

CS for SB 2046

THE STATE SENATE
Monday, February 20, 2006

Committee Substitute for
Senate Bill No. 2046

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 2046 - By: WYRICK of the Senate and ROAN of the House.

[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

1 a designee, or upon request by a ~~member~~ commissioned law enforcement
2 officer of the Oklahoma Highway Patrol, may serve as law enforcement
3 officers for the sheriff's office or the Oklahoma Highway Patrol,
4 respectively, if such service has been authorized by prior
5 resolution by the governing body of the municipality where such
6 officers are regularly employed. While so serving, such police
7 officers shall have the same powers and duties as though employed by
8 the requesting law enforcement agency and when so acting they shall
9 be deemed to be acting within the scope of employment of the
10 requesting law enforcement agency; except that salaries, insurance
11 and other benefits shall be provided in their regular manner by the
12 municipality in which the police officers are regularly employed.

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

22 D. The governing body of a municipality may, by resolution,
23 authorize the chief executive officer of the municipality to respond

1 to any request from any other jurisdiction within the state for law
2 enforcement assistance in cases of emergency The police
3 officers of the municipality serving in response to the emergency
4 request shall have the same powers and duties as though employed by
5 the requesting law enforcement agency and when so acting they shall
6 be deemed to be acting within the scope of employment of the
7 requesting law enforcement agency; provided, however, that salaries,
8 insurance and other benefits shall be provided in the regular manner
9 by the municipality in which the police officers are regularly
10 employed.

11 As used in this section, "emergency" means a sudden and
12 unforeseeable occurrence or condition either as to its onset or its
13 extent of such severity or magnitude that immediate response or
14 action is necessary to assist law enforcement agencies having
15 jurisdiction at the scene of the emergency to carry out their
16 functions.

17 SECTION 2. AMENDATORY 20 O.S. 2001, Section 1313.2, as
18 last amended by Section 1, Chapter 441, O.S.L. 2005 (20 O.S. Supp.
19 2005, Section 1313.2), is amended to read as follows:

20 Section 1313.2 A. As used in this section:

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

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

3 3. "DNA" means Deoxyribonucleic acid.

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

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

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

5 a. the Oklahoma State Bureau of Investigation who shall
6 deposit the monies into the OSBI Revolving Fund
7 provided for in Section 150.19a of Title 74 of the
8 Oklahoma Statutes for services rendered or
9 administered by the Oklahoma State Bureau of
10 Investigation,

11 b. the Office of the Chief Medical Examiner who shall
12 deposit the monies into the Office of the Chief
13 Medical Examiner Toxicology Laboratory Revolving Fund
14 provided for in Section 954 of Title 63 of the
15 Oklahoma Statutes for services rendered or
16 administered by the Toxicology Laboratory of the
17 Office of the Chief Medical Examiner, or

18 c. the appropriate municipality or county for services
19 rendered or administered by a municipality or county.

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

22 a. providing criminalistic laboratory services,

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

8 D. Upon conviction or bond forfeiture, the court shall collect
9 the fee provided for in subsection B of this section and deposit it
10 in an account created for that purpose. Except as otherwise
11 provided in subsection E of this section, monies shall be forwarded
12 monthly by the court clerk to the Council on Law Enforcement
13 Education and Training. Beginning July 1, 2003, deposits shall be
14 due on the fifteenth day of each month for the preceding calendar
15 month. There shall be a late fee imposed for failure to make timely
16 deposits; provided, the Council on Law Enforcement Education and
17 Training, in its discretion, may waive all or part of the late fee.
18 Such late fee shall be one percent (1%) of the principal amount due
19 per day beginning from the tenth day after payment is due and
20 accumulating until the late fee reaches one hundred percent (100%)
21 of the principal amount due. Beginning on July 1, 1987, ninety
22 percent (90%) of the monies received by the Council on Law
23 Enforcement Education and Training from the court clerks pursuant to

1 this section shall be deposited in the CLEET Fund, and ten percent
2 (10%) shall be deposited in the General Revenue Fund. Beginning
3 January 1, 2001, sixty and fifty-three one-hundredths percent
4 (60.53%) of the monies received by the Council on Law Enforcement
5 Education and Training from the court clerks pursuant to this
6 section shall be deposited in the CLEET Fund created pursuant to
7 subsection F of this section, five and eighty-three one-hundredths
8 percent (5.83%) shall be deposited in the General Revenue Fund and
9 thirty-three and sixty-four one-hundredths percent (33.64%) shall be
10 deposited in the CLEET Training Center Revolving Fund created
11 pursuant to Section 3311.6 of Title 70 of the Oklahoma Statutes.

