

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 CONFERENCE COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL 610

By: Barrington of the Senate

and

Dorman of the House

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9 CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to public safety; amending 47 O.S.  
11 2001, Section 11-601, as amended by Section 12 of  
12 Enrolled House Bill No. 1616 of the 1st Session of  
13 the 51st Oklahoma Legislature, which relates to the  
14 required position and method of turning at  
15 intersections; directing right turn from pavement or  
16 paved shoulder; amending 63 O.S. 2001, Section 2814,  
17 which relates to operation of emergency telephone  
18 services in political subdivisions; prohibiting  
19 imposition of certain additional fees; providing an  
20 effective date; and declaring an emergency.

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

22 SECTION 1. AMENDATORY 47 O.S. 2001, Section 11-601, as  
23 amended by Section 12 of Enrolled House Bill No. 1616 of the 1st  
24 Session of the 51st Oklahoma Legislature, is amended to read as  
follows:

Section 11-601. The driver of a vehicle intending to turn at an  
intersection shall do so as follows:

1 1. Right turns. Both the approach for a right turn and a right  
2 turn shall be made as close as practicable to the right-hand curb or  
3 edge of the ~~roadway~~ pavement or paved shoulder.

4 2. Left turns. The driver of a vehicle intending to turn left  
5 at an intersection shall approach the intersection in the extreme  
6 left-hand lane lawfully available to traffic moving in the direction  
7 of travel of such vehicle. After entering the intersection, the  
8 left turn shall be made so as to leave the intersection, as nearly  
9 as practicable, in the left-hand lane lawfully available to traffic  
10 moving in such direction upon the roadway being entered. Whenever  
11 practicable, when leaving a two-way roadway, the left turn shall be  
12 made in that portion of the intersection to the left of the center  
13 of the intersection.

14 3. Local authorities in their respective jurisdictions may  
15 cause markers, buttons or signs to be placed within or adjacent to  
16 intersections and thereby require and direct that a different course  
17 from that specified in this section be traveled by vehicles turning  
18 at an intersection, and when markers, buttons or signs are so placed  
19 no driver of a vehicle shall turn a vehicle at an intersection other  
20 than as directed and required by such markers, buttons or signs.

21 SECTION 2. AMENDATORY 63 O.S. 2001, Section 2814, is  
22 amended to read as follows:

23 Section 2814. A. In addition to other powers for the  
24 protection of the public health, a governing body may provide for

1 the operation of an emergency telephone service and may impose an  
2 emergency telephone fee, as provided in this section, for emergency  
3 telephone service in areas, subject to the jurisdiction of the  
4 governing body. The governing body may do such other acts as are  
5 necessary for the protection and preservation of the public health  
6 if necessary for the operation of the emergency telephone system.

7 B. The governing body is hereby authorized, by ordinance in the  
8 case of municipalities and by resolution in the case of counties or  
9 a combined governing body, to provide for the operation of emergency  
10 telephone service and to impose an emergency telephone fee in the  
11 area to be served by the system. The ordinance or resolution shall  
12 submit to the voters in the area to be served the question of the  
13 imposition of emergency telephone service and the amount of the  
14 emergency telephone fee. The ordinance or resolution shall propose  
15 the amount of the emergency telephone fee to begin the second year  
16 and for each year thereafter, in an amount not greater than fifteen  
17 percent (15%) of the tariff rate, and shall call for an election to  
18 be held within one (1) year from the date the ordinance or  
19 resolution is adopted.

20 The ordinance or resolution shall also provide for the  
21 collection of an amount not to exceed five percent (5%) of the  
22 tariff rate in areas subject to the jurisdiction of the governing  
23 body for a period of no longer than one (1) year. The one (1) year,  
24 five percent (5%) fee shall be a part of, not an addition to, the

1 fee set by the voters. The collection of the five percent (5%) fee  
2 may begin, prior to the election, within thirty (30) days after the  
3 resolution or ordinance becomes effective. The one (1) year, five  
4 percent (5%) fee shall be used to provide for the cost of conducting  
5 the election to set the emergency telephone fee and any initial or  
6 start-up cost necessary to implement the emergency telephone  
7 service. If the fee is not approved by the electors, any remaining  
8 money collected during the first year shall be distributed to the  
9 local exchange telephone company and then shall be refunded to each  
10 service user charged on a pro rata basis.

11 C. Within sixty (60) days of the publication of the resolution  
12 adopted pursuant to subsection B of this section, there may be filed  
13 with the county election board of the affected county or counties a  
14 petition signed by not less than three percent (3%) of the total  
15 number of votes cast in the next preceding general election of the  
16 county or affected area.

17 Within sixty (60) days of publication of an ordinance adopted by  
18 a municipality pursuant to subsection B of this section, there may  
19 be filed with the county election board of the county in which the  
20 municipality is located a petition signed by not less than three  
21 percent (3%) of the total number of votes cast in the next preceding  
22 election of the city.

