

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 2149

By: Armes of the House

and

Anderson of the Senate

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8 An Act relating to agriculture; creating the
Agriculture Evidence and Law Enforcement Fund;
9 providing for administration; stating purpose;
providing for expenditures; establishing certain
10 limitations; amending 4 O.S. 2001, Section 270.2,
which relates to the enforcement of laws relating to
11 livestock brands; authorizing agriculture law
enforcement agents to enforce laws; amending 47 O.S.
12 2001, Section 4-103, which relates to receiving or
disposing of a vehicle; including implement of
13 husbandry in certain crime; providing for
codification; and providing an effective date.

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16 AMENDMENT NO. 1. Page 1, strike the title, enacting clause
and entire bill and insert

17 "[agriculture - Agriculture Evidence and Law
18 Enforcement Fund - expenditures - codification -
19 effective date]

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22 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:
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1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 2-27.1 of Title 2, unless there
3 is created a duplication in numbering, reads as follows:

4 A. There is created in the State Treasury a revolving fund for
5 the Oklahoma Department of Agriculture, Food, and Forestry to be
6 designated the "Agriculture Evidence and Law Enforcement Fund". The
7 fund shall be a continuing fund, not subject to fiscal year
8 limitations, and shall consist of monies received from the sale of
9 confiscated property, the seizure and forfeiture of confiscated
10 monies, property, gifts, bequests, devises, or contributions, public
11 or private, including federal and state funds unless otherwise
12 provided by federal law or regulation.

13 B. All monies accruing to the credit of the fund are
14 appropriated and may be budgeted and expended by the Oklahoma
15 Department of Agriculture, Food, and Forestry, for purposes
16 including but not limited to investigation, enforcement, and
17 prosecution of cases involving administrative, civil, or criminal
18 violations of the Agricultural Code.

19 C. The balance on deposit in the Agriculture Evidence and Law
20 Enforcement Fund shall never exceed the sum of One Hundred Thousand
21 Dollars (\$100,000.00). Amounts exceeding One Hundred Thousand
22 Dollars (\$100,000.00) shall be deposited in the Agriculture
23 Revolving Fund.

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1 SECTION 2. AMENDATORY 4 O.S. 2001, Section 270.2, is
2 amended to read as follows:

3 Section 270.2 The laws of this state relating to violations and
4 investigations of livestock brands shall be enforced and carried out
5 by the Oklahoma State Bureau of Investigation and any agriculture
6 law enforcement agent of the state.

7 All responsibilities and duties relating to brand registry,
8 keeping of records and maintenance of files are hereby delegated to
9 the ~~Oklahoma~~ State Board of Agriculture.

10 The Board is authorized to enter into contracts with state
11 livestock associations to register and record marks and brands and
12 to make compensation for ~~said~~ services. The Board may also appoint
13 agents to receive fees and monies and perform ~~such~~ other duties as
14 it may direct_; provided, that ~~such~~ the agent shall file with and in
15 favor of the Board_; a fidelity bond executed by a surety company
16 authorized to do business in this state, conditioned on the faithful
17 performance of their duties, a strict accounting of all funds to the
18 Board and on ~~such~~ other terms and conditions as the Board may deem
19 necessary, in ~~such~~ a penal sum as the Board may require. All ~~such~~
20 fees and monies shall be deposited in the State Department of
21 Agriculture Trust Fund.

22 SECTION 3. AMENDATORY 47 O.S. 2001, Section 4-103, is
23 amended to read as follows:

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1 Section 4-103. A person not entitled to the possession of a
2 vehicle or implement of husbandry who receives, possesses, conceals,
3 sells, or disposes of it, knowing the vehicle or implement of
4 husbandry to be stolen or converted under circumstances constituting
5 a crime, shall be guilty of a felony.

6 SECTION 4. AMENDATORY 47 O.S. 2001, Section 11-202, is
7 amended to read as follows:

8 Section 11-202. Whenever traffic is controlled by traffic
9 control signals exhibiting different colored lights or colored
10 lighted arrows successively one at a time, or in combination, only
11 the colors green, red and yellow shall be used, except for special
12 pedestrian signals carrying a word legend, and said lights shall
13 indicate and apply to drivers of vehicles and pedestrians as
14 follows:

15 1. Green indication:

16 a. Vehicular traffic facing a circular green signal,
17 except when prohibited under Section 11-1302 of this
18 title, may proceed straight through or turn right or
19 left unless a sign at such place prohibits either such
20 turn. But vehicular traffic, including vehicles
21 turning right or left, shall yield the right-of-way to
22 other vehicles and to pedestrians lawfully within the
23 intersection or an adjacent crosswalk at the time such
24 signal is exhibited.