12 Along with the deposits required by this subsection each court shall
13 also submit a report stating the total amount of funds collected and
14 the total number of fees imposed during the preceding quarter. The
15 report may be made on computerized or manual disposition reports.

16 E. Any municipality or county having a basic law enforcement
17 academy approved by the Council on Law Enforcement Education and
18 Training pursuant to the criteria developed by the Council for
19 training law enforcement officers shall retain from monies collected
20 pursuant to this section, Two Dollars (\$2.00) from each fee. These
21 monies shall be deposited into an account for the sole use of the
22 municipality or county in implementing its law enforcement training
23 functions. Not more than seven percent (7%) of the monies shall be

1 used for court and prosecution training. The court clerk of any
2 such municipality or county shall furnish to the Council on Law
3 Enforcement Education and Training the report required by subsection
4 D of this section.

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

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

18 2. The court clerk shall cause to be deposited the amount of
19 One Hundred Fifty Dollars (\$150.00) as collected, for every felony
20 conviction as described in this subsection. The court clerk shall
21 remit the monies in said fund on a monthly basis directly to the
22 Oklahoma State Bureau of Investigation who shall deposit the monies
23 into the OSBI Revolving Fund provided for in Section 150.19a of

1 Title 74 of the Oklahoma Statutes for services rendered or
2 administered by the Oklahoma State Bureau of Investigation.

3 3. The monies from the DNA sample fee deposited into the OSBI
4 Revolving Fund shall be used for creating, staffing, and maintaining
5 the OSBI DNA Laboratory and OSBI Combined DNA Index System (CODIS)
6 Database.

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

14 SECTION 3. AMENDATORY 20 O.S. 2001, Section 1313.3, as
15 last amended by Section 1, Chapter 556, O.S.L. 2004 (20 O.S. Supp.
16 2005, Section 1313.3), is amended to read as follows:

17 Section 1313.3 A. In addition to ~~the fees~~ any other penalty
18 assessment or court cost imposed by ~~Sections 1313.2 and, 1313.4 of~~
19 ~~this title~~ law, any person convicted of any offense, including
20 traffic offenses but excluding a conviction for a violation of
21 Section 11-1112, 11-1114 or 12-417 of Title 47 of the Oklahoma
22 Statutes and excluding parking and standing violations, punishable
23 by a fine of Ten Dollars (\$10.00) or more or by incarceration or any

1 person forfeiting bond when charged with such offense, shall be
2 ordered by the court to pay a fingerprinting fee in the amount of
3 Five Dollars (\$5.00) for each offense for the A.F.I.S. Fund created
4 by Section 150.25 of Title 74 of the Oklahoma Statutes. The fee
5 shall be in addition to and not in substitution for any and all
6 fines and penalties otherwise provided for by law for the offense.
7 The fee shall be collected at the same time as the fees provided for
8 in Section 1313.2 of this title. Four Dollars and fifty cents
9 (\$4.50) of each fee received pursuant to this section shall be paid
10 directly to the A.F.I.S. Fund and the balance shall be deposited in
11 the General Revenue Fund by the court clerk. The payments shall be
12 made to the appropriate fund by the court clerk on a monthly basis
13 as set forth by subsection H of Section 1313.2 of this title.

