

1 STATE OF OKLAHOMA

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

3 SENATE BILL 982

By: Corn

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5
6 AS INTRODUCED

7 An Act relating to law enforcement; amending 22 O.S.
8 2001, Sections 1111, as amended by Section 3, Chapter
9 190, O.S.L. 2005, 1115.1, as amended by Section 3,
10 Chapter 204, O.S.L. 2006, and 1115.3, as amended by
11 Section 5, Chapter 204, O.S.L. 2006 (22 O.S. Supp.
12 2006, Sections 1111, 1115.1, and 1115.3), which
13 relate to payment of bail, fines, fees, and costs;
14 authorizing credit cards for payment of certain bail;
15 disallowing currency for payment of certain bail;
16 authorizing credit cards for payment of certain fines
17 and costs; disallowing currency for payment of
18 certain fines and costs; authorizing credit cards for
19 payment of certain bail, fines, and costs; amending
20 28 O.S. 2001, Section 151, as amended by Section 3,
21 Chapter 192, O.S.L. 2005 (28 O.S. Supp. 2006, Section
22 151), which relates to collection of fees, fines, and
23 costs; expanding duty to collect certain fines and
24 fees to municipal clerks; amending 47 O.S. 2001,
Section 2-117, as last amended by Section 8, Chapter
190, O.S.L. 2005 (47 O.S. Supp. 2006, Section 2-117),
which relates to highway traffic enforcement;
regulating traffic enforcement practices of certain
municipal law enforcement agencies; prohibiting
certain use of stationary radar; limiting certain
revenue from citations; requiring certain quarterly
reports; limiting units designated for enforcement of
certain highways; requiring certain CLEET-approved
training; and providing an effective date.

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

1 SECTION 1. AMENDATORY 22 O.S. 2001, Section 1111, as
2 amended by Section 3, Chapter 190, O.S.L. 2005 (22 O.S. Supp. 2006,
3 Section 1111), is amended to read as follows:

4 Section 1111. A. Any person arrested by a law enforcement
5 officer for any violation of any statute relating to water safety or
6 for any misdemeanor violation of the Oklahoma Wildlife Conservation
7 Code, in addition to other provisions of law for posting bail, shall
8 be admitted to bail as follows:

9 1. By posting cash bail, of an amount as prescribed by the
10 schedule prepared pursuant to subsection E of Section 1115.3 of this
11 title, in an envelope addressed to the court clerk of the district
12 court of the appropriate jurisdiction. The defendant, in the
13 presence of the arresting officer, shall deposit the envelope
14 containing the citation, on which the date of the hearing has been
15 indicated by the arresting officer, and the bail bond for the
16 appearance at such time and place, in the United States mail. The
17 arresting officer shall furnish a receipt to the person. For the
18 purpose of this section, credit card payment as authorized by
19 Section 151 of Title 28 of the Oklahoma Statutes, cashier's checks,
20 postal money orders, instruments commonly known as traveler's
21 checks, certified checks, and personal checks shall be considered as
22 cash, but shall not constitute actual currency. Any person who does
23 not post a cash bail shall deposit with the arresting officer a
24 valid license to operate a motor vehicle; provided that an

1 out-of-state arrestee posting cash by personal check shall deposit
2 with the arresting officer a valid license to operate a motor
3 vehicle as provided in subsection B of this section, except the
4 receipt shall cease to operate as a driver license if the personal
5 check is not honored after the last presentment. The court clerk
6 shall supply the office of the sheriff, the Department of Public
7 Safety and the Oklahoma Department of Wildlife Conservation with
8 postage paid preaddressed envelopes. The cost of the envelopes and
9 postage shall be paid from the court fund; or

10 2. By depositing with the arresting officer a valid license to
11 operate a motor vehicle, in exchange for an official receipt issued
12 by the arresting officer. The driver license and citation shall be
13 transmitted by the arresting officer to the clerk of the court
14 having jurisdiction over the offense.

15 B. Application for a replacement driver license during the
16 period when the original license is posted in lieu of cash bail
17 shall be a misdemeanor and upon conviction shall be punished by a
18 fine of not more than Five Hundred Dollars (\$500.00) or by
19 imprisonment for not less than seven (7) days nor more than six (6)
20 months, or by both such fine and imprisonment. Provided, that
21 notice of the fine and punishment shall be printed on the receipt
22 issued for deposit of a driver license in lieu of cash bail. The
23 receipt for posting bail by depositing a valid driver license shall
24 be on forms approved by the Commissioner of Public Safety. The

1 receipt shall be recognized as a driver license and shall authorize
2 the operation of a motor vehicle until the date of arraignment but
3 not exceeding twenty (20) days.

