma Highway Patrol Division from requesting
9 assistance from any other law enforcement agency nor limit officers
10 of such agency from rendering the requested assistance. The officer
11 and the law enforcement agency responding to the request of the
12 ~~member~~ officer of the Oklahoma Highway Patrol Division or sheriff's
13 department shall have the same rights and immunities as are
14 possessed by the Oklahoma Highway Patrol Division.

15 3. At all times to direct all traffic in conformance with law
16 and, in the event of a fire, or other emergency, or to expedite
17 traffic, or to insure safety, to direct traffic as conditions may
18 require, notwithstanding the provisions of law. ~~A member~~ An officer
19 of the Oklahoma Highway Patrol Division shall have the authority,
20 and it shall be the ~~member's~~ officer's duty, to require satisfactory
21 proof of ownership of the contents of any motor vehicle as defined
22 in Section 2-101 et seq. of this title, including livestock, poultry
23 or the carcasses thereof. In the event that the proof of ownership

1 is not satisfactory, it shall be the duty of ~~a member~~ the officer of
2 the Oklahoma Highway Patrol Division to take the motor vehicle,
3 driver and the contents of the motor vehicle into custody and
4 deliver same to the sheriff of the county wherein the cargo, motor
5 vehicle and driver are taken into custody.

6 4. When on duty, upon reasonable belief that any vehicle is
7 being operated in violation of any provisions of the Uniform Vehicle
8 Code, or any other law regulating the operation of vehicles, to
9 require the driver thereof to stop and exhibit his or her driver's
10 license and the registration card issued for the vehicle and submit
11 to an inspection of such vehicle, the registration plates and
12 registration card thereon or to any inspection and test of the
13 equipment of such vehicle.

14 5. To inspect any vehicle of a type required to be registered
15 hereunder in any public garage or repair shop or in any place where
16 such vehicles are held for sale or wrecking, for the purpose of
17 locating stolen vehicles and investigating the title and
18 registration thereof.

19 6. To serve all warrants relating to the enforcement of the
20 laws regulating the operation of vehicles or the use of the highways
21 and bench warrants issued for nonpayment of fines and costs for
22 moving traffic violations.

1 7. To investigate traffic accidents and secure testimony of
2 witnesses or of persons involved.

3 8. To investigate reported thefts of motor vehicles, trailers
4 and semitrailers.

5 9. To stop and inspect any motor vehicle or trailer for such
6 mechanical tests as may be prescribed by the Commissioner to
7 determine the vehicle's roadability. Any vehicle which may be found
8 to be unsafe for use on the highways may be ordered removed from
9 said highway until such alterations or repairs have been made that
10 will render said vehicle serviceable for use on the highway. To
11 stop and inspect the contents of all motor vehicles to ascertain
12 whether or not the provisions of all general laws are being
13 observed.

14 10. It shall be the duty of the Oklahoma Highway Patrol
15 Division to enforce the laws of the state relating to the
16 registration and licensing of motor vehicles; to enforce the laws
17 relating to the operation and use of vehicles on the highway; to
18 enforce and prevent, on the roads of the state highway system, the
19 violation of the laws relating to the size, weight, and speed of
20 commercial motor vehicles and all laws designed for the protection
21 of the highway pavements and structures on such highways; to
22 investigate and report to the Corporation Commission and the
23 Oklahoma Tax Commission violation of their rules and regulations and

1 the laws governing the transportation of persons and property by
2 motor transportation companies and all other motor carriers for
3 hire; to investigate and report violations of all laws relating to
4 the collection of excise taxes on motor vehicle fuels; and regulate
5 the movement of traffic on the roads of the state highway system.
6 It shall be the duty of the Oklahoma Highway Patrol Division,
7 whenever possible, to determine persons causing or responsible for
8 the breaking, damaging, or destruction of any improved surfaced
9 roadway, structure, sign, marker, guardrail, or any other
10 appurtenance constructed or maintained by the Department of
11 Transportation, and to arrest persons responsible therefor and to
12 bring them before the proper officials for prosecution. It shall be
13 the duty of the Oklahoma Highway Patrol Division to investigate and
14 report all motor vehicle accidents on the state highway system
15 outside of incorporated municipalities.

16 Whenever any person is arrested by a patrol officer for a
17 traffic violation the provisions of Sections 16-101 through 16-114
18 of this title shall apply.

19 11. No state official shall have any power, right, or authority
20 to command, order, or direct any ~~member~~ officer of the Oklahoma
21 Highway Patrol Division to perform any duty or service contrary to
22 the provisions of the ~~Uniform Vehicle Code~~ laws of this state.

1 SECTION 2. AMENDATORY 47 O.S. 1991, Section 153, as
2 amended by Section 1, Chapter 181, O.S.L. 1993 (47 O.S. Supp. 1998,
3 Section 153), is amended to read as follows:

4 Section 153. A. It shall be unlawful for any person to drive
5 any state-owned automobile at any time and for any purpose, on any
6 street or highway within this state, unless the provisions of
7 Section 151 of this title have been strictly complied with,
8 provided, however, the Commissioner of the Department of Public
9 Safety is hereby authorized to set aside automobiles for use by the
10 Department so that the same may be available to the Department
11 without identifying marks thereon. These vehicles shall not be used
12 for the routine enforcement of traffic enforcement offenses, except
13 as provided in subsection B of this section.

14 B. The Commissioner may direct the Oklahoma Highway Patrol to
15 perform special enforcement actions using unmarked vehicles on any
16 portion of the National System of Interstate and Defense Highways,
17 the federal-aid primary highways, or the state highway system,
18 including those highways which are located within the boundaries,
19 including those on the outskirts of any municipality, as defined in
20 Section 2-117 of this title. Before commencing such special
21 enforcement actions, the Commissioner shall submit a plan of action
22 to the Governor, the President Pro Tempore of the Senate and the
23 Speaker of the House of Representatives detailing the type of

1 enforcement, the method of enforcement, the beginning and ending
2 dates during which the enforcement will be performed, and any other
3 information the Commissioner deems necessary to describe the plan of
4 action. The Commissioner may withdraw the plan of action at any
5 time and for any reason upon written notice to the Governor, the
6 President Pro Tempore of the Senate and the Speaker of the House of
7 Representatives. The Commissioner shall not add to, step up or
8 otherwise enhance such special enforcement detailed in the plan of
9 action without first submitting an amended plan of action to the
10 Governor, the President Pro Tempore of the Senate and the Speaker of
11 the House of Representatives.

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

13 COMMITTEE REPORT BY: COMMITTEE ON VETERANS, MILITARY AFFAIRS &
14 PUBLIC SAFETY, dated 2-15-99 - DO PASS, As Amended and Coauthored.