23 The petitions may request that the question of the installation  
24 and operation of emergency telephone service and imposition of the

1 one (1) year, five percent (5%) emergency telephone fee as called  
2 for in the resolution or ordinance be disapproved.

3 Upon determination of the sufficiency of the petition and  
4 certification by the county election board or boards, the  
5 proposition shall be submitted to the qualified voters of the  
6 county, municipality or area to be served not less than sixty (60)  
7 days following the certification of the petition.

8 If a majority of the votes cast in an election held pursuant to  
9 subsection B of this section disapprove the operation of emergency  
10 telephone service and imposition of an emergency telephone fee or a  
11 majority of the votes cast disapprove the one (1) year, five percent  
12 (5%) emergency telephone fee, upon certification of the election  
13 results by the county election board or boards, the resolution or  
14 ordinance shall not take effect and the emergency telephone service  
15 and the emergency telephone fee called for in the resolution or  
16 ordinance shall not be imposed. If the resolution or ordinance is  
17 disapproved by the electors, any remaining money collected during  
18 the first year shall be distributed to the local exchange telephone  
19 company and then shall be refunded to each service user charged on a  
20 pro rata basis.

21 D. If the governing board does not take action to provide for  
22 the operation of emergency telephone service and to impose an  
23 emergency telephone fee as provided in subsection B of this section,  
24 there may be filed with the county election board or boards of the

1 affected area a petition signed by not less than three percent (3%)  
2 of the total numbers of votes cast in the next preceding election of  
3 the affected area.

4 The petition shall request that the question of the installation  
5 and operation of emergency telephone service and imposition of a fee  
6 in an amount not greater than fifteen percent (15%) of the tariff  
7 rate be submitted to the qualified voters of the county,  
8 municipality or area to be served. Upon determination of the  
9 sufficiency of the petition and certification by the county election  
10 board or boards, the proposition shall be submitted to the qualified  
11 voters of the county, municipality or area to be served not less  
12 than sixty (60) days following the certification of the petition.

13 If a majority of the votes cast at an election held pursuant to  
14 this subsection approve the installation and operation of emergency  
15 telephone service and imposition of an emergency telephone fee the  
16 governing body shall provide for the installation and operation of  
17 the service, impose the approved fee and provide for the governance  
18 of the system. If the affected area is governed by two or more  
19 governmental entities the governing bodies of each shall enter into  
20 an agreement in accordance with the Interlocal Cooperative Act to  
21 provide for the governance of the system.

22 E. Any fee imposed by a county or combined governing body shall  
23 not apply to any portion of the county located within the boundaries  
24 of a municipality or other governmental entity also imposing an

1 emergency telephone fee pursuant to the provisions of the Nine-One-  
2 One Emergency Number Act. In addition, a municipality or other  
3 governmental entity within the jurisdiction of a county or combined  
4 governing body and subject to an existing fee imposed by such county  
5 or combined governing body pursuant to the provisions of the Nine-  
6 One-One Emergency Number Act may not impose any additional fee by  
7 election or ordinance. The approved emergency telephone fee shall  
8 be effective upon certification of the election results by the  
9 county election board or boards. Except as provided for in  
10 subsections G and I of this section, an emergency telephone fee  
11 imposed prior to the effective date of this act shall continue at  
12 the established amount until an election to change the fee is called  
13 as provided for in this section.

14 F. If a majority of the votes cast at an election held pursuant  
15 to subsection B of this section approve the installation and  
16 operation of emergency telephone service and imposition of an  
17 emergency telephone fee, the governing body shall provide for the  
18 installation and operation of the service and impose the approved  
19 fee. The initial five percent (5%) fee, established by resolution  
20 or an ordinance, as provided pursuant to the provisions of  
21 subsection B of this section shall remain in effect for the  
22 remainder of the first year.

23 G. The emergency telephone fee approved pursuant to the  
24 provisions of this section shall be reviewed at least once each

1 calendar year by the governing body which shall, in accordance with  
2 subsection D of Section 2815 of this title, establish the amount of  
3 the fee for the next calendar year, not to exceed the amount set by  
4 the electors. The governing body shall have the power and authority  
5 to reduce the emergency telephone fee being paid by the service  
6 users of the emergency telephone system to the estimated amount  
7 needed for the annual operation and maintenance of the system. If  
8 the governing body makes a reduction and in a subsequent year  
9 determines it is necessary to increase the fee to operate and  
10 maintain the system, the governing body may raise the fee up to an  
11 amount not to exceed the amount previously set by the electors. Any  
12 fee imposed by the electors of a county, municipality or area served  
13 shall remain at the amount approved by the electors until a new vote  
14 of the electors is conducted in the manner for which an election may  
15 be conducted to impose a fee as provided for in this section. The  
16 proceeds of the fee shall be utilized to pay for the operation of  
17 emergency telephone service as specified in this section.  
18 Collection of the fee may begin at any time if an existing service  
19 is already operative or at any time subsequent to execution of a  
20 contract with the provider of the emergency telephone service at the  
21 discretion of the governing body.