14 B. As used in this section:

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

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

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

1 Section 1313.4 A. In addition to ~~the~~ any other penalty
2 ~~assessments and fees~~ assessment or court costs imposed by Sections
3 ~~1313.2 and 1313.3 of this title~~ law, any person convicted of any
4 offense, including traffic offenses, but excluding a conviction for
5 a violation of Section 11-1112, 11-1114 or 12-417 of Title 47 of the
6 Oklahoma Statutes and excluding parking and standing violations,
7 ~~punishable by a fine of Ten Dollars (\$10.00) or more or by~~
8 ~~incarceration,~~ or any person forfeiting any bond when charged with
9 any offense, shall be ordered by the court to pay a Forensic Science
10 Improvement Assessment in the amount of Five Dollars (\$5.00) for
11 each offense. The assessment shall be in addition to, and not in
12 substitution for, any and all fines and penalties otherwise provided
13 by law for the offense. The assessment shall be collected at the
14 time and in the manner as the fees provided in Sections 1313.2 and
15 1313.3 of this title. Each municipal court clerk is authorized to
16 retain five percent (5%) of the assessment collected by each
17 municipal court clerk pursuant to the provisions of this section.
18 All court clerks shall send the assessments collected to the
19 Oklahoma State Bureau of Investigation for deposit into the Forensic
20 Science Improvement Revolving Fund created by Section 150.35 of
21 Title 74 of the Oklahoma Statutes less any amount authorized to be
22 retained. The deposits of funds collected pursuant to the
23 provisions of this section shall be due and payable as required in

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

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

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

10 Section 1313.5 A. As used in this section:

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

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

16 B. In addition to any other penalty assessment or court cost
17 imposed by law, any person convicted of any traffic offense
18 punishable pursuant to Title 47 of the Oklahoma Statutes, but
19 excluding a conviction for a violation of Section 11-901, 11-902,
20 11-1112, 11-1114 or 12-417 of Title 47 of the Oklahoma Statutes and
21 excluding parking and standing violations, or any person forfeiting
22 bond when charged with such an offense, shall be ordered by the
23 court to pay a fee of Twenty Dollars (\$20.00) as a separate penalty

1 assessment. The assessment and fee shall be in addition to and not
2 in substitution for any and all fines and penalties otherwise
3 provided for by law for such offense.

4 C. The fee shall be collected at the same time and in the same
5 manner as the penalty assessments provided for in Sections 1313.2
6 and 1313.3 of this title. Each court clerk is authorized to retain
7 all interest accrued thereon prior to the due date for deposits as
8 provided in this subsection. The court clerk shall deposit the fee
9 collected pursuant to this section in the account provided for in
10 subsection D of Section 1313.2 of this title, and the amounts
11 imposed by this section shall be forwarded monthly in one check or
12 draft to the Department of Public Safety to be deposited in the
13 Department of Public Safety Patrol Vehicle Revolving Fund.

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

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

20 Section 1313.6 A. As used in this section:

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

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

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

12 C. The fee shall be collected at the same time and in the same
13 manner as the penalty assessments provided for in Sections 1313.2
14 and 1313.3 of this title. As an administrative fee for handling
15 funds collected as a penalty assessment, each court clerk is
16 authorized to retain all interest accrued thereon prior to the due
17 date for deposits as provided in this subsection. The court clerk
18 shall deposit the fee collected pursuant to this section in the
19 account provided for in subsection D of Section 1313.2 of this
20 title, and the amounts imposed by this section shall be forwarded
21 monthly in one check or draft to the Department of Public Safety to
22 be deposited in the Department of Public Safety Patrol Vehicle
23 Revolving Fund.

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

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

7 Section 1313.7 A. In addition to ~~the fees~~ any other penalty
8 assessment or court cost imposed by ~~Sections 1313.2 and 1313.3 of~~
9 ~~this title law~~, any person convicted of any offense, excluding
10 municipal ordinances, traffic offenses and parking and standing
11 violations, but including violations of Section 11-902 of Title 47
12 of the Oklahoma Statutes, punishable by a fine of Ten Dollars
13 (\$10.00) or more or by incarceration or any person forfeiting bond
14 when charged with such offense, shall be ordered by the court to pay
15 a medical expense liability fee in the amount of Ten Dollars
16 (\$10.00) for each offense to the Medical Expense Liability Revolving
17 Fund provided for in Section 746.1 of Title 19 of the Oklahoma
18 Statutes. The fee shall be in addition to and not in substitution
19 for any and all fines and penalties otherwise provided for by law
20 for such offense.

21 B. The county court clerk shall cause to be deposited the
22 amount of Ten Dollars (\$10.00) as collected, for every conviction as
23 described in this subsection. The county court clerk shall remit

1 the monies in the fund on a monthly basis to the Medical Expense
2 Liability Revolving Fund.

