

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1036

By: Sears

4  
5  
6 AS INTRODUCED

7 An Act relating to roads, bridges and ferries;  
8 amending 69 O.S. 2001, Section 1711, which relates to  
9 turnpikes; exempting the funeral processions of  
10 certain active duty military personnel from paying  
11 tolls; providing for codification; and declaring an  
12 emergency.

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

14 SECTION 1. AMENDATORY 69 O.S. 2001, Section 1711, is  
15 amended to read as follows:

16 Section 1711. The Except as provided in Section 2 of this act,  
17 the Oklahoma Turnpike Authority, subject to the provisions hereof,  
18 is hereby authorized to fix, revise, charge and collect tolls for  
19 the use of each turnpike project and the different parts or sections  
20 thereof, ~~except for use by law enforcement officers responsible for~~  
21 ~~enforcing the traffic laws and the general laws of the state and~~  
22 ~~federal governments on turnpikes, who shall be entitled to free use~~  
23 ~~of every such project in the performance of official duties~~  
24 ~~connected with such turnpike project,~~ and to contract with any  
person, partnership, association or corporation desiring the use of

1 any part thereof, including the right-of-way adjoining the paved  
2 portion, for placing thereon telephone, telegraph, electric light or  
3 power lines, gas stations, garages, stores, hotels, restaurants and  
4 advertising signs, or for any other purpose except for tracks for  
5 railroad or railway use, and to fix the terms, conditions, rents and  
6 rates of charges for such use. Such tolls, subject to the other  
7 restrictions hereof, shall be so fixed and adjusted in respect of  
8 the aggregate of tolls from the turnpike project or projects in  
9 connection with which the bonds of any issue shall have been issued  
10 as to provide a fund sufficient with other revenues, if any, to pay  
11 (a) the cost of maintaining, repairing, and operating such turnpike  
12 project or projects, and (b) the principal of and the interest of  
13 such bonds as the same shall become due and payable, and to create  
14 reserves for such purposes.

15 The tolls and all other revenues derived from the turnpike  
16 project or projects in connection with which the bonds of any issue  
17 shall have been issued, except such part thereof as may be necessary  
18 to pay such cost of maintenance, repair, and operation and to  
19 provide such reserves therefor as may be provided for in the  
20 resolution authorizing the issuance of such bonds or in the trust  
21 agreement securing the same shall be set aside at such regular  
22 intervals as may be provided in such resolution or such trust  
23 agreement in a sinking fund which is hereby pledged to, and charged  
24 with, the payment of (a) the interest upon such bonds as such

1 interest shall fall due, (b) the principal of such bonds as the same  
2 shall fall due, (c) the necessary charges of paying agents for  
3 paying principal and interest, and (d) the redemption price or the  
4 purchase price of bonds retired by call or purchase as therein  
5 provided, which are a charge against such fund.

6 The use and disposition of monies to the credit of such sinking  
7 fund shall be subject to the provisions of the resolution  
8 authorizing the issuance of such bonds or of such trust agreement.  
9 Except as may otherwise be provided in such resolution or such trust  
10 agreement, such sinking fund shall be a fund for all such bonds  
11 without distinction or priority of one over another. The monies in  
12 the sinking fund, less such reserve as may be provided in such  
13 resolution or trust agreement, if not used within a reasonable time  
14 for the purchase of bonds for cancellation as above provided, shall  
15 be applied to the redemption of bonds at the redemption price then  
16 applicable. Any person who leases, rents, or acquires control of  
17 any gas station, garage, store, hotel, or restaurant must have been  
18 a resident of, or been doing business in, Oklahoma for the past five  
19 (5) years. Notwithstanding anything else herein contained to the  
20 contrary, the Corporation Commission of the State of Oklahoma shall  
21 exercise the jurisdiction now or hereafter vested in it to regulate  
22 and control the operation of motor carriers of passengers and  
23 freight, using or desiring to use any turnpike project, in the  
24 manner and to the extent that it regulates or controls such carriers

1 using the highways of the state. The Authority shall not  
2 discriminate against any group or class or individual member thereof  
3 in fixing the amount of toll, rents, or charge for the use of the  
4 turnpike project.

5 SECTION 2. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 1711.1 of Title 69, unless there  
7 is created a duplication in numbering, reads as follows:

8 A. The Oklahoma Turnpike Authority shall not charge tolls for  
9 the use of any turnpike by the following:

10 1. Law enforcement officers responsible for enforcing the  
11 traffic laws and the general laws of the state and federal  
12 governments on turnpikes who use the turnpike in the performance of  
13 official duties connected with such turnpike project; or

14 2. Funeral processions for a funeral of a member of the Armed  
15 Forces of the United States who has been killed in action in a  
16 United States Department of Defense designated combat zone.

17 B. The Oklahoma Turnpike Authority shall promulgate any rules  
18 necessary to administer the purposes of this section.

19 SECTION 3. It being immediately necessary for the preservation  
20 of the public peace, health and safety, an emergency is hereby  
21 declared to exist, by reason whereof this act shall take effect and  
22 be in full force from and after its passage and approval.

23

24 53-1-5091 CJB 12/07/10