4 SECTION 2. AMENDATORY 22 O.S. 2001, Section 1115.1, as
5 amended by Section 3, Chapter 204, O.S.L. 2006 (22 O.S. Supp. 2006,
6 Section 1115.1), is amended to read as follows:

7 Section 1115.1. A. In addition to other provisions of law for
8 posting bail, any person, whether a resident of this state or a
9 nonresident, who is arrested by a law enforcement officer solely for
10 a misdemeanor violation of a state traffic law or municipal traffic
11 ordinance, shall be released by the arresting officer upon personal
12 recognizance if:

13 1. The arrested person has been issued a valid license to
14 operate a motor vehicle by this state, another state jurisdiction
15 within the United States, which is a participant in the Nonresident
16 Violator Compact or any party jurisdiction of the Nonresident
17 Violator Compact;

18 2. The arresting officer is satisfied as to the identity of the
19 arrested person;

20 3. The arrested person signs a written promise to appear as
21 provided for on the citation, unless the person is unconscious or
22 injured and requires immediate medical treatment as determined by a
23 treating physician; and

24 4. The violation does not constitute:

- 1 a. a felony, or
- 2 b. negligent homicide, or
- 3 c. driving or being in actual physical control of a motor
- 4 vehicle while impaired or under the influence of
- 5 alcohol or other intoxicating substances, unless the
- 6 person is unconscious or injured and requires
- 7 immediate medical treatment as determined by a
- 8 treating physician, or
- 9 d. eluding or attempting to elude a law enforcement
- 10 officer, or
- 11 e. operating a motor vehicle without having been issued a
- 12 valid driver license, or while the driving privilege
- 13 and driver license is under suspension, revocation,
- 14 denial or cancellation, or
- 15 f. an arrest based upon an outstanding warrant, or
- 16 g. a traffic violation coupled with any offense stated in
- 17 subparagraphs a through f of this paragraph.

18 B. If the arrested person is eligible for release on personal
19 recognizance as provided for in subsection A of this section, then
20 the arresting officer shall:

- 21 1. Designate the traffic charge;
- 22 2. Record information from the arrested person's driver license
- 23 on the citation form, including the name, address, date of birth,
- 24

1 personal description, type of driver license, driver license number,
2 issuing state, and expiration date;

3 3. Record the motor vehicle make, model and tag information;

4 4. Record the date and time on the citation on which, or before
5 which, the arrested person promises to contact, pay, or appear at
6 the court, as applicable to the court; and

7 5. Permit the arrested person to sign a written promise to
8 contact, pay, or appear at the court, as provided for in the
9 citation.

10 The arresting officer shall then release the person upon personal
11 recognizance based upon the signed promise to appear. The citation
12 shall contain a written notice to the arrested person that release
13 upon personal recognizance based upon a signed written promise to
14 appear for arraignment is conditional and that failure to timely
15 appear for arraignment shall result in the suspension of the
16 arrested person's driving privilege and driver license in this
17 state, or in the nonresident's home state pursuant to the
18 Nonresident Violator Compact.

19 C. The court, or the court clerk as directed by the court, may
20 continue or reschedule the date and time of arraignment upon request
21 of the arrested person or the attorney for that person. If the
22 arraignment is continued or rescheduled, the arrested person shall
23 remain on personal recognizance and written promise to appear until
24 such arraignment, in the same manner and with the same consequences

1 as if the continued or rescheduled arraignment was entered on the
2 citation by the arresting officer and signed by the defendant. An
3 arraignment may be continued or rescheduled more than one time.
4 Provided, however, the court shall require an arraignment to be had
5 within a reasonable time. It shall remain the duty of the defendant
6 to appear for arraignment unless the citation is satisfied as
7 provided for in subsection D of this section.

