

1 STATE OF OKLAHOMA

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

3 SENATE BILL 614

By: Jolley

4
5
6 AS INTRODUCED

7 An Act relating to municipal ordinances; amending 11
8 O.S. 2001, Section 14-111, as last amended by Section
9 1, Chapter 413, O.S.L. 2008 (11 O.S. Supp. 2010,
10 Section 14-111), which relates to municipal
11 enforcement of sales and use tax ordinances;
12 broadening application of provision; authorizing
13 municipalities to impose criminal sanctions for
14 failure to comply with specified ordinances;
15 requiring vendor to take certain action under
16 specified circumstances; setting maximum penalty;
17 authorizing municipality to enact ordinances
18 penalizing vendors for failure to take certain
19 actions; setting maximum penalty; and providing an
20 effective date.

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

22 SECTION 1. AMENDATORY 11 O.S. 2001, Section 14-111, as
23 last amended by Section 1, Chapter 413, O.S.L. 2008 (11 O.S. Supp.
24 2010, Section 14-111), is amended to read as follows:

Section 14-111. A. The governing body of a municipality may
provide for enforcement of its ordinances and establish fines,
penalties, or imprisonment, as authorized by ~~subsections B through D~~
of this section, for any offense in violation of its ordinances,
which shall be recoverable together with costs of suit. The

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

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

1 costs or imprisonment not exceeding six (6) months or both such fine
2 and imprisonment for alcohol-related or drug-related traffic
3 offenses. The court shall remit Fifty Dollars (\$50.00) of each
4 alcohol fine or deferral fee to a fund of the municipality that
5 shall be used to defray costs for enforcement of laws relating to
6 juvenile access to alcohol, other laws relating to alcohol and other
7 intoxicating substances, and traffic-related offenses involving
8 alcohol or other intoxicating substances.

9 2. For violations of municipal ordinances relating to
10 prostitution, including but not limited to engaging in prostitution
11 or soliciting or procuring prostitution, a municipal criminal court
12 of record may enact ordinances prescribing an imprisonment not to
13 exceed six (6) months, and fines as follows: a fine not to exceed
14 Two Thousand Five Hundred Dollars (\$2,500.00) upon the first
15 conviction for violation of any such ordinances, a fine of not more
16 than Five Thousand Dollars (\$5,000.00) upon the second conviction
17 for violation of any of such ordinances, and a fine of not more than
18 Seven Thousand Five Hundred Dollars (\$7,500.00) upon the third or
19 subsequent convictions for violation of any of such ordinances, or
20 both such fine and imprisonment as well as a term of community
21 service of not less than forty (40) nor more than eighty (80) hours.

22 C. Municipalities having a municipal court not of record may
23 enact ordinances prescribing maximum fines pursuant to the
24 provisions of this subsection. A municipal ordinance may not impose

1 a penalty, including fine or deferral fee in lieu of a fine and
2 costs, which is greater than that established by statute for the
3 same offense. The maximum fine or deferral fee in lieu of a fine
4 for traffic-related offenses relating to speeding or parking shall
5 not exceed Two Hundred Dollars (\$200.00). The maximum fine or
6 deferral fee in lieu of a fine for alcohol-related or drug-related
7 offenses shall not exceed Eight Hundred Dollars (\$800.00). For all
8 other offenses, the maximum fine or deferral fee in lieu of a fine
9 shall not exceed Seven Hundred Fifty Dollars (\$750.00). The court
10 shall remit Fifty Dollars (\$50.00) of each alcohol fine or deferral
11 fee to a fund of the municipality that shall be used to defray costs
12 for enforcement of laws relating to juvenile access to alcohol,
13 other laws relating to alcohol and other intoxicating substances,
14 and traffic-related offenses involving alcohol or other intoxicating
15 substances. The ordinances may prescribe costs pursuant to the
16 provisions of Section 27-126 of this title or imprisonment not
17 exceeding sixty (60) days or both the fine and imprisonment;
18 provided, that municipalities having only a municipal court not of
19 record shall not have authority to enact any ordinance making
20 unlawful any act or omission declared by state statute to be
21 punishable as a felony; provided further, that municipalities having
22 a municipal court not of record may enact ordinances prescribing
23 maximum fines of One Thousand Dollars (\$1,000.00) and costs or
24 imprisonment not exceeding ninety (90) days or both such fine and

1 imprisonment for violations of municipal ordinances regulating the
2 pretreatment of wastewater and regulating stormwater discharges. If
3 imprisonment is available for the offense, then that person charged
4 shall have a right to a jury trial.

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

8 E. No municipality may levy a fine or deferral fee in lieu of a
9 fine of over Fifty Dollars (\$50.00) until it has compiled and
10 published its penal ordinances as required in Sections 14-109 and
11 14-110 of this title.

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

20 G. A municipality that has enacted a sales or use tax ordinance
21 or both may impose criminal sanctions in the form of fines and
22 penalties for the willful failure of a vendor to collect or remit
23 the full amount of applicable taxes and penalties due or otherwise
24 comply with the provisions of the ordinance; provided, the

1 municipality shall require the vendor to make all remittances due
2 the municipality to the Oklahoma Tax Commission if such procedure is
3 required pursuant to the state's participation in the Streamlined
4 Sales and Use Tax Agreement. The municipality may enact ordinances
5 prescribing maximum fines of One Thousand Two Hundred Fifty Dollars
6 (\$1,250.00) and costs and may provide for penalties and interest
7 until such amount is remitted.

8 H. A municipality may enact ordinances providing that any
9 vendor who willfully fails or refuses to remit as provided herein
10 any sales or use tax or other monies collected by the vendor in
11 accordance with the municipal ordinance and who appropriates the tax
12 or monies for the use of that vendor or any other person not
13 entitled to the tax or monies is guilty of an offense. The
14 ordinance may prescribe a maximum fine of One Thousand Two Hundred
15 Fifty Dollars (\$1,250.00) and costs for each such violation.

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

17
18 53-1-1106 JCR 1/19/2011 4:43:55 PM
19
20
21
22
23
24