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

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

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

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

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

20 C. The Medical Expense Liability Revolving Fund shall not pay
21 any expenses in excess of One Hundred Thousand Dollars (\$100,000.00)
22 per state inmate or person in custody on state charges. The State
23 and Education Employees Group Insurance Board shall pay valid

1 requests for reimbursements in the order in which they are received.
2 In the event there are insufficient funds available to pay any
3 outstanding requests, the Board shall pay such requests only after
4 sufficient funds have accumulated.

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

11 SECTION 8. AMENDATORY 21 O.S. 2001, Section 1283, as
12 last amended by Section 2, Chapter 190, O.S.L. 2005 (21 O.S. Supp.
13 2005, Section 1283), is amended to read as follows:

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

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

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

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

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

7 E. Any person having been issued a concealed handgun license
8 pursuant to the provisions of the Oklahoma Self-Defense Act, Section
9 1290.1 et seq. of this title, and who thereafter knowingly or
10 intentionally allows a convicted felon or adjudicated delinquent or
11 a youthful offender as prohibited by the provisions of subsections
12 A, C, or D of this section to possess or have control of any pistol
13 authorized by the Oklahoma Self-Defense Act shall, upon conviction,
14 be guilty of a felony punishable by a fine not to exceed Five
15 Thousand Dollars (\$5,000.00). In addition, the person shall have
16 the handgun license revoked by the Oklahoma State Bureau of
17 Investigation after a hearing and determination that the person has
18 violated the provisions of this section.

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

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

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

7 Section 153. A. The clerks of the courts shall collect as
8 costs in every criminal case for each offense of which the defendant
9 is convicted, irrespective of whether or not the sentence is
10 deferred, the following flat charges and no more, except for
11 standing and parking violations and for charges otherwise provided
12 for by law, which fee shall cover docketing of the case, filing of
13 all papers, issuance of process, warrants, orders, and other
14 services to the date of judgment:

15 1. For each defendant convicted of exceeding
16 the speed limit by at least one (1)
17 mile per hour but not more than ten
18 (10) miles per hour, whether charged
19 individually or conjointly with others..... \$77.00

20 2. For each defendant convicted of a misdemeanor traffic
21 violation other than an offense provided for in paragraph
22 1 or 5 of this subsection, whether charged individually or
23 conjointly with others..... \$98.00

- 1 3. For each defendant convicted of a
2 misdemeanor, other than for driving under
3 the influence of alcohol or other
4 intoxicating substance or an offense
5 provided for in paragraph 1 or 2 of this
6 subsection, whether charged individually
7 or conjointly with others..... \$93.00
- 8 4. For each defendant convicted of a felony,
9 other than for driving under the
10 influence of alcohol or other
11 intoxicating substance, whether charged
12 individually or conjointly with others..... \$103.00
- 13 5. For each defendant convicted of the
14 misdemeanor of driving under the
15 influence of alcohol or other
16 intoxicating substance, whether charged
17 individually or conjointly with others..... \$383.00
- 18 6. For each defendant convicted of the felony
19 of driving under the influence of alcohol
20 or other intoxicating substance, whether
21 charged individually or conjointly with
22 others..... \$383.00

1 B. In addition to the amount collected pursuant to paragraphs 2
2 through 5 of subsection A of this section, the sum of Six Dollars
3 (\$6.00) shall be assessed and credited to the Law Library Fund
4 pursuant to Section 1201 et seq. of Title 20 of the Oklahoma
5 Statutes.

6 C. In addition to the amount collected pursuant to subsection A
7 of this section, the sum of Ten Dollars (\$10.00) shall be assessed
8 and collected in every traffic case for each offense other than for
9 driving under the influence of alcohol or other intoxicating
10 substance; the sum of Fifteen Dollars (\$15.00) shall be assessed and
11 collected in every misdemeanor case for each offense; the sum of
12 Fifteen Dollars (\$15.00) shall be assessed and collected in every
13 misdemeanor case for each offense for driving under the influence of
14 alcohol or other intoxicating substance; the sum of Twenty-five
15 Dollars (\$25.00) shall be assessed and collected in every felony
16 case for each offense; and the sum of Twenty-five Dollars (\$25.00)
17 shall be assessed and collected in every felony case for each
18 offense for driving under the influence of alcohol or other
19 intoxicating substance.