8 D. A defendant released upon personal recognizance may elect to
9 enter a plea of guilty or nolo contendere to the violation charged
10 at any time before the defendant is required to appear for
11 arraignment by indicating such plea on the copy of the citation
12 furnished to the defendant or on a legible copy thereof, together
13 with the date of the plea and signature. The defendant shall be
14 responsible for assuring full payment of the fine and costs to the
15 appropriate court clerk. Payment of the fine and costs may be made
16 by personal, cashier's, traveler's, certified or guaranteed bank
17 check, postal or commercial money order, or ~~other form of~~ credit
18 card payment approved by the court pursuant to Section 151 of Title
19 28 of the Oklahoma Statutes in an amount prescribed as bail for the
20 offense. ~~Provided, however, the defendant shall not use currency~~
21 ~~for payment by mail.~~ If the defendant has entered a plea of guilty
22 or nolo contendere as provided for in this subsection, such plea
23 shall be accepted by the court and the amount of the fine and costs
24 shall be:

1 1. As prescribed in Section 1115.3 of this title as bail for
2 the violation; or

3 2. In case of a municipal violation, as prescribed by municipal
4 ordinance for the violation charged; or

5 3. In the absence of such law or ordinance, then as prescribed
6 by the court.

7 E. 1. If, pursuant to the provisions of subsection D of this
8 section, the defendant does not timely elect to enter a plea of
9 guilty or nolo contendere and fails to timely appear for
10 arraignment, the court may issue a warrant for the arrest of the
11 defendant and the municipal or district court clerk, within one
12 hundred twenty (120) calendar days from the date the citation was
13 issued by the arresting officer, shall notify the Department of
14 Public Safety that:

15 a. the defendant was issued a traffic citation and
16 released upon personal recognizance after signing a
17 written promise to appear for arraignment as provided
18 for in the citation,

19 b. the defendant has failed to appear for arraignment
20 without good cause shown,

21 c. the defendant has not posted bail, paid a fine, or
22 made any other arrangement with the court to satisfy
23 the citation, and
24

1 d. the citation has not been satisfied as provided by
2 law.

3 Additionally, the court clerk shall request the Department of Public
4 Safety to either suspend the defendant's driving privilege and
5 driver license to operate a motor vehicle in this state, or notify
6 the defendant's home state and request suspension of the defendant's
7 driving privilege and driver license in accordance with the
8 provisions of the Nonresident Violator Compact. Such notice and
9 request shall be on a form approved or furnished by the Department
10 of Public Safety.

11 2. The court clerk shall not process the notification and
12 request provided for in paragraph 1 of this subsection if, with
13 respect to such charges:

- 14 a. the defendant was arraigned, posted bail, paid a fine,
15 was jailed, or otherwise settled the case, or
- 16 b. the defendant was not released upon personal
17 recognizance upon a signed written promise to appear
18 as provided for in this section or if released, was
19 not permitted to remain on such personal recognizance
20 for arraignment, or
- 21 c. the violation relates to parking or standing, or
- 22 d. a period of one hundred twenty (120) calendar days or
23 more has elapsed from the date the citation was issued
24 by the arresting officer.

1 F. Following receipt of the notice and request from the court
2 clerk for driving privilege and driver license suspension as
3 provided for in subsection E of this section, the Department of
4 Public Safety shall proceed as provided for in Section 1115.5 of
5 this title.

6 G. The municipal or district court clerk shall maintain a
7 record of each request for driving privilege and driver license
8 suspension submitted to the Department of Public Safety pursuant to
9 the provisions of this section. When the court or court clerk
10 receives appropriate bail or payment of the fine and costs, settles
11 the citation, makes other arrangements with the defendant, or
12 otherwise closes the case, the court clerk shall furnish proof
13 thereof to such defendant, if the defendant personally appears, or
14 shall mail such proof by first class mail, postage prepaid, to the
15 defendant at the address noted on the citation or at such other
16 address as is furnished by the defendant. Additionally, the court
17 or court clerk shall notify the home jurisdiction of the defendant
18 as listed on the citation, if such jurisdiction is a member of the
19 Nonresident Violator Compact, and shall, in all other cases, notify
20 the Department, of the resolution of the case. The form of proof
21 and the procedures for notification shall be approved by the
22 Department of Public Safety. Provided, however, the court or court
23 clerk's failure to furnish such proof or notice in the manner
24 provided for in this subsection shall in no event create any civil

1 liability upon the court, the court clerk, the State of Oklahoma or
2 any political subdivision thereof, or any state department or agency
3 or any employee thereof but duplicate proof shall be furnished to
4 the person entitled thereto upon request.

