

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 CONFERENCE COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL 614

By: Jolley of the Senate

and

Martin (Steve) of the House

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8 CONFERENCE COMMITTEE SUBSTITUTE

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10 An Act relating to municipal ordinances; amending 11
11 O.S. 2001, Section 14-111, as last amended by Section
12 1, Chapter 413, O.S.L. 2008 (11 O.S. Supp. 2010,
13 Section 14-111), which relates to municipal
14 enforcement of sales and use tax ordinances;
15 authorizing municipalities to impose penalty for
16 willful failure to comply with specified ordinance
17 relating to sales tax; setting maximum penalty;
18 requiring certain municipal proceedings to be
19 conducted in accordance with specified procedures and
20 provisions; authorizing municipality to enact
21 ordinances penalizing vendors for willful failure to
22 remit sales tax and misappropriation of funds;
23 setting maximum penalty; and providing an effective
24 date.

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

SECTION 1. AMENDATORY 11 O.S. 2001, Section 14-111, as
last amended by Section 1, Chapter 413, O.S.L. 2008 (11 O.S. Supp.
2010, Section 14-111), is amended to read as follows:

1 Section 14-111. A. The governing body of a municipality may
2 provide for enforcement of its ordinances and establish fines,
3 penalties, or imprisonment, as authorized by ~~subsections B through D~~
4 ~~of~~ this section, for any offense in violation of its ordinances,
5 which shall be recoverable together with costs of suit. The
6 governing body may provide that any person fined for violation of a
7 municipal ordinance who is financially able but refuses or neglects
8 to pay the fine or costs may be compelled to satisfy the amount owed
9 by working on the streets, alleys, avenues, areas, and public
10 grounds of the municipality, subject to the direction of the street
11 commissioner or other proper officer, at a rate per day as the
12 governing body may prescribe by ordinance, but not less than Fifty
13 Dollars (\$50.00) per day for useful labor, until the fine or costs
14 are satisfied.

15 B. 1. Except for municipal ordinances related to prostitution
16 and as otherwise provided in this section, cities having a municipal
17 criminal court of record may enact ordinances prescribing maximum
18 fines of One Thousand Two Hundred Dollars (\$1,200.00) and costs or
19 imprisonment not exceeding six (6) months or both the fine and
20 imprisonment, but shall not have authority to enact any ordinance
21 making unlawful an act or omission declared by state statute to be
22 punishable as a felony. Cities having a municipal criminal court of
23 record may enact ordinances prescribing maximum fines of One
24 Thousand Dollars (\$1,000.00) and costs or imprisonment not exceeding

1 six (6) months or both such fine and imprisonment for violations of
2 municipal ordinances regulating the pretreatment of wastewater and
3 regulating stormwater discharges. Cities having a municipal
4 criminal court of record may enact ordinances prescribing maximum
5 fines of One Thousand Two Hundred Fifty Dollars (\$1,250.00) and
6 costs or imprisonment not exceeding six (6) months or both such fine
7 and imprisonment for alcohol-related or drug-related traffic
8 offenses. The court shall remit Fifty Dollars (\$50.00) of each
9 alcohol fine or deferral fee to a fund of the municipality that
10 shall be used to defray costs for enforcement of laws relating to
11 juvenile access to alcohol, other laws relating to alcohol and other
12 intoxicating substances, and traffic-related offenses involving
13 alcohol or other intoxicating substances.

14 2. For violations of municipal ordinances relating to
15 prostitution, including but not limited to engaging in prostitution
16 or soliciting or procuring prostitution, a municipal criminal court
17 of record may enact ordinances prescribing an imprisonment not to
18 exceed six (6) months, and fines as follows: a fine not to exceed
19 Two Thousand Five Hundred Dollars (\$2,500.00) upon the first
20 conviction for violation of any such ordinances, a fine of not more
21 than Five Thousand Dollars (\$5,000.00) upon the second conviction
22 for violation of any of such ordinances, and a fine of not more than
23 Seven Thousand Five Hundred Dollars (\$7,500.00) upon the third or
24 subsequent convictions for violation of any of such ordinances, or

1 both such fine and imprisonment as well as a term of community
2 service of not less than forty (40) nor more than eighty (80) hours.

