

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 544

By: Hobson

AS INTRODUCED

An Act relating to the State Treasurer; amending 47 O.S. 1991, Sections 11-801, as last amended by Section 1, Chapter 285, O.S.L. 2000, 11-901, as amended by Section 2, Chapter 285, O.S.L. 2000, 11-902, as last amended by Section 20, Chapter 8, First Extraordinary Session, O.S.L. 2000, 11-1403 and 17-101, as last amended by Section 4, Chapter 285, O.S.L. 2000 (47 O.S. Supp. 2000, Sections 11-801, 11-901, 11-902 and 17-101), which relate to motor vehicles; modifying procedure for deposit of certain monies; amending 52 O.S. 1991, Section 558, which relates to oil and gas property owners; transferring certain duties from Oklahoma Tax Commission to State Treasurer; amending 60 O.S. 1991, Sections 661, as amended by Section 7, Chapter 10, O.S.L. 1999, 674, as last amended by Section 6, Chapter 136, O.S.L. 2000, 668.1, as amended by Section 15, Chapter 10, O.S.L. 1999, and Section 1, Chapter 304, O.S.L. 1994, as last amended by Section 1, Chapter 426, O.S.L. 1999 (60 O.S. Supp. 2000, Sections 661, 668.1, 674 and 674.2), which relate to the Uniform Unclaimed Property Act; modifying requirements for reporting of certain property; modifying property which may be claimed subject to certain procedure; deleting provision that certain property escheat to state; allowing certain information submitted with property claim to be kept confidential; prohibiting paying over or delivery of certain property unless certain items provided; modifying property which may be paid over or delivered upon certain affidavit; allowing State Treasurer to require certain documentation; allowing State Treasurer to enter into certain contracts and delegate certain authority; amending 62 O.S. 1991, Sections 71.1, as last amended by Section 1, Chapter 68, O.S.L. 1996 and 89.2, as last amended by Section 5, Chapter 292, O.S.L. 1999 (62 O.S. Supp. 2000, Sections 71.1 and 89.2), which relate to public finance; modifying membership of Cash Management and Investment Oversight Commission; deleting obsolete language; modifying duties of State Treasurer's investment officer; repealing 60 O.S. 1991, Section 659.1, which relates to unclaimed property; and declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 11-801, as last amended by Section 1, Chapter 285, O.S.L. 2000 (47 O.S. Supp. 2000, Section 11-801), is amended to read as follows:

Section 11-801. A. Any person driving a vehicle on a highway shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the highway and any other conditions then existing, and no person shall drive any vehicle upon a highway at a speed greater than will permit the driver to bring it to a stop within the assured clear distance ahead.

B. Except when a special hazard exists that requires lower speed for compliance with subsection A of this section, the limits specified ~~in this act~~ by law or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle on a highway at a speed in excess of ~~such~~ the following maximum limits:

1. Seventy-five (75) miles per hour in locations comprising:
 - a. the turnpike system, and
 - b. rural segments of the interstate highway system, as may be designated by the Transportation Commission. Provided, however, the Commission shall determine prior to the designation of such segments that the public safety will not be jeopardized;
2. Seventy (70) miles per hour in locations which are:
 - a. four-lane divided highways including, but not limited to, the interstate highway system, and
 - b. super two-lane highways. As used in this section, a super two-lane highway shall mean any two-lane highway with designated passing lanes, and consisting of paved shoulders not less than eight (8) feet in width;
3. Sixty-five (65) miles per hour in other locations;

4. ~~No person shall drive~~ For a school bus at a speed greater than a maximum of, fifty-five (55) miles per hour on paved two-lane highways except on turnpikes and interstate highways where the maximum shall be sixty-five (65) miles per hour;

5. On any highway outside of a municipality, ~~the speed limit in~~ a properly marked school zone shall be a maximum of, twenty-five (25) miles per hour, provided the zone is marked with appropriate warning signs placed in accordance with the latest edition of the Manual on Uniform Traffic Control Devices. The ~~Oklahoma~~ Department of Transportation may determine on the basis of an engineering and traffic investigation that a speed limit higher than twenty-five (25) miles per hour may be reasonable and safe under conditions as they exist upon a highway, and post an alternative school zone speed limit. The Department ~~of Transportation~~ shall mark such school zones, or entrances and exits onto highways by buses or students, so that the maximum speed provided by this section shall be established therein. Exits and entrances to controlled-access highways which are within such school zones shall be marked in the same manner as other highways. The county commissioners shall mark such school zones along the county roads so that the maximum speed provided by this section shall be established therein. ~~Said~~ The signs may be either permanent or temporary. The Department ~~of Transportation~~ shall give priority over all other signing projects to the foregoing duty to mark school zones. The Department shall also provide other safety devices for school zones which are needed in the opinion of the Department;

6. ~~No person shall drive any vehicle at a greater maximum speed than twenty-five~~ Twenty-five (25) miles per hour or a posted alternative school zone speed limit through state schools located on the state-owned land adjoining or outside the limits of a corporate city or town where a state educational institution is established;

7. ~~No person shall drive any vehicle~~ Thirty-five (35) miles per hour on a highway in any state park or wildlife refuge ~~at a rate of speed in excess of thirty-five (35) miles per hour.~~ Provided, however, that the provisions of this ~~section~~ paragraph shall not include the State Capitol park area, and no person shall drive any vehicle at a rate of speed in excess of forty-five (45) miles per hour on any state or federal designated highway within such areas; and

8. ~~No person shall drive any~~ For any vehicle or combination of vehicles with solid rubber or metal tires ~~at a speed greater than the maximum of,~~ ten (10) miles per hour.

The maximum speed limits set forth in this ~~act~~ section may be altered as authorized in Sections 11-802 and 11-803 of this title.

