

ENROLLED SENATE
BILL NO. 1292

By: Crutchfield of the Senate

and

Roan of the House

An Act relating to motor vehicles; amending 47 O.S. 2001, Section 11-1009, which relates to illegal parking on state property; deleting references to parking vehicles on certain state properties; prohibiting parking on all state properties within Oklahoma and Tulsa Counties under certain conditions; authorizing certain fine to be paid to the Capitol Patrol Section of the Oklahoma Highway Patrol Division of the Department of Public Safety; providing for hearing; authorizing immobilization of certain vehicles for failure to pay fine; setting penalty for refusal to leave certain buildings where state business is being conducted; defining terms; providing for noncodification; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2001, Section 11-1009, is amended to read as follows:

Section 11-1009. A. No person shall place, stop, park, or stand any vehicle including trailers or implements of husbandry, contrary to any official sign reserving, restricting, or regulating the placing, stopping, standing, or parking of a vehicle ~~within the boundaries of the following:~~

~~1. State Capitol Park as defined in Section 1811.4 of Title 74 of the Oklahoma Statutes;~~

~~2. Cowboy Hall of Fame Park; and~~

~~3. State Capitol Complex in Tulsa at any state building or property, including grounds appurtenant thereto, within Oklahoma and Tulsa Counties.~~

B. The Department of Public Safety shall be responsible for the enforcement of subsection A of this section.

C. Any person violating the provisions of subsection A of this section shall be subject to a civil fine. A violation shall be indicated by the placing of a notice of such violation on the

windshield of the vehicle improperly placed, stopped, parked, or standing.

The notice shall be on a form prescribed by the Commissioner of Public Safety. The civil fine for such violation shall be Five Dollars (\$5.00) if paid within ten (10) days from the date of the violation and Twenty Dollars (\$20.00) if paid after ten (10) days from the date of the violation.

D. The fine ~~may~~ shall be paid by mailing or personally delivering the notice and a personal check or money order to cover the fine to the Capitol Patrol Section of the Oklahoma Highway Patrol Division of the Department of Public Safety. ~~Should~~ Provided, should the ~~violator~~ person elect to object to the imposition of the fine and to have a hearing on the violation, the person ~~may~~ shall so indicate on the notice and mail or present it to the Department of Public Safety, within ten (10) days from the date of the notice of the violation, with a bond by cash or money order equal to the amount of the fine pending the outcome of the hearing. The bond may be used to pay the fine in the event the determination of the hearing examiner upholds the imposition of the civil fine. If no bond accompanies the request for hearing, no hearing shall be granted. If the request for a hearing is not made within ten (10) days from the date of the notice of the violation, the person shall not be entitled to a hearing and shall be subject to the civil fine prescribed in subsection C of this section.

E. The request for a hearing shall be submitted to the Department of Public Safety within ten (10) days from the date of the notice of the violation, and the violation shall be set for hearing before a hearing examiner appointed by the Commissioner. The person requesting the hearing shall be notified of the time and place of the hearing by the Department of Public Safety by mailing a copy of the notice by regular mail to the address indicated on the request for hearing. The hearing examiner may take evidence of the violation and shall determine if there has been a violation of the provisions of subsection A of this section. If it is determined that there was a violation, the hearing examiner shall enforce the fine indicated on the notice.

F. Any vehicle having outstanding fines against it may be immobilized by use of a tire boot or may be impounded by the Department of Public Safety. The vehicle may remain immobilized or be retained by the Department pending the payment of all fines, towing, and storage charges, ~~and shall be retained by the Department~~ until the owner furnishes to the Department proof of security or an affidavit that the vehicle is insured by a policy of liability insurance or will not be used on public highways or public streets, as required pursuant to Section 7-600 et seq. of this title. The State of Oklahoma shall have a possessory lien against any vehicle which is found to have outstanding fines against it until such fines are paid. The lien may be foreclosed pursuant to the procedures provided for in Sections 91 through 96 of Title 42 of the Oklahoma Statutes.

G. All the monies generated from such fines shall be remitted to the State Treasurer to be credited to the General Revenue Fund in the State Treasury.

SECTION 2. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

A. It is unlawful for any person, alone or in concert with others and without authorization, to willfully disturb, interfere or disrupt state business, agency operations or any employee, agent, official or representative of the state.

B. It is unlawful for any person who is without authority or who is causing any disturbance, interference or disruption to willfully refuse to disperse or leave any property, building or structure owned, leased or occupied by state officials, employees, agents or representatives or used in any manner to conduct state business or operations after proper notice by a peace officer, sergeant-at-arms, or other security personnel.

C. Any violation of the provisions of this section shall be a misdemeanor punishable by imprisonment in the county jail for a term of not more than one (1) year, by a fine not exceeding One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

D. For purposes of this section, "disturb, interfere or disrupt" means any conduct that is violent, threatening, abusive, obscene, or that jeopardizes the safety of self or others.

SECTION 3. This act shall become effective November 1, 2002.

Passed the Senate the 4th day of March, 2002.

Presiding Officer of the Senate

Passed the House of Representatives the 8th day of April, 2002.

Presiding Officer of the House
of Representatives