

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL 2046

By: Wyrick

COMMITTEE SUBSTITUTE

[ public safety - clarifying language - modifying  
provisions - recodification - repealers -

emergency ]

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

SECTION 1. AMENDATORY 11 O.S. 2001, Section 34-103, is amended to read as follows:

Section 34-103. A. ~~Members~~ Commissioned police officers of the regular police department of any municipality, upon request of the mayor or a designee, or chief of police or a designee, of any other municipality, may serve as police officers in the municipality requesting their assistance upon approval of the governing body of the municipality where such officers are regularly employed. While so serving in another municipality, such police officers shall have the same powers and duties as though employed by the municipality where such duties are performed; except that salaries, insurance and other benefits shall be provided in their regular manner by the municipality in which the police officers are regularly employed.

B. ~~Members~~ Commissioned police officers of the regular police department of any municipality, upon request of a county sheriff or a designee, or upon request by a ~~member~~ commissioned law enforcement officer of the Oklahoma Highway Patrol, may serve as law enforcement officers for the sheriff's office or the Oklahoma Highway Patrol, respectively, if such service has been authorized by prior resolution by the governing body of the municipality where such

officers are regularly employed. While so serving, such police officers shall have the same powers and duties as though employed by the requesting law enforcement agency and when so acting they shall be deemed to be acting within the scope of employment of the requesting law enforcement agency; except that salaries, insurance and other benefits shall be provided in their regular manner by the municipality in which the police officers are regularly employed.

C. ~~Members~~ Commissioned police officers of the regular police department of any municipality may be deputized by the county sheriff or a designee subject to an interlocal governmental agreement to combine city and county law enforcement efforts and to encourage cooperation between city and county law enforcement officials. Liability for the conduct of any municipal police officers deputized under the terms and conditions of an interlocal governmental agreement shall remain the responsibility of their municipal employer.

D. The governing body of a municipality may, by resolution, authorize the chief executive officer of the municipality to respond to any request from any other jurisdiction within the state for law enforcement assistance in cases of emergency. The police officers of the municipality serving in response to the emergency request shall have the same powers and duties as though employed by the requesting law enforcement agency and when so acting they shall be deemed to be acting within the scope of employment of the requesting law enforcement agency; provided, however, that salaries, insurance and other benefits shall be provided in the regular manner by the municipality in which the police officers are regularly employed.

As used in this section, "emergency" means a sudden and unforeseeable occurrence or condition either as to its onset or its extent of such severity or magnitude that immediate response or action is necessary to assist law enforcement agencies having

jurisdiction at the scene of the emergency to carry out their functions.

SECTION 2. AMENDATORY 20 O.S. 2001, Section 1313.2, as last amended by Section 1, Chapter 441, O.S.L. 2005 (20 O.S. Supp. 2005, Section 1313.2), is amended to read as follows:

Section 1313.2 A. As used in this section:

1. "Convicted" means any final adjudication of guilt, whether pursuant to a plea of guilty or nolo contendere or otherwise, and any deferred or suspended sentence or judgment;

2. "Court" means any state or municipal court having jurisdiction to impose a criminal fine or penalty; and

3. "DNA" means Deoxyribonucleic acid.

B. ~~Any~~ In addition to any other penalty assessment or court cost imposed by law, any person convicted of an offense, including traffic offenses but excluding a conviction for a violation of Section 11-1112, 11-1114 or 12-417 of Title 47 of the Oklahoma Statutes and excluding parking and standing violations, punishable by a fine of Ten Dollars (\$10.00) or more or by incarceration or any person forfeiting bond when charged with such an offense, shall be ordered by the court to pay Nine Dollars (\$9.00) as a separate fee, which fee shall be in addition to and not in substitution for any and all fines and penalties otherwise provided for by law for such offense.

C. 1. Any person convicted of any misdemeanor or felony offense shall pay a Laboratory Analysis Fee in the amount of One Hundred Fifty Dollars (\$150.00) for each offense if forensic science or laboratory services are rendered or administered by the Oklahoma State Bureau of Investigation, by the Toxicology Laboratory of the Office of the Chief Medical Examiner or by any municipality or county in connection with the case. This fee shall be in addition to and not a substitution for any and all fines and penalties otherwise provided for by law for this offense.

2. The court clerk shall cause to be deposited the amount of One Hundred Fifty Dollars (\$150.00) as collected, for every conviction as described in this subsection. The court clerk shall remit the monies in the fund on a monthly basis directly either to:

- a. the Oklahoma State Bureau of Investigation who shall deposit the monies into the OSBI Revolving Fund provided for in Section 150.19a of Title 74 of the Oklahoma Statutes for services rendered or administered by the Oklahoma State Bureau of Investigation,
- b. the Office of the Chief Medical Examiner who shall deposit the monies into the Office of the Chief Medical Examiner Toxicology Laboratory Revolving Fund provided for in Section 954 of Title 63 of the Oklahoma Statutes for services rendered or administered by the Toxicology Laboratory of the Office of the Chief Medical Examiner, or
- c. the appropriate municipality or county for services rendered or administered by a municipality or county.

3. The monies from the Laboratory Analysis Fee Fund deposited into the OSBI Revolving Fund shall be used for the following:

- a. providing criminalistic laboratory services,
- b. the purchase and maintenance of equipment for use by the laboratory in performing analysis,
- c. education, training, and scientific development of Oklahoma State Bureau of Investigation personnel, and
- d. the destruction of seized property and chemicals as prescribed in Sections 2-505 and 2-508 of Title 63 of the Oklahoma Statutes.

