

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 53rd Legislature (2012)

4 HOUSE BILL 2562

 By: Wesselhoft

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7 AS INTRODUCED

8 An Act relating to disabled parking; amending 11 O.S.
9 2011, Section 14-111, which relates to penalties for
10 municipal ordinance violations; directing municipal
11 courts to remit certain percentage of fine to the
12 Department of Public Safety; establishing maximum
13 fine amount for disabled parking offenses; amending
14 47 O.S. 2011, Section 15-111, which relates to
15 parking privileges for physically disabled persons;
16 directing municipalities and political subdivisions
17 to enact certain ordinances or rules; and providing
18 an effective date.

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

20 SECTION 1. AMENDATORY 11 O.S. 2011, Section 14-111, is
21 amended to read as follows:

22 Section 14-111. A. The governing body of a municipality may
23 provide for enforcement of its ordinances and establish fines,
24 penalties, or imprisonment, as authorized by subsections B through D
 of this section, for any offense in violation of its ordinances,

1 which shall be recoverable together with costs of suit. The
2 governing body may provide that any person fined for violation of a
3 municipal ordinance who is financially able but refuses or neglects
4 to pay the fine or costs may be compelled to satisfy the amount owed
5 by working on the streets, alleys, avenues, areas, and public
6 grounds of the municipality, subject to the direction of the street
7 commissioner or other proper officer, at a rate per day as the
8 governing body may prescribe by ordinance, but not less than Fifty
9 Dollars (\$50.00) per day for useful labor, until the fine or costs
10 are satisfied.

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

1 criminal court of record may enact ordinances prescribing maximum
2 fines of One Thousand Two Hundred Fifty Dollars (\$1,250.00) and
3 costs or imprisonment not exceeding six (6) months or both such fine
4 and imprisonment for alcohol-related or drug-related traffic
5 offenses. The court shall remit Fifty Dollars (\$50.00) of each
6 alcohol fine or deferral fee to a fund of the municipality that
7 shall be used to defray costs for enforcement of laws relating to
8 juvenile access to alcohol, other laws relating to alcohol and other
9 intoxicating substances, and traffic-related offenses involving
10 alcohol or other intoxicating substances. The court shall remit
11 twenty percent (20%) of each physically disabled parking fine or
12 deferral fee to the Department of Public Safety in accordance with
13 the provisions set forth in paragraph 1 of subsection B of Section
14 11-1007 of Title 47 of the Oklahoma Statutes.

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

1 Seven Thousand Five Hundred Dollars (\$7,500.00) upon the third or
2 subsequent convictions for violation of any of such ordinances, or
3 both such fine and imprisonment as well as a term of community
4 service of not less than forty (40) nor more than eighty (80) hours.

5 C. Municipalities having a municipal court not of record may
6 enact ordinances prescribing maximum fines pursuant to the
7 provisions of this subsection. A municipal ordinance may not impose
8 a penalty, including fine or deferral fee in lieu of a fine and
9 costs, which is greater than that established by statute for the
10 same offense. The maximum fine or deferral fee in lieu of a fine
11 for traffic-related offenses relating to speeding or parking, other
12 than physically disabled parking offenses, shall not exceed Two
13 Hundred Dollars (\$200.00). The maximum fine or deferral fee in lieu
14 of a fine for a physically disabled parking offense as provided in
15 Section 11-1007 or 15-113 of Title 47 of the Oklahoma Statutes shall
16 not exceed Five Hundred Dollars (\$500.00). The court shall remit
17 twenty percent (20%) of each physically disabled parking fine or
18 deferral fee to the Department of Public Safety in accordance with
19 the provisions set forth in paragraph 1 of subsection B of Section
20 11-1007 of Title 47 of the Oklahoma Statutes.

21 The maximum fine or deferral fee in lieu of a fine for alcohol-
22 related or drug-related offenses shall not exceed Eight Hundred
23 Dollars (\$800.00). For all other offenses, the maximum fine or
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1 deferral fee in lieu of a fine shall not exceed Seven Hundred Fifty
2 Dollars (\$750.00). The court shall remit Fifty Dollars (\$50.00) of
3 each alcohol fine or deferral fee to a fund of the municipality that
4 shall be used to defray costs for enforcement of laws relating to
5 juvenile access to alcohol, other laws relating to alcohol and other
6 intoxicating substances, and traffic-related offenses involving
7 alcohol or other intoxicating substances. The ordinances may
8 prescribe costs pursuant to the provisions of Section 27-126 of this
9 title or imprisonment not exceeding sixty (60) days or both the fine
10 and imprisonment; provided, that municipalities having only a
11 municipal court not of record shall not have authority to enact any
12 ordinance making unlawful any act or omission declared by state
13 statute to be punishable as a felony; provided further, that
14 municipalities having a municipal court not of record may enact
15 ordinances prescribing maximum fines of One Thousand Dollars
16 (\$1,000.00) and costs or imprisonment not exceeding ninety (90) days
17 or both such fine and imprisonment for violations of municipal
18 ordinances regulating the pretreatment of wastewater and regulating
19 stormwater discharges. If imprisonment is available for the
20 offense, then that person charged shall have a right to a jury
21 trial.

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

4 E. No municipality may levy a fine or deferral fee in lieu of a
5 fine of over Fifty Dollars (\$50.00) until it has compiled and
6 published its penal ordinances as required in Sections 14-109 and
7 14-110 of this title.

8 F. No municipality may levy a fine of more than Ten Dollars
9 (\$10.00) nor court costs of more than Fifteen Dollars (\$15.00) for
10 exceeding the posted speed limit by no more than ten (10) miles per
11 hour upon any portion of the National System of Interstate and
12 Defense Highways, federal-aid primary highways, and the state
13 highway system which are located on the outskirts of any
14 municipality as determined in Section 2-117 of Title 47 of the
15 Oklahoma Statutes.

16 SECTION 2. AMENDATORY 47 O.S. 2011, Section 15-111, is
17 amended to read as follows:

18 Section 15-111. A. Municipalities and political subdivisions
19 of the state with authority to regulate the standing or parking of
20 vehicles shall extend special parking privileges to a physically
21 disabled person who displays on a motor vehicle operated by or under
22 the direction and for the use of the physically disabled person:

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UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 1. A placard indicating physical disability, issued pursuant to
2 the provisions of Section 15-112 of this title;

3 2. A physically disabled license plate, issued pursuant to the
4 provisions of Section 1135.1 of this title;

5 3. A disabled veterans license plate with the international
6 accessibility symbol, issued pursuant to the provisions of Section
7 1135.2 of this title;

8 4. A disability sticker issued by the Department of Veterans
9 Affairs and federal military bases; or

10 5. A physically disabled placard or license plate issued by
11 another state.

12 B. No such special parking privilege, however, shall excuse the
13 violation of any state statute, nor shall any such privilege be
14 applicable where the standing or parking would create a dangerous
15 situation or impede the normal flow of traffic.

16 C. Municipalities and political subdivisions of the state with
17 authority to regulate the standing or parking of vehicles shall
18 follow the current version of the Americans with Disabilities Act
19 Accessibility Guidelines (ADAAG) when designing or redesigning
20 disabled parking spaces.

21 D. Municipalities and political subdivisions of the state with
22 authority to regulate the standing or parking of vehicles shall
23 enact ordinances or rules implementing the provisions of Sections

1 11-1007 and 15-113 of this title, which shall take effect no later
2 than January 1, 2013.

3 SECTION 3. This act shall become effective November 1, 2012.
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5 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
6 02/16/2012 - DO PASS.
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