20 D. In addition to the amounts collected pursuant to subsections
21 A and B of this section, the sum of Ten Dollars (\$10.00) shall be
22 assessed and credited to the Oklahoma Court Information System

1 Revolving Fund created pursuant to Section 1315 of Title 20 of the
2 Oklahoma Statutes.

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

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

9 1. A court clerk issuing a misdemeanor warrant is entitled to
10 ten percent (10%) of the sheriff's service fee, provided for in
11 paragraph 9 of subsection A of this section, collected on a warrant
12 referred to the contractor for the misdemeanor warrant notification
13 program governed by Sections 514.4 and 514.5 of Title 19 of the
14 Oklahoma Statutes. This ten-percent sum shall be deposited into the
15 issuing Court Clerk's Revolving Fund, created pursuant to Section
16 220 of Title 19 of the Oklahoma Statutes, of the court clerk issuing
17 the warrant with the balance of the sheriff's service fee to be
18 deposited into the Sheriff's Service Fee Account, created pursuant
19 to the provisions of Section 514.1 of Title 19 of the Oklahoma
20 Statutes, of the sheriff in the county in which service is made or
21 attempted. Otherwise, the sheriff's service fee, when collected,
22 shall be deposited in its entirety into the Sheriff's Service Fee

1 Account of the sheriff in the county in which service is made or
2 attempted;

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

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

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

14 5. The following amounts of the fees provided for in paragraphs
15 2, 3, 5 and 6 of subsection A of this section, when collected, shall
16 be deposited in the Trauma Care Assistance Revolving Fund, created
17 pursuant to the provisions of Section 1-2522 of Title 63 of the
18 Oklahoma Statutes:

19 a. Ten Dollars (\$10.00) of the Ninety-eight-Dollar fee
20 provided for in paragraph 2 of subsection A of this
21 section,

1 b. Ten Dollars (\$10.00) of the Ninety-three-Dollar fee
2 provided for in paragraph 3 of subsection A of this
3 section,

4 c. One Hundred Dollars (\$100.00) of the Three-Hundred-
5 Eighty-three-Dollar fee provided for in paragraph 5 of
6 subsection A of this section, and

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

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

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

20 I. A court clerk may accept in payment for any fee, fine, or
21 cost for violation of any traffic law a nationally recognized credit
22 card issued to the applicant. The court clerk may add an amount
23 equal to the amount of the service charge incurred, not to exceed

1 four percent (4%) of the amount of the payment as a service charge
2 for the acceptance of the credit card. For purposes of this
3 paragraph, "nationally recognized credit card" means any instrument
4 or device, whether known as a credit card, credit plate, charge
5 plate, or by any other name, issued with or without fee by an issuer
6 for the use of the cardholder in obtaining goods, services, or
7 anything else of value and which is accepted by over one thousand
8 (1,000) merchants in this state. The court clerk shall determine
9 which nationally recognized credit cards will be accepted as payment
10 for fees; provided, the court clerk must ensure that no loss of
11 state revenue will occur by the use of such cards.

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

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

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

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

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

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

17 Any violation of the provisions of this subsection shall
18 constitute a misdemeanor and shall be punishable by a fine of not
19 less than Fifty Dollars (\$50.00) nor more than Three Hundred Dollars
20 (\$300.00) plus costs or by imprisonment for not more than thirty
21 (30) days, or by both such fine and imprisonment.

22 Any person charged with violating this subsection who produces
23 in court a renewal or replacement driver license issued to him or

1 her shall be entitled to dismissal of such charge upon payment of
2 court costs; however, if the renewal or replacement driver license
3 is presented to the court within forty-eight (48) hours after the
4 violation, the charge shall be dismissed without payment of court
5 costs and fine.