D. Upon conviction or bond forfeiture, the court shall collect the fee provided for in subsection B of this section and deposit it in an account created for that purpose. Except as otherwise

provided in subsection E of this section, monies shall be forwarded monthly by the court clerk to the Council on Law Enforcement Education and Training. Beginning July 1, 2003, deposits shall be due on the fifteenth day of each month for the preceding calendar month. There shall be a late fee imposed for failure to make timely deposits; provided, the Council on Law Enforcement Education and Training, in its discretion, may waive all or part of the late fee. Such late fee shall be one percent (1%) of the principal amount due per day beginning from the tenth day after payment is due and accumulating until the late fee reaches one hundred percent (100%) of the principal amount due. Beginning on July 1, 1987, ninety percent (90%) of the monies received by the Council on Law Enforcement Education and Training from the court clerks pursuant to this section shall be deposited in the CLEET Fund, and ten percent (10%) shall be deposited in the General Revenue Fund. Beginning January 1, 2001, sixty and fifty-three one-hundredths percent (60.53%) of the monies received by the Council on Law Enforcement Education and Training from the court clerks pursuant to this section shall be deposited in the CLEET Fund created pursuant to subsection F of this section, five and eighty-three one-hundredths percent (5.83%) shall be deposited in the General Revenue Fund and thirty-three and sixty-four one-hundredths percent (33.64%) shall be deposited in the CLEET Training Center Revolving Fund created pursuant to Section 3311.6 of Title 70 of the Oklahoma Statutes. Along with the deposits required by this subsection each court shall also submit a report stating the total amount of funds collected and the total number of fees imposed during the preceding quarter. The report may be made on computerized or manual disposition reports.

E. Any municipality or county having a basic law enforcement academy approved by the Council on Law Enforcement Education and Training pursuant to the criteria developed by the Council for training law enforcement officers shall retain from monies collected

pursuant to this section, Two Dollars (\$2.00) from each fee. These monies shall be deposited into an account for the sole use of the municipality or county in implementing its law enforcement training functions. Not more than seven percent (7%) of the monies shall be used for court and prosecution training. The court clerk of any such municipality or county shall furnish to the Council on Law Enforcement Education and Training the report required by subsection D of this section.

F. There is hereby created in the State Treasury a fund for the Council on Law Enforcement Education and Training to be designated the "CLEET Fund". The fund shall be subject to legislative appropriation and shall consist of any monies received from fees and receipts collected pursuant to the Oklahoma Open Records Act, reimbursements for parts used in the repair of weapons of law enforcement officers attending the basic academies, gifts, bequests, contributions, tuition, fees, devises, and the assessments levied pursuant to the fund pursuant to law.

G. 1. Any person convicted of a felony offense shall pay a DNA fee of One Hundred Fifty Dollars (\$150.00). This fee shall not be collected if the person has a valid DNA sample in the OSBI DNA Offender Database at the time of sentencing.

2. The court clerk shall cause to be deposited the amount of One Hundred Fifty Dollars (\$150.00) as collected, for every felony conviction as described in this subsection. The court clerk shall remit the monies in said fund on a monthly basis directly to the Oklahoma State Bureau of Investigation who shall deposit the monies into the OSBI Revolving Fund provided for in Section 150.19a of Title 74 of the Oklahoma Statutes for services rendered or administered by the Oklahoma State Bureau of Investigation.

3. The monies from the DNA sample fee deposited into the OSBI Revolving Fund shall be used for creating, staffing, and maintaining

the OSBI DNA Laboratory and OSBI Combined DNA Index System (CODIS) Database.

H. It shall be the responsibility of the court clerk to account for and ensure the correctness and accuracy of payments made to the state agencies identified in Sections 1313.2 through 1313.4 of this title. Payments made directly to an agency by the court clerk as a result of different types of assessments and fees pursuant to Sections 1313.2 through 1313.4 of this title shall be made monthly to each state agency.

SECTION 3. AMENDATORY 20 O.S. 2001, Section 1313.3, as last amended by Section 1, Chapter 556, O.S.L. 2004 (20 O.S. Supp. 2005, Section 1313.3), is amended to read as follows:

Section 1313.3 A. In addition to ~~the fees~~ any other penalty assessment or court cost imposed by ~~Sections 1313.2 and, 1313.4 of this title~~ law, any person convicted of any offense, including traffic offenses but excluding a conviction for a violation of Section 11-1112, 11-1114 or 12-417 of Title 47 of the Oklahoma Statutes and excluding parking and standing violations, punishable by a fine of Ten Dollars (\$10.00) or more or by incarceration or any person forfeiting bond when charged with such offense, shall be ordered by the court to pay a fingerprinting fee in the amount of Five Dollars (\$5.00) for each offense for the A.F.I.S. Fund created by Section 150.25 of Title 74 of the Oklahoma Statutes. The fee shall be in addition to and not in substitution for any and all fines and penalties otherwise provided for by law for the offense. The fee shall be collected at the same time as the fees provided for in Section 1313.2 of this title. Four Dollars and fifty cents (\$4.50) of each fee received pursuant to this section shall be paid directly to the A.F.I.S. Fund and the balance shall be deposited in the General Revenue Fund by the court clerk. The payments shall be made to the appropriate fund by the court clerk on a monthly basis as set forth by subsection H of Section 1313.2 of this title.

B. As used in this section:

1. "Convicted" means any final adjudication of guilt, whether pursuant to a plea of guilty or nolo contendere or otherwise, and any deferred judgment or suspended sentence; and

2. "Court" means any state or municipal court having jurisdiction to impose a criminal fine or penalty.