C. The ~~Transportation~~ Commission is hereby authorized to prescribe maximum and minimum speeds for all vehicles and any combinations of vehicles using controlled-access highways. Such regulations shall become effective after signs have been posted on these highways giving notice thereof. Such regulations may apply to an entirely controlled-access highway or to selected sections thereof as may be designated by the ~~Transportation~~ Commission. It shall be a violation of this section to drive any vehicle at a faster rate of speed than such prescribed maximum or at a slower rate of speed than such prescribed minimum. However, all vehicles shall at all times conform to the limits set forth in subsection A of this section.

Copies of such regulations certified as in effect on any particular date by the Secretary of the ~~Transportation~~ Commission shall be accepted as evidence in any court in this state. Whenever changes have been made in speed zones, copies of such regulations shall be filed with the ~~State~~ Commissioner of Public Safety.

D. The driver of every vehicle shall, consistent with the requirements of subsection A of this section, drive at an

appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hillcrest, when driving upon any narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic, or by reason of weather or highway conditions.

E. 1. No person shall drive a vehicle on a county road at a speed in excess of fifty-five (55) miles per hour unless posted otherwise by the board of county commissioners, as provided in subparagraphs a through c of this paragraph, as follows:

- a. the board of county commissioners may determine, by resolution, a maximum speed limit which shall apply to all county roads which are not otherwise posted for speed,
- b. the board of county commissioners shall provide public notice of the speed limit on all nonposted roads by publication in a newspaper of general circulation in the county. The notice shall be published once weekly for a period of four (4) continuous weeks, and
- c. the board of county commissioners shall forward the resolution to the Director of the Department ~~of Transportation~~ and to the Commissioner of Public Safety.

2. The Department ~~of Transportation~~ shall post speed limit information, as determined pursuant to the provisions of subparagraphs a through c of paragraph 1 of this subsection, on the county line marker where any state highway enters a county and at all off-ramps where interstate highways or turnpikes enter a county. The signs shall read as follows:

ENTERING _____ COUNTY
COUNTY ROAD SPEED LIMIT
_____ MPH

UNLESS POSTED OTHERWISE

The appropriate board of county commissioners shall reimburse the Department ~~of Transportation~~ the full cost of the signage required herein.

F. Any person convicted of a speeding violation pursuant to subsection B or E of this section shall be punished by a fine as follows:

1. One to ten miles per hour over the limit.....\$26.00
Sixteen Dollars (\$16.00) of the fine shall be remitted by the court to the ~~State Treasurer~~ Department of Public Safety to be deposited in the Department of Public Safety Patrol Vehicle Revolving Fund;
2. Eleven to fifteen miles per hour over the limit.....\$35.00
Fifteen Dollars (\$15.00) of the fine shall be remitted by the court to the ~~State Treasurer~~ Department of Public Safety to be deposited in the Department of Public Safety Patrol Vehicle Revolving Fund;
3. Sixteen to twenty miles per hour over the limit.....\$50.00
Twenty Dollars (\$20.00) of the fine shall be remitted by the court to the ~~State Treasurer~~ Department of Public Safety to be deposited in the Department of Public Safety Patrol Vehicle Revolving Fund;
4. Twenty-one to twenty-five miles per hour over the limit
.....\$90.00
Forty Dollars (\$40.00) of the fine shall be remitted by the court to the ~~State Treasurer~~ Department of Public Safety to be deposited in the Department of Public Safety Patrol Vehicle Revolving Fund;
5. Twenty-six to thirty miles per hour over the limit...\$150.00
Seventy Dollars (\$70.00) of the fine shall be remitted by the court to the ~~State Treasurer~~ Department of

Public Safety to be deposited in the Department of
Public Safety Patrol Vehicle Revolving Fund;

6. Thirty-one to thirty-five miles per hour over the limit
.....\$170.00

Ninety Dollars (\$90.00) of the fine shall be remitted
by the court to the ~~State Treasurer~~ Department of
Public Safety to be deposited in the Department of
Public Safety Patrol Vehicle Revolving Fund; and

7. Thirty-six miles per hour or more over the limit.....\$220.00

One Hundred Forty Dollars (\$140.00) of the fine shall
be remitted by the court to the ~~State Treasurer~~
Department of Public Safety to be deposited in the
Department of Public Safety Patrol Vehicle Revolving
Fund,

or by imprisonment for not more than ten (10) days; for a second
conviction within one (1) year after the first conviction, by
imprisonment for not more than twenty (20) days; and upon a third or
subsequent conviction within one (1) year after the first
conviction, by imprisonment for not more than six (6) months, or by
both such fine and imprisonment.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 11-901, as
amended by Section 2, Chapter 285, O.S.L. 2000 (47 O.S. Supp. 2000,
Section 11-901), is amended to read as follows:

Section 11-901. A. It shall be deemed reckless driving for any
person to drive a motor vehicle in a careless or wanton manner
without regard for the safety of persons or property or in violation
of the conditions outlined in Section 11-801 of this title.

B. Every person convicted of reckless driving shall be punished
upon a first conviction by imprisonment for a period of not less
than five (5) days nor more than ninety (90) days, or by a fine of
not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five
Hundred Dollars (\$500.00), or by both such fine and imprisonment; on

a second or subsequent conviction, punishment shall be imprisonment for not less than ten (10) days nor more than six (6) months, or by a fine of not less than Three Hundred Dollars (\$300.00) nor more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment. One Hundred Fifty Dollars (\$150.00) of any fine imposed under this subsection shall be remitted by the court to the ~~State Treasurer~~ Department of Public Safety to be deposited in the Department of Public Safety Patrol Vehicle Revolving Fund.

