

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 431 By: Aldridge of the Senate  
3 and  
4 Banz of the House  
5  
6  
7

8 ( counties - enforcement of certain regulations -  
9 penalties - citations - authorizing warrant -  
10 codification - effective date -  
11 emergency )  
12  
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14 AUTHORS: Add the following House Coauthors: Tibbs and Martin  
(Steve)  
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16 AMENDMENT NO. 1. Strike the stricken title, enacting clause and  
entire bill and insert  
17

18 "( counties and county officers - enforcing certain  
19 regulations - penalties - codification - effective  
20 date -  
21 emergency )  
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24 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1           SECTION 1.           NEW LAW           A new section of law to be codified  
2 in the Oklahoma Statutes as Section 868.11A of Title 19, unless  
3 there is created a duplication in numbering, reads as follows:

4           A. A board of county commissioners may provide for enforcement  
5 of its regulations and establish fines, penalties or other remedies,  
6 for any offense in violation of its regulations, which shall be  
7 recoverable together with costs of suit.

8           B. In addition to other powers and duties prescribed by law, a  
9 board of county commissioners shall have the power to:

10           1. Establish and enforce fines and penalties for violation of  
11 its zoning, subdivision and floodplain regulations, including the  
12 issuance of citations by designated county personnel for violations  
13 of its zoning, subdivision and floodplain regulations. A board of  
14 county commissioners may additionally establish that any person who  
15 fails to correct a violation for which a citation has been issued  
16 within the period permitted for its correction may be assessed a  
17 fine or penalty for each ensuing day during which such failure or  
18 violation continues.

19           2. In issuing a citation pursuant to this subsection, the  
20 county employee shall proceed as follows:

21           a. the employee shall prepare a written citation to  
22                appear in court, containing the name and address of  
23                the cited person and the violation/offense charged,  
24                and stating when the person shall appear in district

1 court. The time to appear specified in the citation  
2 shall be at least five (5) days after the issuance of  
3 the citation,

4 b. one copy of the citation to appear shall be delivered  
5 to the person cited, and such person shall sign a  
6 duplicate written citation which shall be retained by  
7 the county employee, and

8 c. as soon as practicable, one copy of the citation shall  
9 be filed with the district court specified therein and  
10 one copy delivered to the prosecuting attorney.

11 3. If a person fails to appear in district court at the  
12 designated time, a warrant for arrest shall be issued.

13 4. Violations and penalties shall be deemed misdemeanor  
14 offenses, punishable by a fine of up to Five Hundred Dollars  
15 (\$500.00). Jurisdiction is hereby conferred upon the district court  
16 within the county.

17 5. Fines and penalties collected pursuant to this subsection  
18 shall be deposited in the Planning Commission Fee Fund.

19 6. Issuance of citations and/or payment of fines or penalties  
20 shall in no way preclude other remedies or appropriate action or  
21 proceedings to prevent or remove a violation.

22 SECTION 2. This act shall become effective July 1, 2009.  
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1 SECTION 3. 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 Passed the House of Representatives the 23rd day of April, 2009.

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8 Presiding Officer of the House of  
9 Representatives

10 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2009.

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13 Presiding Officer of the Senate

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