SECTION 4. AMENDATORY 20 O.S. 2001, Section 1313.4, as amended by Section 3, Chapter 224, O.S.L. 2003 (20 O.S. Supp. 2005, Section 1313.4), is amended to read as follows:

Section 1313.4 A. In addition to ~~the~~ any other penalty ~~assessments and fees~~ assessment or court costs imposed by ~~Sections 1313.2 and 1313.3 of this title law,~~ any person convicted of any offense, including traffic offenses, but excluding a conviction for a violation of Section 11-1112, 11-1114 or 12-417 of Title 47 of the Oklahoma Statutes and excluding parking and standing violations, ~~punishable by a fine of Ten Dollars (\$10.00) or more or by incarceration,~~ or any person forfeiting any bond when charged with any offense, shall be ordered by the court to pay a Forensic Science Improvement Assessment in the amount of Five Dollars (\$5.00) for each offense. The assessment shall be in addition to, and not in substitution for, any and all fines and penalties otherwise provided by law for the offense. The assessment shall be collected at the time and in the manner as the fees provided in Sections 1313.2 and 1313.3 of this title. Each municipal court clerk is authorized to retain five percent (5%) of the assessment collected by each municipal court clerk pursuant to the provisions of this section. All court clerks shall send the assessments collected to the Oklahoma State Bureau of Investigation for deposit into the Forensic Science Improvement Revolving Fund created by Section 150.35 of Title 74 of the Oklahoma Statutes less any amount authorized to be retained. The deposits of funds collected pursuant to the provisions of this section shall be due and payable as required in

subsection H of Section 1313.2 of this title. Any funds deposited as required by this section shall be listed as a separate item from other deposits made pursuant to Sections 1313.2 and 1313.3 of this title.

B. As used in this section, "convicted" and "court" shall have the same meaning as defined by Section 1313.2 of this title.

SECTION 5. AMENDATORY 20 O.S. 2001, Section 1313.5, as amended by Section 2, Chapter 354, O.S.L. 2004 (20 O.S. Supp. 2005, Section 1313.5), is amended to read as follows:

Section 1313.5 A. As used in this section:

1. "Convicted" means any final adjudication of guilt, whether pursuant to a plea of guilty or nolo contendere or otherwise, and any deferred or suspended sentence or judgment; and

2. "Court" means any district court having jurisdiction to impose a criminal fine or penalty.

B. In addition to any other penalty assessment or court cost imposed by law, any person convicted of any traffic offense punishable pursuant to Title 47 of the Oklahoma Statutes, but excluding a conviction for a violation of Section 11-901, 11-902, 11-1112, 11-1114 or 12-417 of Title 47 of the Oklahoma Statutes and excluding parking and standing violations, or any person forfeiting bond when charged with such an offense, shall be ordered by the court to pay a fee of Twenty Dollars (\$20.00) as a separate penalty assessment. The assessment and fee shall be in addition to and not in substitution for any and all fines and penalties otherwise provided for by law for such offense.

C. The fee shall be collected at the same time and in the same manner as the penalty assessments provided for in Sections 1313.2 and 1313.3 of this title. Each court clerk is authorized to retain all interest accrued thereon prior to the due date for deposits as provided in this subsection. The court clerk shall deposit the fee collected pursuant to this section in the account provided for in

subsection D of Section 1313.2 of this title, and the amounts imposed by this section shall be forwarded monthly in one check or draft to the Department of Public Safety to be deposited in the Department of Public Safety Patrol Vehicle Revolving Fund.

D. The deposits required by this section shall be included in the report required by Section 1313.2 of this title and shall be listed as a separate item.

SECTION 6. AMENDATORY 20 O.S. 2001, Section 1313.6, as amended by Section 3, Chapter 354, O.S.L. 2004 (20 O.S. Supp. 2005, Section 1313.6), is amended to read as follows:

Section 1313.6 A. As used in this section:

1. "Convicted" means any final adjudication of guilt, whether pursuant to a plea of guilty or nolo contendere or otherwise, and any deferred or suspended sentence or judgment; and

2. "Court" means any district court having jurisdiction to impose a criminal fine or penalty.

B. In addition to any other penalty assessment or court cost imposed by law, any person convicted of any offense punishable pursuant to Section 11-901 or 11-902 of Title 47 of the Oklahoma Statutes, or any person forfeiting bond when charged with such an offense, shall be ordered by the court to pay a fee of One Hundred Fifty-five Dollars (\$155.00) as a separate penalty assessment. The assessment and fee shall be in addition to and not in substitution for any and all fines and penalties otherwise provided for by law for such offense.

C. The fee shall be collected at the same time and in the same manner as the penalty assessments provided for in Sections 1313.2 and 1313.3 of this title. As an administrative fee for handling funds collected as a penalty assessment, each court clerk is authorized to retain all interest accrued thereon prior to the due date for deposits as provided in this subsection. The court clerk shall deposit the fee collected pursuant to this section in the

account provided for in subsection D of Section 1313.2 of this title, and the amounts imposed by this section shall be forwarded monthly in one check or draft to the Department of Public Safety to be deposited in the Department of Public Safety Patrol Vehicle Revolving Fund.

D. The deposits required by this section shall be included in the report required by Section 1313.2 of this title and shall be listed as a separate item.

SECTION 7. AMENDATORY Section 5, Chapter 319, O.S.L. 2003, as amended by Section 1, Chapter 468, O.S.L. 2005 (20 O.S. Supp. 2005, Section 1313.7), is amended to read as follows:

Section 1313.7 A. In addition to ~~the fees~~ any other penalty assessment or court cost imposed by ~~Sections 1313.2 and 1313.3 of this title law~~, any person convicted of any offense, excluding municipal ordinances, traffic offenses and parking and standing violations, but including violations of Section 11-902 of Title 47 of the Oklahoma Statutes, punishable by a fine of Ten Dollars (\$10.00) or more or by incarceration or any person forfeiting bond when charged with such offense, shall be ordered by the court to pay a medical expense liability fee in the amount of Ten Dollars (\$10.00) for each offense to the Medical Expense Liability Revolving Fund provided for in Section 746.1 of Title 19 of the Oklahoma Statutes. The fee shall be in addition to and not in substitution for any and all fines and penalties otherwise provided for by law for such offense.