SECTION 3. AMENDATORY 47 O.S. 1991, Section 11-902, as last amended by Section 20, Chapter 8, First Extraordinary Session, O.S.L. 2000 (47 O.S. Supp. 2000, Section 11-902), is amended to read as follows:

Section 11-902. A. It is unlawful and punishable as provided in this section for any person to drive, operate, or be in actual physical control of a motor vehicle within this state who:

1. Has a blood or breath alcohol concentration, as defined in Section 756 of this title, of ten-hundredths (0.10) or more at the time of a test of such person's blood or breath administered within two (2) hours after the arrest of such person;

2. Is under the influence of alcohol;

3. Is under the influence of any intoxicating substance other than alcohol which may render such person incapable of safely driving or operating a motor vehicle; or

4. Is under the combined influence of alcohol and any other intoxicating substance which may render such person incapable of safely driving or operating a motor vehicle.

B. The fact that any person charged with a violation of this section is or has been lawfully entitled to use alcohol or a controlled dangerous substance or any other intoxicating substance shall not constitute a defense against any charge of violating this section.

C. 1. Any person who is convicted of a violation of the provisions of this section shall be deemed guilty of a misdemeanor for the first offense and shall be punished by imprisonment in jail for not less than ten (10) days nor more than one (1) year, and a fine of not less than One Hundred Fifty Dollars (\$150.00) nor more than One Thousand Dollars (\$1,000.00).

2. Any person who, within ten (10) years after a previous conviction of a violation of this section or a violation pursuant to the provisions of any law of another state prohibiting the offense provided in subsection A of this section, is convicted of a second offense pursuant to the provisions of this section or has a prior conviction in a municipal criminal court of record for the violation of a municipal ordinance prohibiting the offense provided for in subsection A of this section and within ten (10) years of such municipal conviction is convicted pursuant to the provision of this section shall be deemed guilty of a felony and shall be sentenced to:

- a. treatment for a minimum of twenty-eight (28) days followed by thirty (30) days of aftercare at the defendant's expense, or
- b. the custody of the Department of Corrections for not less than one (1) year and not to exceed five (5) years and a fine of not less than One Hundred Fifty Dollars (\$150.00) nor more than Two Thousand Five Hundred Dollars (\$2,500.00).

However, if the treatment in subparagraph a of this paragraph does not include inpatient treatment for a period of not less than five (5) days, the person shall serve a term of imprisonment of at least five (5) days.

3. Any person who is convicted of a second felony offense pursuant to the provisions of this section shall be sentenced to:

- a. treatment for a minimum of twenty-eight (28) days followed by ninety (90) days of aftercare at the defendant's expense, two hundred forty (240) hours of community service following the aftercare and use of an ignition interlock device, or
- b. the custody of the Department of Corrections for not less than one (1) year and not to exceed seven (7) years and a fine of not less than One Hundred Fifty Dollars (\$150.00) nor more than Five Thousand Dollars (\$5,000.00).

However, if the treatment in subparagraph a of this paragraph does not include inpatient treatment for a period of not less than ten (10) days, the person shall serve a term of imprisonment of at least ten (10) days.

4. Any person who is convicted of a third or subsequent felony offense pursuant to the provisions of this section shall be sentenced to:

- a. inpatient treatment for a minimum of twenty-eight (28) days followed by not less than one (1) year of supervision, periodic testing, and aftercare at the defendant's expense, four hundred eighty (480) hours of community service following the period of aftercare, and use of an ignition interlock device for a minimum of thirty (30) days, or
- b. the custody of the Department of Corrections for not less than one (1) year and not to exceed ten (10) years and a fine of not less than One Hundred Fifty Dollars (\$150.00) nor more than Five Thousand Dollars (\$5,000.00).

However, if the person does not undergo inpatient treatment pursuant to subparagraph a of this paragraph the person shall serve a term of imprisonment of at least ten (10) days.

5. Any person who, within ten (10) years after a previous conviction of a violation of murder in the second degree or manslaughter in the first degree in which the death was caused as a result of driving under the influence of alcohol or other intoxicating substance, is convicted of a violation of this section shall be deemed guilty of a felony.

6. Provided, however, a conviction from another state shall not be used to enhance punishment pursuant to the provisions of this subsection if that conviction is based on a blood or breath alcohol concentration of less than ten-hundredths (0.10).

7. In any case in which a defendant is charged with a second or subsequent driving under the influence of alcohol or other intoxicating substance offense within any municipality with a municipal court other than a court of record, the charge shall be presented to the county's district attorney and filed with the district court of the county within which the municipality is located.

8. One Hundred Fifty Dollars (\$150.00) of any fine imposed under this subsection shall be remitted by the court to the ~~State Treasurer~~ Department of Public Safety to be deposited in the Department of Public Safety Patrol Vehicle Revolving Fund.

D. Any person who is convicted of a violation of driving under the influence with a blood or breath alcohol concentration of fifteen-hundredths (0.15) or more shall be deemed guilty of aggravated driving under the influence. Aggravated driving under the influence shall be punishable by mandatory inpatient treatment for a minimum of twenty-eight (28) days followed by not less than one (1) year of supervision, periodic testing, and aftercare at the defendant's expense, four hundred eighty (480) hours of community service following the period of aftercare, and an ignition interlock device for a minimum of thirty (30) days. Nothing in this subsection shall preclude the defendant from being charged or

punished as provided in paragraphs 1, 2, 3, 4 or 5 of subsection C of this section.

E. When a person is sentenced to imprisonment in the custody of the Department of Corrections, the person shall be processed through the Lexington Assessment and Reception Center or at a place determined by the Director of the Department of Corrections. The Department of Corrections shall classify and assign the person to one or more of the following:

1. The Department of Mental Health and Substance Abuse Services pursuant to paragraph 1 of subsection A of Section 612 of Title 57 of the Oklahoma Statutes; or

2. A correctional facility operated by the Department of Corrections with assignment to substance abuse treatment.

F. The Department of Mental Health and Substance Abuse Services and the Department of Corrections shall certify to the Department of Public Safety that a person has participated in an alcohol and substance abuse evaluation and assessment program, as provided in subsection H of this section, and successfully completed any drug treatment program required by the court and is successfully complying with any follow-up treatment required by the Department of Corrections. In such case, the person shall be given credit therefor as fulfillment of all provisions of Section 3-453 of Title 43A of the Oklahoma Statutes and shall be permitted to apply for reinstatement of any suspension, revocation, cancellation or denial order withdrawing a privilege to drive, if the person is otherwise eligible.

