

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2562

By: Wesselhoft

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5
6 AS INTRODUCED

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

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

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

21 Section 14-111. A. The governing body of a municipality may
22 provide for enforcement of its ordinances and establish fines,
23 penalties, or imprisonment, as authorized by subsections B through D
24 of this section, for any offense in violation of its ordinances,
which shall be recoverable together with costs of suit. The
governing body may provide that any person fined for violation of a
municipal ordinance who is financially able but refuses or neglects

1 to pay the fine or costs may be compelled to satisfy the amount owed
2 by working on the streets, alleys, avenues, areas, and public
3 grounds of the municipality, subject to the direction of the street
4 commissioner or other proper officer, at a rate per day as the
5 governing body may prescribe by ordinance, but not less than Fifty
6 Dollars (\$50.00) per day for useful labor, until the fine or costs
7 are satisfied.

8 B. 1. Except for municipal ordinances related to prostitution
9 and as otherwise provided in this section, cities having a municipal
10 criminal court of record may enact ordinances prescribing maximum
11 fines of One Thousand Two Hundred Dollars (\$1,200.00) and costs or
12 imprisonment not exceeding six (6) months or both the fine and
13 imprisonment, but shall not have authority to enact any ordinance
14 making unlawful an act or omission declared by state statute to be
15 punishable as a felony. Cities having a municipal criminal court of
16 record may enact ordinances prescribing maximum fines of One
17 Thousand Dollars (\$1,000.00) and costs or imprisonment not exceeding
18 six (6) months or both such fine and imprisonment for violations of
19 municipal ordinances regulating the pretreatment of wastewater and
20 regulating stormwater discharges. Cities having a municipal
21 criminal court of record may enact ordinances prescribing maximum
22 fines of One Thousand Two Hundred Fifty Dollars (\$1,250.00) and
23 costs or imprisonment not exceeding six (6) months or both such fine
24 and imprisonment for alcohol-related or drug-related traffic

1 offenses. The court shall remit Fifty Dollars (\$50.00) of each
2 alcohol fine or deferral fee to a fund of the municipality that
3 shall be used to defray costs for enforcement of laws relating to
4 juvenile access to alcohol, other laws relating to alcohol and other
5 intoxicating substances, and traffic-related offenses involving
6 alcohol or other intoxicating substances. The court shall remit
7 twenty percent (20%) of each physically disabled parking fine or
8 deferral fee to the Department of Public Safety in accordance with
9 the provisions set forth in paragraph 1 of subsection B of Section
10 11-1007 of Title 47 of the Oklahoma Statutes.

11 2. For violations of municipal ordinances relating to
12 prostitution, including but not limited to engaging in prostitution
13 or soliciting or procuring prostitution, a municipal criminal court
14 of record may enact ordinances prescribing an imprisonment not to
15 exceed six (6) months, and fines as follows: a fine not to exceed
16 Two Thousand Five Hundred Dollars (\$2,500.00) upon the first
17 conviction for violation of any such ordinances, a fine of not more
18 than Five Thousand Dollars (\$5,000.00) upon the second conviction
19 for violation of any of such ordinances, and a fine of not more than
20 Seven Thousand Five Hundred Dollars (\$7,500.00) upon the third or
21 subsequent convictions for violation of any of such ordinances, or
22 both such fine and imprisonment as well as a term of community
23 service of not less than forty (40) nor more than eighty (80) hours.
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1 C. Municipalities having a municipal court not of record may
2 enact ordinances prescribing maximum fines pursuant to the
3 provisions of this subsection. A municipal ordinance may not impose
4 a penalty, including fine or deferral fee in lieu of a fine and
5 costs, which is greater than that established by statute for the
6 same offense. The maximum fine or deferral fee in lieu of a fine
7 for traffic-related offenses relating to speeding or parking, other
8 than physically disabled parking offenses, shall not exceed Two
9 Hundred Dollars (\$200.00). The maximum fine or deferral fee in lieu
10 of a fine for a physically disabled parking offense as provided in
11 Section 11-1007 or 15-113 of Title 47 of the Oklahoma Statutes shall
12 not exceed Five Hundred Dollars (\$500.00). The court shall remit
13 twenty percent (20%) of each physically disabled parking fine or
14 deferral fee to the Department of Public Safety in accordance with
15 the provisions set forth in paragraph 1 of subsection B of Section
16 11-1007 of Title 47 of the Oklahoma Statutes.

17 The maximum fine or deferral fee in lieu of a fine for alcohol-
18 related or drug-related offenses shall not exceed Eight Hundred
19 Dollars (\$800.00). For all other offenses, the maximum fine or
20 deferral fee in lieu of a fine shall not exceed Seven Hundred Fifty
21 Dollars (\$750.00). The court shall remit Fifty Dollars (\$50.00) of
22 each alcohol fine or deferral fee to a fund of the municipality that
23 shall be used to defray costs for enforcement of laws relating to
24 juvenile access to alcohol, other laws relating to alcohol and other

1 intoxicating substances, and traffic-related offenses involving
2 alcohol or other intoxicating substances. The ordinances may
3 prescribe costs pursuant to the provisions of Section 27-126 of this
4 title or imprisonment not exceeding sixty (60) days or both the fine
5 and imprisonment; provided, that municipalities having only a
6 municipal court not of record shall not have authority to enact any
7 ordinance making unlawful any act or omission declared by state
8 statute to be punishable as a felony; provided further, that
9 municipalities having a municipal court not of record may enact
10 ordinances prescribing maximum fines of One Thousand Dollars
11 (\$1,000.00) and costs or imprisonment not exceeding ninety (90) days
12 or both such fine and imprisonment for violations of municipal
13 ordinances regulating the pretreatment of wastewater and regulating
14 stormwater discharges. If imprisonment is available for the
15 offense, then that person charged shall have a right to a jury
16 trial.

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

20 E. No municipality may levy a fine or deferral fee in lieu of a
21 fine of over Fifty Dollars (\$50.00) until it has compiled and
22 published its penal ordinances as required in Sections 14-109 and
23 14-110 of this title.

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

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

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

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

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

20 3. A disabled veterans license plate with the international
21 accessibility symbol, issued pursuant to the provisions of Section
22 1135.2 of this title;

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

1 5. A physically disabled placard or license plate issued by
2 another state.

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

7 C. Municipalities and political subdivisions of the state with
8 authority to regulate the standing or parking of vehicles shall
9 follow the current version of the Americans with Disabilities Act
10 Accessibility Guidelines (ADAAG) when designing or redesigning
11 disabled parking spaces.

12 D. Municipalities and political subdivisions of the state with
13 authority to regulate the standing or parking of vehicles shall
14 enact ordinances or rules implementing the provisions of Sections
15 11-1007 and 15-113 of this title, which shall take effect no later
16 than January 1, 2013.

17 SECTION 3. This act shall become effective November 1, 2012.

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19 53-2-7962 GRS 12/28/11

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