B. The county court clerk shall cause to be deposited the amount of Ten Dollars (\$10.00) as collected, for every conviction as described in this subsection. The county court clerk shall remit the monies in the fund on a monthly basis to the Medical Expense Liability Revolving Fund.

The monies from the Medical Expense Liability Revolving Fund shall be used when all of the following criteria are met:

1. The county has not filed a claim against the fund in the previous twelve (12) months;

2. A county jail in this state is determined to be liable for the medical expense or expenses of a state inmate or person in custody on state charges as provided by law. The minimum expense amount that shall qualify for consideration is Eight Thousand Dollars (\$8,000.00) per ailment or injury;

3. The county clerk of the county makes a written claim to the State and Education Employees Group Insurance Board regarding a county medical expense. In addition to the written claim, all of the medical records and bills shall be submitted that relate to the medical expense under consideration; and

4. It is determined that the state inmate or person in custody on state charges lacks the ability and resources to cover the medical expense or expenses.

C. The Medical Expense Liability Revolving Fund shall not pay any expenses in excess of One Hundred Thousand Dollars (\$100,000.00) per state inmate or person in custody on state charges. The State and Education Employees Group Insurance Board shall pay valid requests for reimbursements in the order in which they are received. In the event there are insufficient funds available to pay any outstanding requests, the Board shall pay such requests only after sufficient funds have accumulated.

D. If the state inmate or person in custody on state charges receives any type of compensation or award from a collateral source as a result of the ailment or injury which is paid by the Medical Expense Liability Revolving Fund, the state shall be subrogated to the rights of a claimant to receive or recover from a collateral source to the extent that medical expenses were awarded.

SECTION 8. AMENDATORY 21 O.S. 2001, Section 1283, as last amended by Section 2, Chapter 190, O.S.L. 2005 (21 O.S. Supp. 2005, Section 1283), is amended to read as follows:

Section 1283. A. Except as provided in subsection B of this section, it shall be unlawful for any person convicted of any felony in any court of this state or of another state or of the United States to have in his or her possession or under his or her immediate control, or in any vehicle which the person is operating, or in which the person is riding as a passenger, or at the residence where the convicted person resides, any pistol, imitation or homemade pistol, machine gun, sawed-off shotgun or rifle, or any other dangerous or deadly firearm.

B. Any person who has previously been convicted of a nonviolent felony in any court of this state or of another state or of the United States, and who has received a full and complete pardon from the proper authority and has not been convicted of any other felony offense which has not been pardoned, shall have restored the right to possess any firearm or other weapon prohibited by subsection A of this section, the right to apply for and carry a concealed handgun pursuant to the Oklahoma Self-Defense Act, Section 1290.1 et seq. of this title, and the right to perform the duties of a peace officer, gunsmith, or for firearms repair.

C. It shall be unlawful for any person supervised by the Department of Corrections or any division thereof to have in his or her possession or under his or her immediate control, or at his or her residence, or in any passenger vehicle which the supervised person is operating or is riding as a passenger, any pistol, shotgun or rifle, including any imitation or homemade piston, shotgun or rifle, while such person is subject to supervision, probation, parole or inmate status.

D. It shall be unlawful for any person previously adjudicated as a delinquent child or a youthful offender for the commission of an offense, which would have constituted a felony offense if committed by an adult, to have in ~~said~~ the person's possession or under the person's immediate control, or have in any vehicle which

he or she is driving or in which ~~said~~ the person is riding as a passenger, or at the person's residence, any pistol, imitation or homemade pistol, machine gun, sawed-off shotgun or rifle, or any other dangerous or deadly firearm ~~which could be easily concealed on the person, in personal effects or in an automobile,~~ within ten (10) years after such adjudication.

E. Any person having been issued a concealed handgun license pursuant to the provisions of the Oklahoma Self-Defense Act, Section 1290.1 et seq. of this title, and who thereafter knowingly or intentionally allows a convicted felon or adjudicated delinquent or a youthful offender as prohibited by the provisions of subsections A, C, or D of this section to possess or have control of any pistol authorized by the Oklahoma Self-Defense Act shall, upon conviction, be guilty of a felony punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00). In addition, the person shall have the handgun license revoked by the Oklahoma State Bureau of Investigation after a hearing and determination that the person has violated the provisions of this section.

F. Any convicted or adjudicated person violating the provisions of this section shall, upon conviction, be guilty of a felony punishable as provided in Section 1284 of this title.

G. For purposes of this section, "sawed-off shotgun or rifle" shall mean any shotgun or rifle which has been shortened to any length.

SECTION 9. AMENDATORY 28 O.S. 2001, Section 153, as last amended by Section 4, Chapter 208, O.S.L. 2005 (28 O.S. Supp. 2005, Section 153), is amended to read as follows:

Section 153. A. The clerks of the courts shall collect as costs in every criminal case for each offense of which the defendant is convicted, irrespective of whether or not the sentence is deferred, the following flat charges and no more, except for standing and parking violations and for charges otherwise provided

for by law, which fee shall cover docketing of the case, filing of all papers, issuance of process, warrants, orders, and other services to the date of judgment:

1. For each defendant convicted of exceeding the speed limit by at least one (1) mile per hour but not more than ten (10) miles per hour, whether charged individually or conjointly with others..... \$77.00
2. For each defendant convicted of a misdemeanor traffic violation other than an offense provided for in paragraph 1 or 5 of this subsection, whether charged individually or conjointly with others..... \$98.00
3. For each defendant convicted of a misdemeanor, other than for driving under the influence of alcohol or other intoxicating substance or an offense provided for in paragraph 1 or 2 of this subsection, whether charged individually or conjointly with others..... \$93.00
4. For each defendant convicted of a felony, other than for driving under the influence of alcohol or other intoxicating substance, whether charged individually or conjointly with others..... \$103.00
5. For each defendant convicted of the misdemeanor of driving under the influence of alcohol or other intoxicating substance, whether charged individually or conjointly with others..... \$383.00
6. For each defendant convicted of the felony of driving under the influence of alcohol or other intoxicating substance, whether