G. The Department of Public Safety is hereby authorized to reinstate any suspended or revoked driving privilege when the person meets the statutory requirements which affect the existing driving privilege.

H. Any person who is found guilty of a violation of the provisions of this section shall be ordered to participate in, prior

to sentencing, an alcohol and drug substance abuse evaluation and assessment program offered by a facility or qualified practitioner certified by the Department of Mental Health and Substance Abuse Services for the purpose of evaluating and assessing the receptivity to treatment and prognosis of the person. The court shall order the person to reimburse the facility or qualified practitioner for the evaluation and assessment. The Department of Mental Health and Substance Abuse Services shall establish a fee schedule, based upon a person's ability to pay, provided the fee for an evaluation and assessment shall not exceed Seventy-five Dollars (\$75.00). The evaluation and assessment shall be conducted at a certified facility, the office of a qualified practitioner or at another location as ordered by the court. The facility or qualified practitioner shall, within seventy-two (72) hours from the time the person is evaluated and assessed, submit a written report to the court for the purpose of assisting the court in its final sentencing determination. If such report indicates that the evaluation and assessment shows that the defendant would benefit from a treatment program, the court shall, as a condition of any sentence imposed, including deferred and suspended sentences, require the person to participate in an alcohol and drug substance abuse treatment program at an approved treatment facility as defined by Section 3-403 of Title 43A of the Oklahoma Statutes. No person, agency or facility operating an alcohol and drug substance abuse evaluation and assessment program certified by the Department of Mental Health and Substance Abuse Services shall solicit or refer any person evaluated and assessed pursuant to this section for any treatment program or alcohol and drug substance abuse service in which such person, agency or facility has a vested interest; however, this provision shall not be construed to prohibit the court from ordering participation in or any person from voluntarily utilizing a treatment program or alcohol and drug substance abuse service

offered by such person, agency or facility. If a person is sentenced to imprisonment in the custody of the Department of Corrections and the court has received a written evaluation report pursuant to the provisions of this subsection, the report shall be furnished to the Department of Corrections with the judgment and sentence. Any evaluation and assessment report submitted to the court pursuant to the provisions of this subsection shall be handled in a manner which will keep such report confidential from the general public's review. Nothing contained in this subsection shall be construed to prohibit the court from ordering judgment and sentence in the event the defendant fails or refuses to comply with an order of the court to obtain the evaluation and assessment required by this subsection. If the defendant fails or refuses to comply with an order of the court to obtain the evaluation and assessment, the Department of Public Safety shall not reinstate driving privileges until the defendant has complied in full with such order. As used in this subsection, "qualified practitioner" means a person with at least a bachelor's degree in substance abuse treatment, mental health or a related health care field and at least two (2) years' experience in providing alcohol treatment, other drug abuse treatment, or both alcohol and other drug abuse treatment who is certified each year by the Department of Mental Health and Substance Abuse Services to provide these assessments. Nothing contained in this subsection shall be construed to prohibit the court from ordering judgment and sentence and any other sanction authorized by law for failure or refusal to comply with an order of the court.

I. Any person who is found guilty of a violation of the provisions of this section may be required by the court to attend a victims impact panel program, if such a program is offered in the county where the judgment is rendered, and to pay a fee, not less than Fifteen Dollars (\$15.00) nor more than Twenty-five Dollars

(\$25.00) as set by the governing authority of the program and approved by the court, to the program to offset the cost of participation by the defendant, if in the opinion of the court the defendant has the ability to pay such fee.

J. Any person who is found guilty of a second or subsequent violation of the provisions of this section, shall be ordered by the court to have installed, after the conclusion of the mandatory revocation period pursuant to Section 6-205.1 of this title, on every motor vehicle owned by the person and on the vehicle regularly operated by the person, if such vehicle is not owned by the person pursuant to Sections 754.1 and 755 of this title, an ignition interlock device approved by the Department of Public Safety at the person's own expense for a period of not less than six (6) months nor more than three (3) years. The person shall pay the monthly maintenance fee for each ignition interlock device installed pursuant to this subsection. The installation of an ignition interlock device, as required by this subsection, shall not be construed to authorize the person to drive unless the person is otherwise eligible to drive.

K. Any person who is found guilty of a felony violation of the provisions of this section may be required to submit to electronic monitoring as authorized and defined by Section 991a of Title 22 of the Oklahoma Statutes.

L. Any person who, within ten (10) years after a previous conviction of a violation of this section or a violation pursuant to the provisions of law of another state prohibiting the offense provided in subsection A of this section or a violation of a municipal ordinance prohibiting the offense provided in subsection A of this section, pleads guilty or nolo contendere or is convicted of a violation of this section shall not be required to undergo the alcohol and drug substance evaluation program required by subsection H of this section. The court shall, as a condition of any sentence

imposed, including deferred and suspended sentences, require the person to participate in an alcohol and drug substance abuse treatment program pursuant to Section 3-452 of Title 43A of the Oklahoma Statutes.

M. Any person who is found guilty of a violation of the provisions of this section who has been sentenced by the court to perform any type of community service shall not be permitted to pay a fine in lieu of performing the community service.