1 b. Vehicular traffic facing a green arrow signal, shown
2 alone or in combination with another indication, may
3 cautiously enter the intersection only to make the
4 movement indicated by such arrow, or such other
5 movement as is permitted by other indications shown at
6 the same time. Such vehicular traffic shall yield the
7 right-of-way to pedestrians lawfully within an
8 adjacent crosswalk and to other traffic lawfully using
9 the intersection.

10 c. Unless otherwise directed by a pedestrian-control
11 signal, as provided in Section 11-203 of this title,
12 pedestrians facing any green signal, except when the
13 sole green signal is a turn arrow, may proceed across
14 the roadway within any marked or unmarked crosswalk.

15 2. Steady yellow indication:

16 a. Vehicular traffic facing a steady circular yellow or
17 yellow arrow signal is thereby warned that the related
18 green movement is being terminated or that a red
19 indication will be exhibited immediately thereafter.

20 b. Pedestrians facing a steady circular yellow or yellow
21 arrow signal, unless otherwise directed by a
22 pedestrian control signal as provided in Section
23 11-203 of this title, are thereby advised that there
24 is insufficient time to cross the roadway before a red

1 indication is shown, and no pedestrian shall then
2 start to cross the roadway.

3 3. Steady red indication:

4 a. Vehicular traffic facing a steady circular red signal
5 alone shall stop at a clearly marked stop line, but if
6 none, before entering the crosswalk on the near side
7 of the intersection or, if none, then before entering
8 the intersection and shall remain standing until an
9 indication to proceed is shown except as provided in
10 ~~paragraph 3b~~ subparagraphs b and d of this ~~section~~
11 paragraph.

12 b. Except when a sign is in place prohibiting a turn,
13 vehicular traffic facing any steady red signal may
14 cautiously enter the intersection to turn right or to
15 turn left from a one-way street into a one-way street
16 after stopping as required by ~~paragraph 3a~~
17 subparagraph a of this ~~section~~ paragraph. Such
18 vehicular traffic shall yield the right-of-way to
19 pedestrians lawfully within an adjacent crosswalk and
20 to other traffic lawfully using the intersection.

21 c. In order to prohibit right turns or left turns as
22 prescribed in ~~paragraph 3b~~ subparagraph b of this
23 ~~section~~ paragraph on the red signal after the required
24 stop, a municipality must erect clear, concise signs

1 informing drivers that such turns are prohibited. The
2 Highway Department shall specify the design of the
3 sign to be used for this purpose, and it shall be used
4 uniformly throughout the state.

5 d. Notwithstanding any other provision of law, the driver
6 of a motorcycle or bicycle facing any steady red
7 signal may cautiously proceed through the intersection
8 only if:

9 (1) the motorcycle or bicycle has been brought to a
10 complete stop as required by subparagraph a of
11 this paragraph,

12 (2) the traffic control signal is programmed or
13 engineered to change to a green signal only after
14 detecting the approach of a motor vehicle and has
15 failed to detect the arrival of the motorcycle or
16 bicycle because of its size or weight, and

17 (3) no motor vehicle or person is approaching on the
18 roadway to be crossed or entered, or is at a
19 distance from the intersection that does not
20 constitute an immediate hazard.

21 It shall not be a defense to a violation of
22 subparagraph a of this paragraph that the driver of a
23 motorcycle or bicycle proceeded under the belief that
24 a traffic control signal was programmed or engineered

1 to change to a green light only after detecting the
2 approach of a vehicle when such signal was not in fact
3 programmed or engineered in such a way, or that such a
4 signal was not in fact inoperative due to the size or
5 weight of the motorcycle or bicycle.

6 The driver of any vehicle approaching the
7 intersection, which lawfully may enter the
8 intersection, shall have the right-of-way over any
9 motorcycle or bicycle operator proceeding through a
10 red light and, in no event where an accident results
11 from the driver of the motorcycle or bicycle
12 proceeding into the intersection on a red light, shall
13 such driver of the vehicle be charged with any
14 violation pursuant to Sections 11-401 and 11-403 of
15 this title relating to failure to yield right-of-way,
16 Section 11-310 of this title relating to following too
17 closely, or Section 11-801 of this title relating to
18 driving too fast for conditions.

19 e. Unless otherwise directed by a pedestrian control
20 signal as provided in Section 11-203 of this title,
21 pedestrians facing a steady circular red signal alone
22 shall not enter the roadway.

23 In the event an official traffic control signal is erected and
24 maintained at a place other than an intersection, the provisions of

1 this section shall be applicable except as to those provisions which
2 by their nature can have no application. Any stop required shall be
3 made at a sign or marking on the pavement indicating where the stop
4 shall be made, but in the absence of any such sign or marking the
5 stop shall be made at the signal.

6 SECTION 5. This act shall become effective November 1, 2009."

7 and when the stricken title is restored

8 amend to conform

9 Passed the Senate the 20th day of April, 2009.

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Presiding Officer of the Senate

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13 Passed the House of Representatives the ____ day of _____,
14 2009.

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Presiding Officer of the House
of Representatives

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