3 C. Municipalities having a municipal court not of record may
4 enact ordinances prescribing maximum fines pursuant to the
5 provisions of this subsection. A municipal ordinance may not impose
6 a penalty, including fine or deferral fee in lieu of a fine and
7 costs, which is greater than that established by statute for the
8 same offense. The maximum fine or deferral fee in lieu of a fine
9 for traffic-related offenses relating to speeding or parking shall
10 not exceed Two Hundred Dollars (\$200.00). The maximum fine or
11 deferral fee in lieu of a fine for alcohol-related or drug-related
12 offenses shall not exceed Eight Hundred Dollars (\$800.00). For all
13 other offenses, the maximum fine or deferral fee in lieu of a fine
14 shall not exceed Seven Hundred Fifty Dollars (\$750.00). The court
15 shall remit Fifty Dollars (\$50.00) of each alcohol fine or deferral
16 fee to a fund of the municipality that shall be used to defray costs
17 for enforcement of laws relating to juvenile access to alcohol,
18 other laws relating to alcohol and other intoxicating substances,
19 and traffic-related offenses involving alcohol or other intoxicating
20 substances. The ordinances may prescribe costs pursuant to the
21 provisions of Section 27-126 of this title or imprisonment not
22 exceeding sixty (60) days or both the fine and imprisonment;
23 provided, that municipalities having only a municipal court not of
24 record shall not have authority to enact any ordinance making

1 unlawful any act or omission declared by state statute to be
2 punishable as a felony; provided further, that municipalities having
3 a municipal court not of record may enact ordinances prescribing
4 maximum fines of One Thousand Dollars (\$1,000.00) and costs or
5 imprisonment not exceeding ninety (90) days or both such fine and
6 imprisonment for violations of municipal ordinances regulating the
7 pretreatment of wastewater and regulating stormwater discharges. If
8 imprisonment is available for the offense, then that person charged
9 shall have a right to a jury trial.

10 D. Municipalities having both municipal criminal courts of
11 record and municipal courts not of record may enact ordinances,
12 within the authority of this section, for each court.

13 E. No municipality may levy a fine or deferral fee in lieu of a
14 fine of over Fifty Dollars (\$50.00) until it has compiled and
15 published its penal ordinances as required in Sections 14-109 and
16 14-110 of this title.

17 F. No municipality may levy a fine of more than Ten Dollars
18 (\$10.00) nor court costs of more than Fifteen Dollars (\$15.00) for
19 exceeding the posted speed limit by no more than ten (10) miles per
20 hour upon any portion of the National System of Interstate and
21 Defense Highways, federal-aid primary highways, and the state
22 highway system which are located on the outskirts of any
23 municipality as determined in Section 2-117 of Title 47 of the
24 Oklahoma Statutes.

1 G. Notwithstanding the limitations in subsection C of this
2 section, a municipality that has enacted a sales tax ordinance may
3 impose a maximum fine of One Thousand Two Hundred Fifty Dollars
4 (\$1,250.00) and costs for the offense of willful failure of a vendor
5 to collect or remit the full amount of applicable taxes and
6 penalties due or otherwise comply with the provisions of the
7 ordinance. The municipal proceedings under this subsection shall be
8 conducted in coordination with applicable procedures of the Oklahoma
9 Tax Commission and provisions of the municipality's contract with
10 the Oklahoma Tax Commission.

11 H. A municipality may enact ordinances making it unlawful for a
12 vendor to willfully fail or refuse to remit as provided herein any
13 sales tax or other monies collected by the vendor in accordance with
14 the municipal ordinance and appropriate the tax or monies for the
15 use of that vendor or any other person not entitled to the tax or
16 monies. The ordinance may prescribe a maximum fine of One Thousand
17 Two Hundred Fifty Dollars (\$1,250.00) and costs for each such
18 violation.

19 SECTION 2. This act shall become effective November 1, 2011.

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