SECTION 4. AMENDATORY 47 O.S. 1991, Section 11-1403, is amended to read as follows:

Section 11-1403. The Commissioner of Public Safety and the ~~Turnpike~~ Oklahoma Transportation Authority are hereby authorized to enter into contracts and agreements for law enforcement on turnpikes. The Department of Public Safety is authorized to use any of its automotive and other equipment in policing turnpikes, and to charge the Authority for the use thereon on a rental basis to be agreed to by the Department and the Authority, and to perform such services in connection with policing turnpikes with its general personnel and equipment at such rates, salaries, expenses, and miscellaneous costs as may be agreed to by the Department and the Authority. It is the intent of this section that rental rates and other costs of policing turnpikes shall be determined on an average actual cost basis, and in accordance with salaries and expenses paid by the Department of Public Safety in its regular operations. Payments shall be made by the Authority monthly and shall be remitted to the ~~State Treasurer~~ Department of Public Safety to be credited to the Department of Public Safety Revolving Fund in the State Treasury. Such monies shall be expended for vehicles, equipment, personnel and other operating expenses for turnpike enforcement.

SECTION 5. AMENDATORY 47 O.S. 1991, Section 17-101, as last amended by Section 4, Chapter 285, O.S.L. 2000 (47 O.S. Supp. 2000, Section 17-101), is amended to read as follows:

Section 17-101. A. It is a misdemeanor for any person to violate any of the provisions of this title unless such violation is by this title or other law of this state declared to be a felony.

B. 1. Every person convicted of a misdemeanor for a violation of any of the provisions of Sections 10-101 through 14-121 or Sections 16-101 through 16-114 of this title for which another penalty is not provided shall upon conviction thereof be punished by a fine of not less than Twenty Dollars (\$20.00) nor more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than ten (10) days; for a second such conviction within one (1) year after the first conviction by imprisonment for not more than twenty (20) days; upon a third or subsequent conviction within one (1) year after the first conviction by imprisonment for not more than six (6) months, or by both such fine and imprisonment. Ten Dollars (\$10.00) of any fine imposed under this subsection shall be remitted by the court to the ~~State Treasurer~~ Department of Public Safety to be deposited in the Department of Public Safety Patrol Vehicle Revolving Fund.

2. Any person violating the provisions of Sections 10-101 through 14-121 or Sections 16-101 through 16-114 of this title, where a jail sentence is not mandatory may, in the discretion of the district attorney wherein the offense occurred, be permitted to enter a plea of guilty by written statement by the person charged to be presented to the court wherein the case is filed. A remittance covering the fine and costs may be considered and received with the same force and effect as a written plea of guilty.

C. Unless another penalty is in this title or by the laws of this state provided, every person convicted of a misdemeanor for the violation of any other provision of this title shall be punished by

a fine of not less than Twenty Dollars (\$20.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment for not more than six (6) months, or by both such fine and imprisonment. Ten Dollars (\$10.00) of any fine imposed under this subsection shall be remitted by the court to the ~~State Treasurer~~ Department of Public Safety to be deposited in the Department of Public Safety Patrol Vehicle Revolving Fund.

D. Provided, however, notwithstanding any provision of law to the contrary, any offense, including traffic offenses, in violation of any of the provisions of this title which is not otherwise punishable by a term of imprisonment or confinement shall be punishable by a term of imprisonment not to exceed one day in the discretion of the court, in addition to any fine prescribed by law.

SECTION 6. AMENDATORY 52 O.S. 1991, Section 558, is amended to read as follows:

Section 558. A. The Corporation Commission and the ~~Tax Commission~~ State Treasurer are to establish, administer and enforce rules ~~and regulations~~ and shall establish procedures for the full coordinated implementation of ~~this act~~ Section 551 et seq. of this title. ~~The aforementioned agencies shall consult with the State Treasurer in the writing of these rules, regulations and procedures.~~

B. The operation of ~~this act~~ Section 551 et seq. of this title shall be prospective only and shall apply only to pooling proceedings filed after ~~the effective date of this act~~ July 1, 1984. Any person holding monies described in ~~this act~~ Section 551 et seq. of this title on ~~the effective date of this act~~ July 1, 1984, may transmit such monies to the Corporation Commission for the Mineral Owner's Fund, and be relieved of liability as provided by ~~this act~~ Section 551 et seq. of this title.

SECTION 7. AMENDATORY 60 O.S. 1991, Section 661, as amended by Section 7, Chapter 10, O.S.L. 99 (60 O.S. Supp. 2000, Section 661), is amended to read as follows:

Section 661. A. A person holding property, tangible or intangible, presumed abandoned and subject to custody as unclaimed property under the Uniform Unclaimed Property Act shall report to the State Treasurer concerning the property as provided in this section.

B. The report must be verified and must include:

1. The name, if known, and last-known address, if any, of each person appearing from the records of the holder to be the owner of property of the value of Fifty Dollars (\$50.00) or more presumed abandoned under the Uniform Unclaimed Property Act;

2. In the case of unclaimed funds of Fifty Dollars (\$50.00) or more held or owing under any life or endowment insurance policy or annuity contract, the full name and last-known address of the insured or annuitant and of the beneficiary according to the records of the insurance company holding or owing the funds;

3. In the case of the contents of a safe deposit box or other safekeeping repository or of other tangible personal property, a description of the property and the place where it is held, which may be inspected by the State Treasurer, and any amounts, including offsets for drilling costs and rent, owing to the holder;

4. The nature and identifying number, if any, or description of the property and the amount appearing from the records to be due, except that:

~~a.~~ items of value under Fifty Dollars (\$50.00) each ~~may~~ must be reported in the aggregate, ~~and~~

~~b.~~ ~~on request of the holder, the State Treasurer may approve the reporting of one or more categories of unclaimed funds in the aggregate on an estimated basis, whenever it shall appear that each of the items in any such category has a value of less than Fifty Dollars (\$50.00) and the cost of reporting such items would be disproportionate to the amounts involved; and~~

5. The date when the property became payable, demandable or returnable, and the date of the last transaction with the owner with respect to the property.

C. If the person holding property presumed abandoned and subject to custody as unclaimed property is a successor to other persons who previously held the property for the apparent owner or if the holder has changed his or her name while holding the property, the holder shall file with the report all known names and addresses of each previous holder of the property.

