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THE STATE SENATE
Thursday, March 27, 2003

ENGROSSED
House Bill No. 1456
As Amended

ENGROSSED HOUSE BILL NO. 1456 - By: ADAIR of the House and SHURDEN of the Senate.

[motor vehicles - amending 47 O.S., Section 2-117 - Commissioner of Public Safety - powers of Commissioner - effective date]

SECTION 1. AMENDATORY 47 O.S. 2001, Section 2-117, is amended to read as follows:

Section 2-117. The Commissioner of Public Safety and each officer of the Department of Public Safety as shall be designated and all members 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 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 officers and members of the Oklahoma Highway Patrol Division are hereby declared to be peace officers of the State of Oklahoma and shall be so deemed and taken in all courts having

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

20 The powers and duties conferred on the members and officers of
21 the Oklahoma Highway Patrol Division shall not limit the powers and
22 duties of sheriffs or other peace officers of the state or any
23 political subdivision of the state; provided, however, that the

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

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

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

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

18 3. At all times to direct all traffic in conformance with law
19 and, in the event of a fire, or other emergency, or to expedite
20 traffic, or to insure safety, to direct traffic as conditions may
21 require, notwithstanding the provisions of law. A member of the
22 Oklahoma Highway Patrol Division shall have the authority, and it
23 shall be the member's duty, to require satisfactory proof of

1 ownership of the contents of any motor vehicle as defined in Section
2 2-101 et seq. of this title, including livestock, poultry or the
3 carcasses thereof. In the event that the proof of ownership is not
4 satisfactory, it shall be the duty of a member of the Oklahoma
5 Highway Patrol Division to take the motor vehicle, driver and the
6 contents of the motor vehicle into custody and deliver same to the
7 sheriff of the county wherein the cargo, motor vehicle and driver
8 are taken into custody.

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

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

22 6. To serve all warrants relating to the enforcement of the
23 laws regulating the operation of vehicles or the use of the highways

1 and bench warrants issued for nonpayment of fines and costs for
2 moving traffic violations.

3 7. To investigate traffic accidents and secure testimony of
4 witnesses or of persons involved.

5 8. To investigate reported thefts of motor vehicles, trailers
6 and semitrailers.

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

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

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

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

21 11. No state official shall have any power, right, or authority
22 to command, order, or direct any member of the Oklahoma Highway

1 Patrol Division to perform any duty or service contrary to the
2 provisions of the Uniform Vehicle Code.

3 SECTION 2. This act shall become effective November 1, 2003.

4 COMMITTEE REPORT BY: COMMITTEE ON VETERANS, MILITARY AFFAIRS &
5 PUBLIC SAFETY, dated 3-24-03 - DO PASS, As Amended.