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

12 1. For a first conviction, of not less than One Hundred Dollars
13 (\$100.00) and not more than Five Hundred Dollars (\$500.00);

14 2. For a second conviction, of not less than Two Hundred
15 Dollars (\$200.00) and not more than Seven Hundred Fifty Dollars
16 (\$750.00); or

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

22 C. Any person who drives a motor vehicle on any public roads,
23 streets, highways, turnpikes or other public roads of this state at

1 a time when the driving privilege of that person is canceled,
2 denied, suspended or revoked, pursuant to paragraph 1 of subsection
3 A of Section 6-205.1 of this title, shall be guilty of a misdemeanor
4 and upon conviction shall be punished by a fine:

5 1. For a first conviction, of not less than Five Hundred
6 Dollars (\$500.00) and not more than One Thousand Dollars
7 (\$1,000.00);

8 2. For a second conviction, of not less than One Thousand
9 Dollars (\$1,000.00) and not more than Two Thousand Dollars
10 (\$2,000.00); or

11 3. For a third and subsequent conviction, of not less than Two
12 Thousand Dollars (\$2,000.00) and not more than Five Thousand Dollars
13 (\$5,000.00),
14 or by imprisonment for not more than one (1) year or by both such
15 fine and imprisonment. Each act of driving on the highways as
16 prohibited shall constitute a separate offense.

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

1 E. The Department upon receiving a record of conviction of an
2 offense committed by any person whose license or privilege to
3 operate motor vehicles is under revocation, pursuant to paragraph 1,
4 2, or 3 of subsection A of Section 6-205.1 of this title, shall
5 extend the period of such revocation for an additional four-month
6 period of time. The additional orders of revocation shall be dated
7 and become effective the day following the date terminating the
8 prior order of revocation.

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

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

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

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

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

12 SECTION 13. AMENDATORY 47 O.S. 2001, Section 11-1007, as
13 last amended by Section 1, Chapter 165, O.S.L. 2005 (47 O.S. Supp.
14 2005, Section 11-1007), is amended to read as follows:

15 Section 11-1007. A. It shall be unlawful for any person to
16 place or park a motor vehicle in any parking space that is
17 designated and posted as a reserved area for the parking of a motor
18 vehicle operated by or transporting a physically disabled person
19 unless such person has applied for and been issued a detachable
20 insignia indicating physical disability under the provisions of
21 Section 15-112 of this title, and such insignia is displayed as
22 provided in Section 15-112 of this title or in rules adopted
23 pursuant thereto, or has applied for and been issued a physically

1 disabled special license plate pursuant to the provisions of
2 ~~paragraph 8 of Section 1136~~ 1135.1 of this title, and such license
3 plate is displayed pursuant to the provisions of the Oklahoma
4 Vehicle License and Registration Act. It shall also be unlawful for
5 any person to place or park a motor vehicle, whether with or without
6 a physically disabled placard or plate, in any disabled parking
7 space access aisle, wheelchair ramp, wheelchair loading/unloading
8 area or any portion thereof.

9 B. Violation of these provisions shall be a misdemeanor and
10 upon conviction such person shall be fined not less than One Hundred
11 Fifty Dollars (\$150.00) and not more than Two Hundred Fifty Dollars
12 (\$250.00). Provided, any person cited for a first offense of a
13 violation of this section who has displayed a placard which has
14 expired pursuant to paragraph 4 or 5 of subsection D of Section 15-
15 112 of this title shall be entitled to dismissal of such charge and
16 shall not be required to pay the fine or court costs if the person
17 presents to the court within thirty (30) days of the issuance of the
18 citation a notice from the Department of Public Safety that the
19 person has obtained a valid placard pursuant to the provisions of
20 subsection D of Section 15-112 of this title. In addition, vehicles
21 unlawfully parked in violation of these provisions shall be subject
22 to immediate tow by a licensed tow truck operator at the request of
23 the landowner or a duly appointed agent of the landowner, at the

1 request of any person unable to lawfully gain access to or move
2 their vehicle, at the request of any person unable to lawfully gain
3 access to the area blocked by the unlawfully parked vehicle, or at
4 the request of appropriate law-enforcement personnel. The owner of
5 any vehicle unlawfully parked in violation of these provisions shall
6 pay any and all reasonable and necessary costs associated with
7 towing and storage of the vehicle.