D. The report must be filed before November 1 of each year for property reportable as of the preceding September 1, but the report of any life insurance company must be filed before May 1 of each year for property reportable as of the preceding March 1. The State Treasurer may postpone the reporting date upon written request by any person required to file a report.

E. Not more than one hundred twenty (120) days before filing the report required by this section, the holder in possession of property presumed abandoned and subject to custody as unclaimed property under the Uniform Unclaimed Property Act shall send written notice to the apparent owner at the owner's last-known address informing the owner that the holder is in possession of property subject to the Uniform Unclaimed Property Act if:

1. The holder has in its records an address for the apparent owner which the holder's records do not disclose to be inaccurate;

2. The claim of the apparent owner is not barred by the statute of limitations; and

3. The property has a value of Fifty Dollars (\$50.00) or more. The holder is not required to send written notice to the owner if the holder has previously attempted to communicate with the owner, or otherwise exercised due diligence to ascertain the whereabouts of the owner. The mailing of notice by first-class mail to the last-known address of the owner by the holder shall constitute compliance

with this subsection and, if done, no further act on the part of the holder shall be necessary.

~~F. Notwithstanding anything to the contrary in the Uniform Unclaimed Property Act, if the aggregate value of all items of property held for or owed or distributable to an owner and unclaimed hereunder is less than Fifty Dollars (\$50.00), such property shall not be required to be reported under the Uniform Unclaimed Property Act.~~

~~Should any holder wish to be relieved of the burden of holding such excludable property, it may, at its election, report such property and be accorded the protection of Section 664 of this title.~~

~~G. Reports filed by a holder shall remain confidential except for that information required to be subject to public inspection pursuant to the Uniform Unclaimed Property Act.~~

SECTION 8. AMENDATORY 60 O.S. 1991, Section 668.1, as amended by Section 15, Chapter 10, O.S.L. 1999 (60 O.S. Supp. 2000, Section 668.1), is amended to read as follows:

Section 668.1 A. There is hereby created in the State Treasury a revolving fund for the State Treasurer to be designated the "Unclaimed Property Clearinghouse Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of monies deposited to the fund pursuant to Section 668 of this title. All monies accruing to the credit of the fund are appropriated to the State Treasurer. The State Treasurer may budget and expend monies from the fund for the purpose of making payment to persons, firms, or corporations who are regularly engaged in the business of notifying states about property which may be subject to the provisions of unclaimed property statutes of those states. The State Treasurer may enter into contracts with these persons, firms or corporations performing these services, which services may include the examination of any party subject to examination under

the Uniform Unclaimed Property Act. The State Treasurer may delegate all necessary authority to act in the State Treasurer's behalf to such persons, firms or corporations to enforce the provisions of the Uniform Unclaimed Property Act.

B. The State Treasurer shall be authorized to expend monies from the Unclaimed Property Clearinghouse Fund in payment of a reasonable fee not to exceed fifteen percent (15%) of the delivered funds to a person, firm, or corporation contracting with the State Treasurer providing information leading to the delivery of unclaimed property held by an out-of-state holder to the State Treasurer. Such payment shall not be made until the funds have been deposited with the State Treasurer.

SECTION 9. AMENDATORY 60 O.S. 1991, Section 674, as last amended by Section 6, Chapter 136, O.S.L. 2000 (60 O.S. Supp. 2000, Section 674), is amended to read as follows:

Section 674. A. A person, excluding another state, claiming an interest in any property ~~valued at Fifty Dollars (\$50.00) or more~~ delivered to the State Treasurer may file a claim on a form prescribed by the State Treasurer and verified by the claimant. The date of filing of a claim shall be the date it is received by the State Treasurer with all supporting documentation from the claimant. ~~Any property with a value of less than Fifty Dollars (\$50.00) shall escheat to the state~~ Any information submitted by a claimant which is required to be submitted to the State Treasurer to establish a claim may be kept confidential by the State Treasurer if it contains personal financial information of the claimant, social security numbers, birth certificates or similar documents related to the parentage of an individual, or any other document which is confidential by statute if in the custody of another public agency or person.

B. The State Treasurer shall consider each claim within ninety (90) days after it is filed and give written notice to the claimant

if the claim is denied in whole or in part. The notice may be given by mailing it to the last address, if any, stated in the claim as the address to which notices are to be sent. If no address for notices is stated in the claim, the notice may be mailed to the last address, if any, of the claimant as stated in the claim. No notice of denial need be given if the claim fails to state either the address to which notices are to be sent or the address of the claimant.

C. If a claim is allowed, the State Treasurer shall pay over or deliver to the claimant the property or the amount the State Treasurer actually received or the net proceeds if it has been sold by the State Treasurer, together with any additional amount required by Section 665 of this title. If the claim is for property presumed abandoned under Section 655 of this title which was sold by the State Treasurer within two (2) years after the date of delivery, the amount payable for that claim is the value of the property at the time the claim was made or the net proceeds of sale, whichever is greater.

SECTION 10. AMENDATORY Section 1, Chapter 304, O.S.L. 1994, as last amended by Section 1, Chapter 426, O.S.L. 1999 (60 O.S. Supp. 2000, Section 674.2), is amended to read as follows:

Section 674.2 If any person claims an interest in any property delivered to the State Treasurer in which the owner of the property is determined to be deceased, the State Treasurer shall not pay over or deliver to the claimant ~~the~~ property as provided in Section 651 et seq. of this title ~~upon receipt of~~, unless the claimant provides the following items:

1. A certified copy of letters of administration or letters testamentary from the probate of the estate of the decedent naming the claimant as the personal representative of the estate of the decedent;

2. A certified copy of the decree of distribution from the probate of the estate of the decedent determining the claimant to be entitled to receive such property through the estate of the decedent; or

3. If the value of the property is ~~Five Thousand Dollars (\$5,000.00)~~ Ten Thousand Dollars (\$10,000.00) or less, a signed affidavit executed by the claimant stating that the claimant is entitled to receive such property, the reason the claimant is entitled to receive such property, that there has been no probate of the estate of the deceased owner, that no such probate is contemplated and that claimant will indemnify the state for any loss, including attorney fees, should another claimant assert a prior right to the property.