- charged individually or conjointly with  
others..... \$383.00
- 7. For the services of a court reporter at  
each preliminary hearing and trial held  
in the case..... \$20.00
- 8. For each time a jury is requested..... \$30.00
- 9. A sheriff's fee for serving or endeavoring  
to serve each writ, warrant, order,  
process, command, or notice or pursuing  
any fugitive from justice
  - a. within the county..... \$50.00, or  
mileage as  
established by the  
Oklahoma Statutes,  
whichever is  
greater, or
  - b. outside of the county..... \$50.00, or  
actual, necessary  
expenses, whichever  
is greater
- 10. For the services of a language interpreter, other than an  
interpreter appointed pursuant to the provisions of the Oklahoma  
Interpreter for the Deaf Act, at each hearing held in the case, the  
actual cost of the interpreter.

B. In addition to the amount collected pursuant to paragraphs 2 through 5 of subsection A of this section, the sum of Six Dollars (\$6.00) shall be assessed and credited to the Law Library Fund pursuant to Section 1201 et seq. of Title 20 of the Oklahoma Statutes.

C. In addition to the amount collected pursuant to subsection A of this section, the sum of Ten Dollars (\$10.00) shall be assessed and collected in every traffic case for each offense other than for

driving under the influence of alcohol or other intoxicating substance; the sum of Fifteen Dollars (\$15.00) shall be assessed and collected in every misdemeanor case for each offense; the sum of Fifteen Dollars (\$15.00) shall be assessed and collected in every misdemeanor case for each offense for driving under the influence of alcohol or other intoxicating substance; the sum of Twenty-five Dollars (\$25.00) shall be assessed and collected in every felony case for each offense; and the sum of Twenty-five Dollars (\$25.00) shall be assessed and collected in every felony case for each offense for driving under the influence of alcohol or other intoxicating substance.

D. In addition to the amounts collected pursuant to subsections A and B of this section, the sum of Ten Dollars (\$10.00) shall be assessed and credited to the Oklahoma Court Information System Revolving Fund created pursuant to Section 1315 of Title 20 of the Oklahoma Statutes.

E. Prior to conviction, parties in criminal cases shall not be required to pay, advance, or post security for the services of a language interpreter or for the issuance or service of process to obtain compulsory attendance of witnesses.

F. The fees collected pursuant to this section shall be deposited into the court fund, except the following:

1. A court clerk issuing a misdemeanor warrant is entitled to ten percent (10%) of the sheriff's service fee, provided for in paragraph 9 of subsection A of this section, collected on a warrant referred to the contractor for the misdemeanor warrant notification program governed by Sections 514.4 and 514.5 of Title 19 of the Oklahoma Statutes. This ten-percent sum shall be deposited into the issuing Court Clerk's Revolving Fund, created pursuant to Section 220 of Title 19 of the Oklahoma Statutes, of the court clerk issuing the warrant with the balance of the sheriff's service fee to be deposited into the Sheriff's Service Fee Account, created pursuant

to the provisions of Section 514.1 of Title 19 of the Oklahoma Statutes, of the sheriff in the county in which service is made or attempted. Otherwise, the sheriff's service fee, when collected, shall be deposited in its entirety into the Sheriff's Service Fee Account of the sheriff in the county in which service is made or attempted;

2. The sheriff's fee provided for in Section 153.2 of this title;

3. The witness fees paid by the district attorney pursuant to the provisions of Section 82 of this title which, if collected by the court clerk, shall be transferred to the district attorney's office in the county where witness attendance was required. Fees transferred pursuant to this paragraph shall be deposited in the district attorney's maintenance and operating expense account;

4. The fees provided for in subsection C of this section shall be forwarded to the District Attorneys Council Revolving Fund to defray the costs of prosecution; and

5. The following amounts of the fees provided for in paragraphs 2, 3, 5 and 6 of subsection A of this section, when collected, shall be deposited in the Trauma Care Assistance Revolving Fund, created pursuant to the provisions of Section 1-2522 of Title 63 of the Oklahoma Statutes:

- a. Ten Dollars (\$10.00) of the Ninety-eight-Dollar fee provided for in paragraph 2 of subsection A of this section,
- b. Ten Dollars (\$10.00) of the Ninety-three-Dollar fee provided for in paragraph 3 of subsection A of this section,
- c. One Hundred Dollars (\$100.00) of the Three-Hundred-Eighty-three-Dollar fee provided for in paragraph 5 of subsection A of this section, and

d. One Hundred Dollars (\$100.00) of the Three-Hundred-Eighty-three-Dollar fee provided for in paragraph 6 of subsection A of this section.

G. Costs required to be collected pursuant to this section and to Sections 1313.2 through 1313.6 of Title 20 of the Oklahoma Statutes, as applicable, shall not be dismissed or waived; provided, if the court determines that a person needing the services of a language interpreter is indigent, the court may waive all or part of the costs or require the payment of costs in installments.

H. As used in this section, "convicted" means any final adjudication of guilt, whether pursuant to a plea of guilty or nolo contendere or otherwise, and any deferred judgment or suspended sentence.

I. A court clerk may accept in payment for any fee, fine, or cost for violation of any traffic law a nationally recognized credit card issued to the applicant. The court clerk may add an amount equal to the amount of the service charge incurred, not to exceed four percent (4%) of the amount of the payment as a service charge for the acceptance of the credit card. For purposes of this paragraph, "nationally recognized credit card" means any instrument or device, whether known as a credit card, credit plate, charge plate, or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining goods, services, or anything else of value and which is accepted by over one thousand (1,000) merchants in this state. The court clerk shall determine which nationally recognized credit cards will be accepted as payment for fees; provided, the court clerk must ensure that no loss of state revenue will occur by the use of such cards.