5 SECTION 3. AMENDATORY 22 O.S. 2001, Section 1115.3, as
6 amended by Section 5, Chapter 204, O.S.L. 2006 (22 O.S. Supp. 2006,
7 Section 1115.3), is amended to read as follows:

8 Section 1115.3 A. The court shall prescribe the amount of bail
9 for the following state traffic-related offenses:

- 10 1. Any felony;
- 11 2. Negligent homicide;
- 12 3. Driving or being in actual physical control of a motor
13 vehicle while impaired by or under the influence of alcohol or other
14 intoxicating substances;
- 15 4. Eluding or attempting to elude a law enforcement officer;
- 16 5. Driving while license is under suspension, revocation,
17 denial or cancellation;
- 18 6. Failure to stop or remain at the scene of an accident; and
- 19 7. Any other traffic violation for which a defendant is
20 delivered to the judge of the court as magistrate pursuant to the
21 provisions of Section 1115.2 of this title, or other law.

22 B. The amount of bail for an overweight offense shall be the
23 amount of fine and costs, including any penalty assessment provided
24 for in the Oklahoma Statutes and the fees provided for in Sections

1 1313.2, 1313.3, 1313.4 and 1313.5 of Title 20 of the Oklahoma
2 Statutes.

3 C. The amount of bail for other state traffic-related offenses
4 shall be the amount of fine and costs including any penalty
5 assessments provided for in the Oklahoma Statutes and the fees
6 provided for in Sections 1313.2, 1313.3, 1313.4 and 1313.5 of Title
7 20 of the Oklahoma Statutes.

8 D. The amount of bail for a state wildlife-related or water
9 safety-related offense shall be the amount of fine and costs
10 including any penalty assessment provided for in the Oklahoma
11 Statutes and the fees provided for in Sections 1313.2, 1313.3,
12 1313.4 and 1313.5 of Title 20 of the Oklahoma Statutes.

13 E. On or before September 1 of each year, the Administrative
14 Office of the Courts shall prepare a schedule of amounts to be
15 received as bail for each offense pursuant to subsections A, B, C
16 and D of this section and shall distribute the schedule to the
17 Department of Public Safety, each district court clerk in this state
18 and to other interested parties upon request.

19 F. The district court clerk, unless otherwise directed by the
20 court, shall accept bail or the payment of a fine and costs in the
21 form of ~~currency~~ credit card payment pursuant to Section 151 of
22 Title 28 of the Oklahoma Statutes or by personal, cashier's,
23 traveler's, certified or guaranteed bank check, or postal or
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1 commercial money order for the amount prescribed in this section for
2 bail.

3 G. The district court clerk shall accept as bail a guaranteed
4 arrest bond certificate issued by a surety company, an automobile
5 club or trucking association, if:

6 1. The issuer is authorized to do business in this state by the
7 ~~State~~ Insurance Commissioner;

8 2. The certificate is issued to and signed by the arrested
9 person;

10 3. The certificate contains a printed statement that appearance
11 of such person is guaranteed and the issuer, in the event of failure
12 of such person to appear in court at the time of trial, will pay any
13 fine or forfeiture imposed; and

14 4. The limit provided on the certificate equals or exceeds the
15 amount of bail provided for in this section.

16 SECTION 4. AMENDATORY 28 O.S. 2001, Section 151, as
17 amended by Section 3, Chapter 192, O.S.L. 2005 (28 O.S. Supp. 2006,
18 Section 151), is amended to read as follows:

19 Section 151. A. It shall be the duty of the clerks of the
20 district court, municipal clerks, and other trial courts of record
21 of this state to charge and collect the fees imposed by this title
22 and other fees, assessments and payments as imposed by the Oklahoma
23 Statutes, fines, costs and assessments imposed by the district
24 courts or appellant courts, and none others, in all cases, ~~except~~

1 and those in which the defendant is charged with a misdemeanor or
2 traffic violation, and ~~except~~ those cases under the Small Claims
3 Procedure Act, Section 1751 et seq. of Title 12 of the Oklahoma
4 Statutes.