22 H. If the fee approved by the voters is less than fifteen  
23 percent (15%) and the governing body determines there exists a need  
24 for ancillary communications systems necessary to communicate the

1 reported emergency to the appropriate emergency service and  
2 personnel and the governing body also determines that the fee set by  
3 the electors is not sufficient to fund the ancillary communications  
4 systems, the governing body may by resolution or ordinance call an  
5 election to submit the question of raising the voter-approved fee in  
6 a sufficient amount, not to exceed fifteen percent (15%), for such  
7 additional time as determined by the governing body it is necessary  
8 to purchase the ancillary communications equipment. The vote shall  
9 be conducted in the manner provided for in subsection B of this  
10 section.

11 I. A governing body with an existing emergency telephone  
12 service system in operation prior to the effective date of this act  
13 may by ordinance or resolution restore the emergency telephone fee  
14 set at three percent (3%) to an amount not to exceed five percent  
15 (5%) of the tariff rate for such additional time as is necessary to  
16 fund ancillary communications equipment necessary to communicate the  
17 reported emergency to the appropriate emergency service and  
18 personnel.

19 Within sixty (60) days of the publication of the resolution  
20 adopted pursuant to this subsection, there may be filed with the  
21 county election board of the affected county or counties a petition  
22 signed by not less than three percent (3%) of the total number of  
23 votes cast in the next preceding general election of the county or  
24 affected area.

1        Within sixty (60) days of publication of an ordinance adopted by  
2 a municipality pursuant to this subsection, there may be filed with  
3 the county election board of the county in which the municipality is  
4 located a petition signed by not less than three percent (3%) of the  
5 total number of votes cast in the next preceding election of the  
6 city.

7        The petitions may request that the question of restoring the  
8 emergency telephone fee to an amount not to exceed five percent (5%)  
9 of the tariff rate to fund ancillary communications equipment be  
10 submitted to the qualified voters of the county, municipality or  
11 area to be served.

12        Upon determination of the sufficiency of the petition and  
13 certification by the county election board or boards, the  
14 proposition shall be submitted to the qualified voters of the  
15 county, municipality or area to be served not less than sixty (60)  
16 days following the certification of the petition. If a majority of  
17 the votes cast at the election are for restoring the emergency  
18 telephone fee to an amount not to exceed five percent (5%) of the  
19 tariff rate to fund ancillary communications equipment, the  
20 resolution or ordinance restoring the fee shall become effective.  
21 The increase of the fee may be implemented within thirty (30) days  
22 after the resolution or ordinance becomes effective.

23        J. The tariff rate used for initial calculation of the  
24 emergency telephone service fee shall remain static for the purpose

1 of calculating future fees for emergency telephone service.  
2 Therefore, future rate changes for emergency telephone service shall  
3 be stated as a percentage of the initial tariff rate.

4 K. The emergency telephone fee shall be imposed only upon the  
5 amount received from the tariff for exchange telephone service or  
6 its equivalent. No fee shall be imposed upon more than one hundred  
7 exchange access lines or their equivalent per person per location.

8 L. Every billed service user shall be liable for any fee  
9 imposed pursuant to this section until it has been paid to the local  
10 exchange telephone company.

11 M. The duty to collect any fee imposed pursuant to the  
12 authority of the Nine-One-One Emergency Number Act from a service  
13 user shall commence at a time specified by the governing body. Fees  
14 imposed pursuant to this section that are required to be collected  
15 by the local exchange telephone company shall be added to and shall  
16 be stated separately in the billings to the service user.

17 N. The local exchange telephone company shall have no  
18 obligation to take any legal action to enforce the collection of any  
19 fee imposed pursuant to authority of this section, however, should  
20 any service user tender a payment insufficient to satisfy all  
21 charges, tariffs, fees and taxes for exchange telephone service, the  
22 amount tendered shall be credited to the emergency telephone fee in  
23 the same manner as other taxes and fees. The local exchange  
24 telephone company shall annually provide the governing body with a

1 list of amounts uncollected along with the names and addresses of  
2 those service users which carry a balance that can be determined by  
3 the local exchange telephone company to be nonpayment of any fee  
4 imposed pursuant to the authority of this section.

5       0. Any fee imposed pursuant to the authority provided by this  
6 section shall be collected insofar as practicable at the same time  
7 as, and along with, the charges for exchange telephone service in  
8 accordance with the regular billing practice of the local exchange  
9 telephone service. The tariff rates determined by or stated in the  
10 billing of the local exchange telephone company shall be presumed to  
11 be correct if such charges were made in accordance with the business  
12 practices of the local exchange telephone company. The presumption  
13 may be rebutted by evidence which establishes that an incorrect  
14 tariff rate was charged.

15       SECTION 3. This act shall become effective July 1, 2007.

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

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