8 SECTION 14. AMENDATORY 47 O.S. 2001, Section 12-101, as
9 last amended by Section 4, Chapter 50, O.S.L. 2005 (47 O.S. Supp.
10 2005, Section 12-101), is amended to read as follows:

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

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

17 a. is known to be in such unsafe condition as to endanger
18 any person,

19 b. is known not to contain those parts required by this
20 chapter,

21 c. is not at all times equipped with such lamps and other
22 equipment in proper condition and adjustment as
23 required in this chapter, or

1 d. is known to be equipped in any manner in violation of
2 this chapter;

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

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

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

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

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

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

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

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

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

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

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

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

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

4 a. a vehicle that is being used to transport passengers
5 for hire, or

6 b. a vehicle that is being used to transport hazardous
7 materials of a type or quantity that requires the
8 vehicle to be marked or placarded under 49 C.F.R.,
9 Section 177.823;

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

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

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

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

22 1. Regulating the standing or parking of vehicles;

- 1 2. Regulating traffic by means of police officers or traffic-
2 control signals;
- 3 3. Regulating or prohibiting processions or assemblages on the
4 highways;
- 5 4. Designating particular highways as one-way highways and
6 requiring that all vehicles thereon be moved in one specific
7 direction;
- 8 5. Regulating the speed of vehicles in public parks;
- 9 6. Designating any highway as a through highway and requiring
10 that all vehicles stop before entering or crossing the same or
11 designating any intersection as a stop intersection or a yield
12 intersection and requiring all vehicles to stop or yield at one or
13 more entrances to such intersection;
- 14 7. Restricting the use of highways as authorized in Section ~~14-~~
15 ~~112~~ 14-113 of this ~~act~~ title;
- 16 8. Regulating the operating of bicycles and requiring the
17 registration and licensing of same, including the requirement of a
18 registration fee;
- 19 9. Regulating or prohibiting the turning of vehicles or
20 specified types of vehicles at intersections;
- 21 10. Altering the speed limits as authorized herein; and
- 22 11. Adopting such other traffic regulations as are specifically
23 authorized by this ~~act~~ title.

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

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

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

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

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

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

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

4 B. No such special parking privilege, however, shall excuse the
5 violation of any state statute, nor shall any such privilege be
6 applicable where the standing or parking would create a dangerous
7 situation or impede the normal flow of traffic. Nothing in this
8 section shall be construed as requiring the creation of additional
9 parking spaces.

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

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

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

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

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

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

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

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

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

14 3. A disabled veterans license plate with the international
15 accessibility symbol, issued pursuant to the provisions of Section
16 1135.2 of this title.

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

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

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

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

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

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

22 C. Expenses of the trip are to be charged to the state
23 departments or agencies of the officers or employees using the

1 airplane. For the purposes of this section the term expense of the
2 trip shall include but is not limited to the cost of operating the
3 airplane, the ~~mileage~~ duration of the trip, and the salary of the
4 pilot.

5 SECTION 20. RECODIFICATION 47 O.S. 2001, Sections 11-
6 308a and 11-308b, shall be recodified as Sections 11-803.1 and 11-
7 803.2 of Title 47 of the Oklahoma Statutes unless there is created a
8 duplication in numbering. 69 O.S. 2001, Sections 4009 and 4009.1,
9 shall be recodified as Sections 2-106.2A and 2-106.2B of Title 47 of
10 the Oklahoma Statutes, unless there is created a duplication in
11 numbering. Section 16, Chapter 461, O.S.L. 2003 (69 O.S. Supp.
12 2005, Section 4009.2), shall be recodified as Section 2-106.2C of
13 Title 47 of the Oklahoma Statutes, unless there is created a
14 duplication in numbering.

15 SECTION 21. REPEALER 19 O.S. 2001, Sections 563, 565.1,
16 565.2 and 565.3, are hereby repealed.

17 SECTION 22. REPEALER Section 4, Chapter 461, O.S.L.
18 2003, as amended by Section 4, Chapter 418, O.S.L. 2004 (47 O.S.
19 Supp. 2005, Section 2-105A), is hereby repealed.

20 SECTION 23. REPEALER 47 O.S. 2001, Sections 2-309.7, 6-
21 105.1 and 40-106, are hereby repealed.

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

1 SECTION 25. It being immediately necessary for the preservation
2 of the public peace, health and safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

5 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY AND HOMELAND
6 SECURITY, dated 2-13-06 - DO PASS, As Amended and Coauthored.