J. Upon receipt of payment of fines and costs for offenses charged prior to July 1, 1992, the court clerk shall apportion and pay Thirteen Dollars (\$13.00) per conviction to the court fund.

SECTION 10. AMENDATORY 47 O.S. 2001, Section 6-112, is amended to read as follows:

Section 6-112. A. Every licensee shall have his ~~driver's~~ or her driver license in his or her immediate possession at all times when operating a motor vehicle and shall display the same upon demand of a peace officer. ~~However, no~~ Any person violating this subsection shall, upon conviction, be guilty of a misdemeanor and shall be punished as provided for in Section 17-101 of this title.

B. Any person charged with violating this section shall be convicted if he who produces in court or the office of the arresting officer a driver's driver license theretofore issued to him or her and valid at the time of his or her arrest shall be entitled to dismissal of such charge upon payment of court costs; however, if the driver license is presented to the court within forty-eight (48) hours after the violation, the charge shall be dismissed without payment of court costs and fine.

SECTION 11. AMENDATORY 47 O.S. 2001, Section 6-303, as last amended by Section 52, Chapter 1, O.S.L. 2005 (47 O.S. Supp. 2005, Section 6-303), is amended to read as follows:

Section 6-303. A. No person shall operate a motor vehicle upon the public roads, streets, highways, turnpikes or other public place of this state without having ~~first procured~~ a valid driver license for the class of vehicle being operated ~~from the Oklahoma Department of Public Safety,~~ except as herein specifically exempted.

Any violation of the provisions of this subsection shall constitute a misdemeanor and shall be punishable by a fine of not less than Fifty Dollars (\$50.00) nor more than Three Hundred Dollars (\$300.00) plus costs or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment.

Any person charged with violating this subsection who produces in court a renewal or replacement driver license issued to him or her shall be entitled to dismissal of such charge upon payment of

court costs; however, if the renewal or replacement driver license is presented to the court within forty-eight (48) hours after the violation, the charge shall be dismissed without payment of court costs and fine.

B. Any person who drives a motor vehicle on any public roads, streets, highways, turnpikes or other public place of this state at a time when the person's privilege to do so is canceled, denied, suspended or revoked or at a time when the person is disqualified from so doing shall be guilty of a misdemeanor and upon conviction shall be punished by a fine:

1. For a first conviction, of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00);

2. For a second conviction, of not less than Two Hundred Dollars (\$200.00) and not more than Seven Hundred Fifty Dollars (\$750.00); or

3. For a third and subsequent conviction, of not less than Three Hundred Dollars (\$300.00) and not more than One Thousand Dollars (\$1,000.00), or by imprisonment for not more than one (1) year or by both such fine and imprisonment. Each act of driving on the highways as prohibited shall constitute a separate offense.

C. Any person who drives a motor vehicle on any public roads, streets, highways, turnpikes or other public roads of this state at a time when the driving privilege of that person is canceled, denied, suspended or revoked, pursuant to paragraph 1 of subsection A of Section 6-205.1 of this title, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine:

1. For a first conviction, of not less than Five Hundred Dollars (\$500.00) and not more than One Thousand Dollars (\$1,000.00);

2. For a second conviction, of not less than One Thousand Dollars (\$1,000.00) and not more than Two Thousand Dollars (\$2,000.00); or

3. For a third and subsequent conviction, of not less than Two Thousand Dollars (\$2,000.00) and not more than Five Thousand Dollars (\$5,000.00), or by imprisonment for not more than one (1) year or by both such fine and imprisonment. Each act of driving on the highways as prohibited shall constitute a separate offense.

D. The Department upon receiving a record of conviction of an offense committed by any person whose license or privilege to operate motor vehicles is under suspension or revocation, shall extend the period of such suspension or revocation for an additional three-month period of time. The additional orders of suspension or revocation shall be dated and become effective the day following the date terminating the prior order of suspension or revocation.

E. The Department upon receiving a record of conviction of an offense committed by any person whose license or privilege to operate motor vehicles is under revocation, pursuant to paragraph 1, 2, or 3 of subsection A of Section 6-205.1 of this title, shall extend the period of such revocation for an additional four-month period of time. The additional orders of revocation shall be dated and become effective the day following the date terminating the prior order of revocation.

F. It shall be a misdemeanor, punishable by imprisonment for not less than seven (7) days, nor more than six (6) months or by a fine of not more than Five Hundred Dollars (\$500.00), or by both such fine and imprisonment for any person to apply for a renewal or a replacement license to operate a motor vehicle while the person's license, permit or other evidence of driving privilege is in the custody of a law enforcement officer or the Department. A notice regarding this offense and the penalty therefor shall be included on the same form containing the notice of revocation issued by the officer.

G. Any fine collected pursuant to a second or subsequent conviction as provided for in subsections B and C of this section, shall be deposited to the Trauma Care Assistance Revolving Fund created in Section 1-2522 of Title 63 of the Oklahoma Statutes.

SECTION 12. AMENDATORY 47 O.S. 2001, Section 11-602, is amended to read as follows:

Section 11-602. A. Unless otherwise prohibited by law, the driver of a vehicle shall not turn the vehicle so as to proceed in the opposite direction unless and until such movement can be made with reasonable safety and without interfering with other traffic.