The State Treasurer may require other reasonable documentation, in addition to the above items, to determine the validity of the claim.

SECTION 11. AMENDATORY 62 O.S. 1991, Section 71.1, as last amended by Section 1, Chapter 68, O.S.L. 1996 (62 O.S. Supp. 2000, Section 71.1), is amended to read as follows:

Section 71.1 A. There is hereby created the Cash Management and Investment Oversight Commission. The Commission shall consist of ~~six (6)~~ five (5) members as follows:

1. The Director of State Finance, or designee;
2. The Bank Commissioner, or designee;
3. The Administrator of the Oklahoma Department of Securities, or designee;
4. One citizen member appointed by the Speaker of the House of Representatives who shall have a demonstrated expertise in public or private investment finance and who shall serve at the Speaker's pleasure; and

5. One citizen member appointed by the President Pro Tempore of the State Senate who shall be a certified public accountant or

public accountant with a demonstrated expertise in public or private auditing procedures and who shall serve at the President Pro Tempore's pleasure; and

~~6. One citizen member appointed by the State Treasurer who shall have a demonstrated expertise in public or private investment funds management and who shall serve at the State Treasurer's pleasure. The citizen member appointed by the State Treasurer shall be an ex officio and nonvoting member. Said citizen member shall not serve as chairperson of the Commission.~~

B. The appointed members shall have no direct or indirect business relationship with the State Treasurer or the State Treasurer's Office.

~~C. The initial meeting shall be called by the Governor before September 1, 1991.~~ The Commission shall elect from its membership, other than the citizen member appointed by the State Treasurer, a chairperson and vice-chairperson. Such officers shall serve one-year terms and may be reelected. There shall be an Executive Review Committee of the Cash Management and Investment Oversight Commission consisting of the Director of State Finance, the Bank Commissioner and the Administrator of the Oklahoma Department of Securities or their respective designees. The Director of the Office of State Finance shall call a meeting to organize the Executive Review Committee. The Executive Review Committee shall elect from its membership a chairperson who shall serve for a period of one (1) year and who may be reelected. The Executive Review Committee shall meet at such times as it deems necessary for the performance of its duties.

D. The Commission shall hold regular meetings at least once each quarter, and at such other times as it deems necessary for the performance of its duties. The date, time and place of the meetings shall be set by the Commission. The Legislative Service Bureau shall provide the administrative support required by the Commission.

The Commission shall be staffed by the Legislative Service Bureau who shall prepare all materials and information needed by the Commission to perform its duties and responsibilities. Meetings of the Commission and of the Executive Review Committee of the Commission shall be subject to the Oklahoma Open Meeting Act, and their records shall be public records pursuant to the Oklahoma Open Records Act.

E. The Commission in conjunction with the State Auditor and Inspector shall develop a standardized and uniform reporting system which the State Treasurer shall use to make the reports required by Sections 89.7 and 89.10 of this title. The Commission shall prescribe such forms in order to obtain an objective and accurate analysis of the investment of state funds by the State Treasurer and to obtain an accurate analysis of investment performance according to an objective standard established by the Commission, ~~no later than October 1, 1994.~~ The Commission shall not be subject to the provisions of the Administrative Procedures Act for purposes of developing the reporting system required by this subsection. ~~The Commission shall develop the reporting system and notify the State Treasurer of the reporting format requirements not later than October 1, 1994. The State Treasurer shall begin making reports on the forms so developed not later than December 31, 1994.~~ The Commission shall review the reports prepared by the State Treasurer pursuant to Sections 89.7 and 89.10 of this title. The Commission shall review with the State Treasurer investment strategies and practices and the development of internal auditing procedures and practices. The Commission shall review the reports submitted by the State Treasurer and shall identify any event, transaction or trend which the Commission determines to represent a violation or potential violation of law or public policy regarding the investment of state funds. The Commission shall specifically identify its

concerns or objections and shall communicate such concerns or objections in writing to the State Treasurer.

F. The Commission staff shall submit a written report to each member of the Commission for each month of the calendar year which specifically identifies entities with whom or with which the State Treasurer has transacted business related to investment of any state funds during the applicable reporting period. Any person or entity to whom or to which any form of compensation has been or will be paid for services rendered to the State Treasurer's Office related to the investment of state funds shall be identified in the report. The report shall also be submitted to the Director of the Office of State Finance, the State Auditor and Inspector, the Speaker of the House of Representatives, the President Pro Tempore of the Senate and the Governor.

G. Members of the Commission shall serve without compensation, except for travel, pursuant to the State Travel Reimbursement Act, to be paid by the appointing authority.

H. The Commission may make written recommendations for changes in legislation to the Legislature or in the policies or procedures and practices of the State Treasurer to the State Treasurer.

I. The Commission shall determine ~~by October 1, 1994,~~ the positions, including but not limited to the investment officer, in the State Treasurer's Office which shall require criminal background investigations by the Oklahoma State Bureau of Investigation. The Bureau shall advise the State Treasurer and the Cash Management and Investment Oversight Commission in writing of the results of the investigation.