5 B. 1. Payment for any fee provided for in this title may be
6 made by a nationally recognized credit or debit card issued to the
7 applicant. The court clerk shall publicly post and collect a fee
8 for the acceptance of the nationally recognized credit or debit
9 card. The court fee shall be set by the Supreme Court of Oklahoma
10 each time a fee schedule is promulgated by the Supreme Court of
11 Oklahoma, not to exceed five percent (5%) of the amount of the
12 payment. Any other costs or maintenance fees accrued for accepting
13 or using credit or debit cards may be paid from the court fund. For
14 purposes of this subsection, "nationally recognized credit card"
15 means any instrument or device, whether known as a credit card,
16 credit plate, charge plate, or by any other name, issued with or
17 without fee by an issuer for the use of the cardholder in obtaining
18 goods, services, or anything else of value and which is accepted by
19 over one thousand merchants in this state. "Debit card" means an
20 identification card or device issued to a person by a business
21 organization which permits such person to obtain access to or
22 activate a consumer banking electronic facility. The court clerk
23 shall determine which nationally recognized credit or debit cards
24 will be accepted as payment for fees.

1 2. Written procedures for acceptance or rejection of credit
2 cards shall be established by the Office of the State Auditor and
3 Inspector with approval and direction to court clerks to be issued
4 by the Administrative Office of the Courts.

5 C. Payment for any fee provided for in this title may be made
6 by a personal or business check. The court clerk, at the court
7 clerk's discretion, may:

8 1. Add an amount equal to the amount of the service charge
9 incurred, not to exceed three percent (3%) of the amount of the
10 check as a service charge for the acceptance and verification of the
11 check; or

12 2. Add an amount of no more than Five Dollars (\$5.00) as a
13 service charge for the acceptance and verification of a check. For
14 purposes of this subsection, "personal or business check" shall not
15 mean a money order, cashier's check, or bank certified check.

16 D. The Supreme Court is authorized to institute a cost
17 collection program for collection of fees, fines, costs and
18 assessments provided for in this title.

19 SECTION 5. AMENDATORY 47 O.S. 2001, Section 2-117, as
20 last amended by Section 8, Chapter 190, O.S.L. 2005 (47 O.S. Supp.
21 2006, Section 2-117), is amended to read as follows:

22 Section 2-117. A. The Commissioner of Public Safety and each
23 officer of the Department of Public Safety, as designated and
24 commissioned by the Commissioner, are hereby declared to be peace

1 officers of the State of Oklahoma and shall be so deemed and taken
2 in all courts having jurisdiction of offenses against the laws of
3 the state. Such officers shall have the powers and authority now
4 and hereafter vested by law in other peace officers, including the
5 right and power of search and seizure, except the serving or
6 execution of civil process, and the right and power to investigate
7 and prevent crime and to enforce the criminal laws of this state.

8 B. The officers of the Department shall have the following
9 authority, responsibilities, powers and duties:

10 1. To enforce the provisions of this title and any other law
11 regulating the operation of vehicles or the use of the highways,
12 including, but not limited to, the Motor Carriers Act of this state,
13 or any other laws of this state by the direction of the Governor;

14 2. To arrest without writ, rule, order or process any person
15 detected by them in the act of violating any law of the state;

16 3. When the officer is in pursuit of a violator or suspected
17 violator and is unable to arrest such violator or suspected violator
18 within the limits of the jurisdiction of the Oklahoma Highway Patrol
19 Division, to continue in pursuit of such violator or suspected
20 violator into whatever part of the state may be reasonably necessary
21 to effect the apprehension and arrest of the same, and to arrest
22 such violator or suspected violator wherever the violator may be
23 overtaken;

24

1 4. To assist in the location of stolen property, including
2 livestock and poultry or the carcasses thereof, and to make any
3 inspection necessary of any truck, trailer or contents thereof in
4 connection therewith;

5 5. At all times to direct all traffic in conformance with law
6 and, in the event of a fire, or other emergency, or to expedite
7 traffic, or to insure safety, to direct traffic as conditions may
8 require, notwithstanding the provisions of law;

9 6. To require satisfactory proof of ownership of the contents
10 of any motor vehicle, including livestock, poultry or the carcasses
11 thereof. In the event that the proof of ownership is not
12 satisfactory, it shall be the duty of the officer to take the motor
13 vehicle, driver, and the contents of the motor vehicle into custody
14 and deliver the same to the sheriff of the county wherein the cargo,
15 motor vehicle and driver are taken into custody;

16 7. When on duty, upon reasonable belief that any vehicle is
17 being operated in violation of any provisions of this title, or any
18 other law regulating the operation of vehicles, to require the
19 driver thereof to stop and exhibit his or her driver license and the
20 certificate of registration issued for the vehicle, if required to
21 be carried in the vehicle pursuant to paragraph 3 of subsection A of
22 Section 1113 of this title, and submit to an inspection of such
23 vehicle, the license plates and certificate of registration thereon,
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1 if applicable, or to any inspection and test of the equipment of
2 such vehicle;