B. No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred (500) feet.

SECTION 13. AMENDATORY 47 O.S. 2001, Section 11-1007, as last amended by Section 1, Chapter 165, O.S.L. 2005 (47 O.S. Supp. 2005, Section 11-1007), is amended to read as follows:

Section 11-1007. A. It shall be unlawful for any person to place or park a motor vehicle in any parking space that is designated and posted as a reserved area for the parking of a motor vehicle operated by or transporting a physically disabled person unless such person has applied for and been issued a detachable insignia indicating physical disability under the provisions of Section 15-112 of this title, and such insignia is displayed as provided in Section 15-112 of this title or in rules adopted pursuant thereto, or has applied for and been issued a physically disabled special license plate pursuant to the provisions of ~~paragraph 8 of Section 1136~~ 1135.1 of this title, and such license plate is displayed pursuant to the provisions of the Oklahoma Vehicle License and Registration Act. It shall also be unlawful for any person to place or park a motor vehicle, whether with or without

a physically disabled placard or plate, in any disabled parking space access aisle, wheelchair ramp, wheelchair loading/unloading area or any portion thereof.

B. Violation of these provisions shall be a misdemeanor and upon conviction such person shall be fined not less than One Hundred Fifty Dollars (\$150.00) and not more than Two Hundred Fifty Dollars (\$250.00). Provided, any person cited for a first offense of a violation of this section who has displayed a placard which has expired pursuant to paragraph 4 or 5 of subsection D of Section 15-112 of this title shall be entitled to dismissal of such charge and shall not be required to pay the fine or court costs if the person presents to the court within thirty (30) days of the issuance of the citation a notice from the Department of Public Safety that the person has obtained a valid placard pursuant to the provisions of subsection D of Section 15-112 of this title. In addition, vehicles unlawfully parked in violation of these provisions shall be subject to immediate tow by a licensed tow truck operator at the request of the landowner or a duly appointed agent of the landowner, at the request of any person unable to lawfully gain access to or move their vehicle, at the request of any person unable to lawfully gain access to the area blocked by the unlawfully parked vehicle, or at the request of appropriate law-enforcement personnel. The owner of any vehicle unlawfully parked in violation of these provisions shall pay any and all reasonable and necessary costs associated with towing and storage of the vehicle.

SECTION 14. AMENDATORY 47 O.S. 2001, Section 12-101, as last amended by Section 4, Chapter 50, O.S.L. 2005 (47 O.S. Supp. 2005, Section 12-101), is amended to read as follows:

Section 12-101. A. It shall be a misdemeanor, upon conviction, punishable as provided in Section 17-101 of this title, for any person:

1. To drive or move, or for the owner to cause or permit to be driven or moved on any highway, any vehicle or combination of vehicles which:

- a. is known to be in such unsafe condition as to endanger any person,
- b. is known not to contain those parts required by this chapter,
- c. is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter, or
- d. is known to be equipped in any manner in violation of this chapter;

2. To do any act forbidden under this chapter; or

3. To fail to perform any act required under this chapter.

B. Nothing contained in this chapter shall be construed to prohibit on any vehicle:

1. Equipment required by the United States Department of Transportation pursuant to 49 C.F.R., Chapter V; or

2. The use of additional parts and accessories which are not inconsistent with provisions of this chapter.

C. The provisions of Article II et seq. of this chapter with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, farm tractors, motorcycles as defined in Section 12-601 of this title, or vehicles designed to be moved solely by animal or human power, except as specifically made applicable in this chapter.

D. Any specific requirement of this chapter with respect to equipment on any vehicle, other than a bicycle, shall not apply if the vehicle was lawfully designed and manufactured without such equipment; provided, the provisions of this chapter shall apply to any homemade vehicle or any vehicle constructed from a kit or from plans.

E. A low-speed electrical vehicle which is in compliance with the equipment requirements in 49 C.F.R., Section 571.500 shall be deemed to be in compliance with the provisions of this chapter.

F. The provisions of this chapter shall not apply to vehicles registered in Oklahoma as antique or classic vehicles pursuant to ~~Section 1136.1~~ Sections 1105 and 1135.1 of this title and rules promulgated pursuant thereto.

G. The Commissioner of Public Safety may promulgate rules regarding vehicle equipment and standards for vehicle equipment required to maintain such equipment in safe condition and in compliance with this chapter.

H. Any person producing proof within forty-eight (48) hours that a condition or equipment for which the person was cited as defective, missing, prohibited, improper, unauthorized or otherwise in violation of this chapter has been remedied by the person shall be entitled to dismissal of such charge without assessment of court costs. As used in this chapter:

I. 1. "Lamp" means an electrical device producing artificial illumination by use of one or more lights, each light of which performs the same function or separate functions as required by this chapter;

2. "Lightweight vehicle" means a motor vehicle that has a manufacturer's gross vehicle weight rating of ten thousand (10,000) pounds or less, other than:

- a. a vehicle that is being used to transport passengers for hire, or
- b. a vehicle that is being used to transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded under 49 C.F.R., Section 177.823;

3. "Nighttime" or "night" means any time from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise; and

4. "Passenger car" means a motor vehicle designed for carrying ten persons, including the driver, or less except a low-speed electric vehicle or motorcycle, as defined in Section 12-601 of this title.

SECTION 15. AMENDATORY 47 O.S. 2001, Section 15-102, is amended to read as follows:

Section 15-102. ~~(a)~~ A. The provisions of this ~~act~~ title shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from:

1. Regulating the standing or parking of vehicles;
2. Regulating traffic by means of police officers or traffic-control signals;
3. Regulating or prohibiting processions or assemblages on the highways;
4. Designating particular highways as one-way highways and requiring that all vehicles thereon be moved in one specific direction;
5. Regulating the speed of vehicles in public parks;
6. Designating any highway as a through highway and requiring that all vehicles stop before entering or crossing the same or designating any intersection as a stop intersection or a yield intersection and requiring all vehicles to stop or yield at one or more entrances to such intersection;
7. Restricting the use of highways as authorized in Section ~~14-~~ 14-113 of this ~~act~~ title;
8. Regulating the operating of bicycles and requiring the registration and licensing of same, including the requirement of a registration fee;
9. Regulating or prohibiting the turning of vehicles or specified types of vehicles at intersections;
10. Altering the speed limits as authorized herein; and

11. Adopting such other traffic regulations as are specifically authorized by this ~~act~~ title.

~~(b)~~ B. No local authority shall erect or maintain any stop sign or traffic-control signal at any location so as to require the traffic on any state or federal highway to stop before entering or crossing any intersecting highway unless approval in writing has first been obtained from the Department of Highways.