SECTION 12. AMENDATORY 62 O.S. 1991, Section 89.2, as last amended by Section 5, Chapter 292, O.S.L. 1999 (62 O.S. Supp. 2000, Section 89.2), is amended to read as follows:

Section 89.2 A. The State Treasurer is directed to invest the maximum amount of funds under his or her control consistent with

good business practices; provided that the Treasurer shall keep eighty percent (80%) or more of the money under his or her control invested during each fiscal year based on the average daily balances during the fiscal year. Except as otherwise provided for by law, such investments shall earn not less than the rate for comparable maturities on United States Treasury obligations. Except as otherwise provided for by law, the State Treasurer may purchase and invest only in:

1. Obligations of the United States Government, its agencies and instrumentalities;

2. Collateralized or insured certificates of deposit and other evidences of deposit at banks, savings banks, savings and loan associations and credit unions located in this state;

3. Negotiable certificates of deposit issued by a nationally or state-chartered bank, a savings bank, a savings and loan association or a state-licensed branch of a foreign bank. Purchases of negotiable certificates of deposit shall not exceed ten percent (10%) of the cash available for investment which may be invested pursuant to this section. Not more than one-half (1/2) of the ten percent (10%) limit shall be invested in any one financial institution specified in this paragraph;

4. Prime banker's acceptances which are eligible for purchase by the Federal Reserve System and which do not exceed two hundred seventy (270) days' maturity. Purchases of prime banker's acceptances shall not exceed ten percent (10%) of the cash available for investment which may be invested pursuant to this section. Not more than three-fourths (3/4) of the ten percent (10%) limit shall be invested in any one commercial bank pursuant to this paragraph;

5. Prime commercial paper which shall not have a maturity that exceeds one hundred eighty (180) days nor represent more than ten percent (10%) of the outstanding paper of an issuing corporation. Purchases of prime commercial paper shall not exceed seven and one-

half percent (7 1/2%) of the cash available for investment which may be invested pursuant to this section;

6. Investment grade obligations of state and local governments, including obligations of Oklahoma state public trusts which possess the highest rating from at least one nationally recognized rating agency acceptable to the State Treasurer. Purchases of investment grade obligations of state and local governments shall not exceed ten percent (10%) of the cash available for investment which may be invested pursuant to this section;

7. Repurchase agreements, provided that such agreements are included within the written investment policy required by subsection D of this section that have underlying collateral consisting of those items and those restrictions specified in paragraphs 1 through 6 of this subsection; and

8. Money market funds regulated by the Securities and Exchange Commission and which investments consist of those items and those restrictions specified in paragraphs 1 through 7 of this subsection.

B. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

C. The State Treasurer shall appoint an investment officer who shall perform duties related to the investment of state funds in the Office of the State Treasurer. ~~The investment officer shall not perform duties unrelated to the investment of state funds.~~ The investment officer shall not perform or supervise any accounting functions, data processing functions or duties related to the documentation or settlement of investment transactions.

D. Investments of public funds by the State Treasurer shall be made in accordance with written policies developed by the State Treasurer. The written investment policies shall address:

1. Liquidity;
2. Diversification;
3. Safety of principal;
4. Yield;
5. Maturity and quality; and
6. Capability of investment management.

The State Treasurer shall place primary emphasis on safety and liquidity in the investment of public funds. To the extent practicable taking into account the need to use sound investment judgment, the written investment policies shall include provision for utilization of a system of competitive bidding in the investment of state funds. Such system shall be designed to maximize yield within each class of investment instrument, consistent with the safety of the funds invested.

E. The State Treasurer shall select one custodial bank to settle transactions involving the investment of state funds under the control of the State Treasurer. The State Treasurer shall review the performance of the custodial bank at least once every year. The State Treasurer shall require a written competitive bid every three (3) years. The custodial bank shall have a minimum of Five Hundred Million Dollars (\$500,000,000.00) in assets to be eligible for selection. Any out-of-state custodial bank shall have a service agent in the State of Oklahoma so that service of summons or legal notice may be had on such designated agent as is now or may hereafter be provided by law. In order to be eligible for selection, the custodial bank shall allow electronic access to all transaction and portfolio reports maintained by the custodial bank involving the investment of state funds under control of the State Treasurer. Such access shall be given to both the State Treasurer

and to the Cash Management and Investment Oversight Commission. The requirement for electronic access shall be incorporated into any contract between the State Treasurer and the custodial bank.

Neither the State Treasurer nor the custodial bank shall permit any of the funds under the control of the State Treasurer or any of the documents, instruments, securities or other evidence of a right to be paid money to be located in any place other than within a jurisdiction or territory under the control or regulatory power of the United States Government.

F. The investment policy shall specify the general philosophy, policies and procedures to be followed in the investment of state monies by the State Treasurer. The investment policy shall include, but not be limited to, the following:

1. Policy objectives;
2. Performance measure objectives;
3. Authority for investment program;
4. Possible use of an investment advisory committee;
5. Reporting and documentation of investments;
6. Authorized investment instruments;
7. Diversification of investment risk;
8. Maturity limitations;
9. Selections of financial institutions;
10. Interest controls;
11. Safekeeping of investments;
12. Investment ethics; and
13. Formal adoption of policy.

G. The State Treasurer shall provide weekly reports of all investments made by the State Treasurer for that week to the Executive Review Committee of the Cash Management and Investment Oversight Commission, and list any commissions, fees or payments made for services regarding such investments. The reports required by this subsection shall be delivered to the Committee within three

(3) business days of the end of the applicable week, and the Committee shall communicate any facts or information it deems appropriate to the Cash Management and Investment Oversight Commission and shall also prepare all reports necessary for the quarterly meeting of the Commission.

H. Not later than July 1 of each year, the State Treasurer shall forward a copy of the written investment policy to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Attorney General, the Bank Commissioner, and the Director of State Finance. In addition, the State Treasurer shall maintain one copy of the investment policy in the office of the State Treasurer for public inspection during regular business hours. Copies of any modifications to the investment policy shall be forwarded to the Governor, Speaker of the House of Representatives, President Pro Tempore of the Senate, and each member of the Cash Management and Investment Oversight Commission.

SECTION 13. REPEALER 60 O.S. 1991, Section 659.1, is hereby repealed.

SECTION 14. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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