3 8. To inspect any vehicle of a type required to be registered
4 hereunder in any public garage or repair shop or in any place where
5 such vehicles are held for sale or wrecking, for the purpose of
6 locating stolen vehicles and investigating the title and
7 registration thereof;

8 9. To serve all warrants relating to the enforcement of the
9 laws regulating the operation of vehicles or the use of the highways
10 and bench warrants issued for nonpayment of fines and costs for
11 moving traffic violations;

12 10. To investigate and report traffic collisions on all
13 interstate and defense highways and on all highways outside of
14 incorporated municipalities, and may investigate traffic collisions
15 within any incorporated municipality upon request of the local law
16 enforcement agency, and to secure testimony of witnesses or of
17 persons involved;

18 11. To investigate reported thefts of motor vehicles, trailers
19 and semitrailers;

20 12. To stop and inspect any motor vehicle or trailer for such
21 mechanical tests as may be prescribed by the Commissioner to
22 determine the roadworthiness of the vehicle. Any vehicle which may
23 be found to be unsafe for use on the highways may be ordered removed
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1 from said highway until such alterations or repairs have been made
2 that will render said vehicle serviceable for use on the highway;

3 13. To stop and inspect the contents of all motor vehicles to
4 ascertain whether or not the provisions of all general laws are
5 being observed;

6 14. To enforce the laws of the state relating to the
7 registration and licensing of motor vehicles;

8 15. To enforce the laws relating to the operation and use of
9 vehicles on the highway;

10 16. To enforce and prevent, on the roads of the state highway
11 system, the violation of the laws relating to the size, weight, and
12 speed of commercial motor vehicles and all laws designed for the
13 protection of the highway pavements and structures on such highways;

14 17. To investigate and report to the Corporation Commission and
15 the Oklahoma Tax Commission violation of their rules and the laws
16 governing the transportation of persons and property by motor
17 transportation companies and all other motor carriers for hire;

18 18. To investigate and report violations of all laws relating
19 to the collection of excise taxes on motor vehicle fuels;

20 19. To regulate the movement of traffic on the roads of the
21 state highway system;

22 20. Whenever possible, to determine persons causing or
23 responsible for the breaking, damaging, or destruction of any
24 improved surfaced roadway, structure, sign, marker, guardrail, or

1 any other appurtenance constructed or maintained by the Department
2 of Transportation, and to arrest persons responsible therefor and to
3 bring them before the proper officials for prosecution;

4 21. To investigate incidents involving an employee of the
5 Department, when such incidents are related to the performance of
6 the duties of the employee; and

7 22. To initiate or assist in manhunts and fugitive
8 apprehensions.

9 C. Whenever any person is arrested by a patrol officer for a
10 traffic violation the provisions of Sections 16-101 through 16-114
11 of this title shall apply.

12 D. 1. Except as provided in this subsection, the powers and
13 duties conferred on the Commissioner and officers of the Department
14 of Public Safety shall not limit the powers and duties of sheriffs
15 or other peace officers of the state or any political subdivision of
16 the state.

17 2. The Oklahoma Highway Patrol Division shall have primary law
18 enforcement authority respecting traffic-related offenses upon the
19 National System of Interstate and Defense Highways, and may have
20 special law enforcement authority on those portions of the federal-
21 aid primary highways and the state highway system which are located
22 within the boundaries and on the outskirts of a municipality, and
23 designated by the Commissioner of Public Safety for such special law
24 enforcement authority. As used in this subsection "outskirts of a

1 municipality" means and shall be determined by presence of the
2 following factors:

- 3 a. low land use density,
- 4 b. absence of any school or residential subdivision
5 requiring direct ingress or egress from the highway,
6 and
- 7 c. a scarcity of retail or commercial business abutting
8 the highway.

9 3. The Commissioner may designate any portion of the National
10 System of Interstate and Defense Highways, and those portions of the
11 federal-aid primary highways and the state highway system which are
12 located within the boundaries of and on the outskirts of a
13 municipality for special traffic-related enforcement by the Oklahoma
14 Highway Patrol Division and issue a written notice to any other law
15 enforcement agency affected thereby. Upon receipt of such notice,
16 the affected law enforcement agency shall not regulate traffic nor
17 enforce traffic-related statutes or ordinances upon such designated
18 portion of the National System of Interstate and Defense Highways or
19 such designated portions of the federal-aid primary highways and the
20 state highway system without prior coordination and written approval
21 of the Commissioner.