~~(c)~~ C. No ordinance or regulation enacted under subdivisions ~~4~~, ~~5~~, ~~6~~, ~~7~~ or ~~10~~ of ~~paragraph (a)~~ subsection A of this section shall be effective until signs giving notice of such local traffic regulations are posted upon or at the entrances to the highway or part thereof affected as may be most appropriate.

SECTION 16. AMENDATORY 47 O.S. 2001, Section 15-111, as amended by Section 1, Chapter 178, O.S.L. 2004 (47 O.S. Supp. 2005, Section 15-111), is amended to read as follows:

Section 15-111. A. Municipalities and political subdivisions of the state with authority to regulate the standing or parking of vehicles may extend special parking privileges to a physically disabled person who displays on a motor vehicle operated by or under the direction and for the use of the physically disabled person:

1. A placard indicating physical disability, issued pursuant to the provisions of Section 15-112 of this title; ~~or~~

2. A physical disability license plate, issued pursuant to the provisions of Section 1135.1 of this title, or

3. A disabled veterans license plate with the international accessibility symbol, issued pursuant to the provisions of Section ~~1136~~ 1135.2 of this title.

B. No such special parking privilege, however, shall excuse the violation of any state statute, nor shall any such privilege be applicable where the standing or parking would create a dangerous situation or impede the normal flow of traffic. Nothing in this

section shall be construed as requiring the creation of additional parking spaces.

SECTION 17. AMENDATORY 47 O.S. 2001, Section 1602, is amended to read as follows:

Section 1602. As used in Sections ~~3~~ 1603 through ~~5~~ 1605 of this act title:

1. "Refueling service" means the service of pumping motor vehicle fuel into the fuel tank of a motor vehicle;

2. "Mobility-impaired driver" means a person with a physical ~~mobility limitation who is unable to operate a motor vehicle without the aid of special mechanical assistive devices~~ disability, as defined in Section 15-112 of this title; and

3. "Motor vehicle service station" means any facility where motor vehicle fuel is stored and dispensed into the fuel tanks of motor vehicles of the public.

SECTION 18. AMENDATORY 47 O.S. 2001, Section 1603, is amended to read as follows:

Section 1603. A. Unless otherwise provided in this section, any motor vehicle service station in this state which offers gasoline or other motor vehicle fuel for sale to the public from the service station facility may, on a voluntary basis, participate in the refueling service program and upon request offer refueling service to a mobility-impaired driver who displays ~~a refueling identification card;~~

1. A placard indicating physical disability, issued pursuant to the provisions of Section 15-112 of this title;

2. A physical disability license plate, issued pursuant to the provisions of Section 1135.1 of this title; or

3. A disabled veterans license plate with the international accessibility symbol, issued pursuant to the provisions of Section 1135.2 of this title.

B. The refueling service provided for under subsection A of this section shall not apply when the mobility-impaired driver is accompanied by another person capable of refueling the motor vehicle.

C. Each participating motor vehicle service station in the state shall post signs notifying the public of the refueling services provide by the facility.

D. Only those motor vehicle service stations which voluntarily participate in the refueling service program established in ~~this act~~ Sections 1601 through 1604 of this title and which offer gasoline or other motor vehicle fuel for sale to the public shall be required to comply with the provisions of this section.

SECTION 19. AMENDATORY 74 O.S. 2001, Section 500.6, is amended to read as follows:

Section 500.6 A. Travel by any state officer or employee on official state business on any privately owned or chartered airplane may be reimbursed in an amount which, when added to per diem and reimbursement for lodging for that trip, does not exceed the equivalent of automobile mileage plus per diem and reimbursement for lodging had a privately owned automobile been used for the trip. The provisions of Section 500.4 of this title shall apply to calculation of automobile mileage equivalent in this section.

B. Upon completion of each trip, the pilot of any airplane owned by this state shall enter into a record book the names of all passengers on the airplane, date, destination, mileage, duration, purpose, and expense of the trip. The pilot shall sign each entry in the record book. Said book may be inspected by the State Auditor and Inspector.

C. Expenses of the trip are to be charged to the state departments or agencies of the officers or employees using the airplane. For the purposes of this section the term expense of the trip shall include but is not limited to the cost of operating the

airplane, the ~~mileage~~ duration of the trip, and the salary of the pilot.

SECTION 20. RECODIFICATION 47 O.S. 2001, Sections 11-308a and 11-308b, shall be recodified as Sections 11-803.1 and 11-803.2 of Title 47 of the Oklahoma Statutes unless there is created a duplication in numbering. 69 O.S. 2001, Sections 4009 and 4009.1, shall be recodified as Sections 2-106.2A and 2-106.2B of Title 47 of the Oklahoma Statutes, unless there is created a duplication in numbering. Section 16, Chapter 461, O.S.L. 2003 (69 O.S. Supp. 2005, Section 4009.2), shall be recodified as Section 2-106.2C of Title 47 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 21. REPEALER 19 O.S. 2001, Sections 563, 565.1, 565.2 and 565.3, are hereby repealed.

SECTION 22. REPEALER Section 4, Chapter 461, O.S.L. 2003, as amended by Section 4, Chapter 418, O.S.L. 2004 (47 O.S. Supp. 2005, Section 2-105A), is hereby repealed.

SECTION 23. REPEALER 47 O.S. 2001, Sections 2-309.7, 6-105.1 and 40-106, are hereby repealed.

SECTION 24. REPEALER 47 O.S. 2001, Section 1604, is hereby repealed.

SECTION 25. 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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