22 4. Any person may request the Commissioner to investigate the
23 traffic-related enforcement practices of a municipal law enforcement
24 agency whose jurisdiction includes portions of the federal-aid

1 primary highways, the state highway system, or both located within
2 the boundaries of and on the outskirts of the municipality. Such
3 request shall state that the requester believes the enforcement
4 practices are being conducted:

5 a. within the boundaries of and on the outskirts of the
6 municipality, and

7 b. for the purpose of generating more than fifty percent
8 (50%) of the revenue needed for the operation of the
9 municipality.

10 5. Upon receipt of a request pursuant to paragraph 4 of this
11 subsection, the Commissioner shall investigate the traffic-related
12 enforcement practices of the municipal law enforcement agency and
13 the receipts and expenditures of the municipality. Both the law
14 enforcement agency and the municipality shall cooperate fully with
15 the Commissioner in such an investigation. Upon the completion of
16 the investigation, the Commissioner shall submit a report of the
17 results of the investigation to the Attorney General, who shall make
18 a determination within sixty (60) days of receipt of the report as
19 to whether the enforcement practices of the municipal law
20 enforcement agency are being conducted as provided in subparagraphs
21 a, b and c of paragraph 4 of this subsection. Upon a determination
22 that the enforcement practices are not being conducted in such a
23 manner, the Attorney General shall notify the Commissioner in
24 writing, and the Commissioner shall take no action to make a

1 designation as provided in paragraph 3 of this subsection. Upon a
2 determination that the enforcement practices are being conducted as
3 provided in subparagraphs a, b and c of paragraph 4 of this
4 subsection, the Attorney General shall notify the Commissioner in
5 writing, and the Commissioner shall make the designation of special
6 traffic-related enforcement as provided in paragraph 3 of this
7 subsection, which shall stay in force for such time as determined by
8 the Commissioner.

9 E. Nothing in this section shall limit a member of the Oklahoma
10 Highway Patrol Division from requesting assistance from any other
11 law enforcement agency nor limit officers of such agency from
12 rendering the requested assistance. The officer and the law
13 enforcement agency responding to the request of the member of the
14 Oklahoma Highway Patrol Division or sheriff's department shall have
15 the same rights and immunities as are possessed by the Oklahoma
16 Highway Patrol Division.

17 F. With the Oklahoma Highway Patrol Division having primary law
18 enforcement authority respecting traffic-related offenses upon the
19 National System of Interstate and Defense Highways as specified in
20 paragraph 2 of subsection D of this section, the municipal law
21 enforcement agencies of municipalities with populations of fifteen
22 thousand (15,000) or less according to the latest Federal Decennial
23 Census that also have a portion of interstate highway on the
24 National System of Interstate and Defense Highways within its

1 municipal boundaries shall, when enforcing a traffic-related offense
2 on such portion of interstate highway, do so according to the
3 following:

4 1. No utilization of a stationary radar for purposes of speed
5 enforcement of motor vehicles, unless such practice is in
6 conjunction with the Oklahoma Highway Safety Office or as part of
7 any special enforcement program as designated by the Department of
8 Public Safety;

9 2. Issue citations that generate not more than twenty-five
10 (25%) percent of the revenue needed for the operation of the
11 municipal law enforcement agency;

12 3. Prepare a detailed quarterly report for the Department of
13 Public Safety of all citations issued on such portion of interstate
14 highway;

15 4. Require that one unit at a time of the law enforcement
16 agency may be designated on such portion of interstate highway for
17 traffic-related enforcement. This does not preclude the unit from
18 requesting assistance, or any other unit from providing assistance,
19 as a situation may require; and

20 5. Jurisdictions that conduct criminal and drug interdiction in
21 conjunction with the traffic-related offenses shall ensure that all
22 officers conducting these practices have received a training program
23 that is CLEET approved. Detailed findings from criminal and drug
24

1 interdiction investigations shall be made part of the report
2 pursuant to paragraph 3 of this subsection.

3 G. No state official shall have any power, right, or authority
4 to command, order, or direct any commissioned law enforcement
5 officer of the Department of Public Safety to perform any duty or
6 service contrary to the provisions of this title or any other laws
7 of this state.

8 SECTION 6. This act shall become effective November 1, 2007.

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