

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 1580

By: Pruett

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5
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2011, Section 2-117, as amended by Section 2, Chapter
9 228, O.S.L. 2014 (47 O.S. Supp. 2014, Section 2-117),
10 which relates to traffic-related enforcement
11 authority; modifying procedures for investigating
12 traffic-related enforcement practices; and providing
13 an effective date.

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

15 SECTION 1. AMENDATORY 47 O.S. 2011, Section 2-117, as
16 amended by Section 2, Chapter 228, O.S.L. 2014 (47 O.S. Supp. 2014,
17 Section 2-117), is amended to read as follows:

18 Section 2-117. A. The Commissioner of Public Safety and each
19 officer of the Department of Public Safety, as designated and
20 commissioned by the Commissioner, are hereby declared to be peace
21 officers of the State of Oklahoma and shall be so deemed and taken
22 in all courts having jurisdiction of offenses against the laws of
23 the state. Such officers shall have the powers and authority now
24 and hereafter vested by law in other peace officers, including the
right and power of search and seizure, except the serving or

1 execution of civil process, and the right and power to investigate
2 and prevent crime and to enforce the criminal laws of this state.

3 B. In addition to the powers and authority prescribed in
4 subsection A of this section, the officers of the Department shall
5 have the following authority, responsibilities, powers and duties:

6 1. To enforce the provisions of this title and any other law
7 regulating the operation of vehicles or the use of the highways,
8 including, but not limited to, the Motor Carriers Act of this state,
9 or any other laws of this state by the direction of the Governor;

10 2. To arrest without writ, rule, order or process any person
11 detected by them in the act of violating any law of the state;

12 3. When the officer is in pursuit of a violator or suspected
13 violator and is unable to arrest such violator or suspected violator
14 within the limits of the jurisdiction of the Oklahoma Highway Patrol
15 Division, to continue in pursuit of such violator or suspected
16 violator into whatever part of the state may be reasonably necessary
17 to effect the apprehension and arrest of the same, and to arrest
18 such violator or suspected violator wherever the violator may be
19 overtaken;

20 4. To assist in the location of stolen property, including
21 livestock and poultry or the carcasses thereof, and to make any
22 inspection necessary of any truck, trailer or contents thereof in
23 connection therewith;

1 5. At all times to direct all traffic in conformance with law
2 and, in the event of a fire, or other emergency, or to expedite
3 traffic, or to insure safety, to direct traffic as conditions may
4 require, notwithstanding the provisions of law;

5 6. To require satisfactory proof of ownership of the contents
6 of any motor vehicle, including livestock, poultry or the carcasses
7 thereof. In the event that the proof of ownership is not
8 satisfactory, it shall be the duty of the officer to take the motor
9 vehicle, driver, and the contents of the motor vehicle into custody
10 and deliver the same to the sheriff of the county wherein the cargo,
11 motor vehicle and driver are taken into custody;

12 7. When on duty, upon reasonable belief that any vehicle is
13 being operated in violation of any provisions of this title, or any
14 other law regulating the operation of vehicles, to require the
15 driver thereof to stop and exhibit his or her driver license and the
16 certificate of registration issued for the vehicle, if required to
17 be carried in the vehicle pursuant to paragraph 3 of subsection A of
18 Section 1113 of this title, and submit to an inspection of such
19 vehicle, the license plates and certificate of registration thereon,
20 if applicable, or to any inspection and test of the equipment of
21 such vehicle;

22 8. To inspect any vehicle of a type required to be registered
23 hereunder in any public garage or repair shop or in any place where
24 such vehicles are held for sale or wrecking, for the purpose of

1 locating stolen vehicles and investigating the title and
2 registration thereof;

3 9. To serve all warrants relating to the enforcement of the
4 laws regulating the operation of vehicles or the use of the highways
5 and bench warrants issued for nonpayment of fines and costs for
6 moving traffic violations;

7 10. To investigate and report traffic collisions on all
8 interstate and defense highways and on all highways outside of
9 incorporated municipalities, and may investigate traffic collisions
10 within any incorporated municipality upon request of the local law
11 enforcement agency, and to secure testimony of witnesses or of
12 persons involved;

13 11. To investigate reported thefts of motor vehicles, trailers
14 and semitrailers;

15 12. To stop and inspect any motor vehicle or trailer for such
16 mechanical tests as may be prescribed by the Commissioner to
17 determine the roadworthiness of the vehicle. Any vehicle which may
18 be found to be unsafe for use on the highways may be ordered removed
19 from said highway until such alterations or repairs have been made
20 that will render said vehicle serviceable for use on the highway;

21 13. To stop and inspect the contents of all motor vehicles to
22 ascertain whether or not the provisions of all general laws are
23 being observed;

1 14. To enforce the laws of the state relating to the
2 registration and licensing of motor vehicles;

3 15. To enforce the laws relating to the operation and use of
4 vehicles on the highway;

5 16. To enforce and prevent, on the roads of the state highway
6 system, the violation of the laws relating to the size, weight, and
7 speed of commercial motor vehicles and all laws designed for the
8 protection of the highway pavements and structures on such highways;

9 17. To investigate and report to the Corporation Commission and
10 the Oklahoma Tax Commission violation of their rules and the laws
11 governing the transportation of persons and property by motor
12 transportation companies and all other motor carriers for hire;

13 18. To investigate and report violations of all laws relating
14 to the collection of excise taxes on motor vehicle fuels;

15 19. To regulate the movement of traffic on the roads of the
16 state highway system;

17 20. Whenever possible, to determine persons causing or
18 responsible for the breaking, damaging, or destruction of any
19 improved surfaced roadway, structure, sign, marker, guardrail, or
20 any other appurtenance constructed or maintained by the Department
21 of Transportation, and to arrest persons responsible thereof and to
22 bring them before the proper officials for prosecution;

1 21. To investigate incidents involving an employee of the
2 Department, when such incidents are related to the performance of
3 the duties of the employee; and

4 22. To initiate or assist in manhunts and fugitive
5 apprehensions.

6 C. Whenever any person is arrested by a patrol officer for a
7 traffic violation the provisions of Sections 16-101 through 16-114
8 of this title shall apply.

9 D. 1. Except as provided in this subsection, the powers and
10 duties conferred on the Commissioner and officers of the Department
11 of Public Safety shall not limit the powers and duties of sheriffs
12 or other peace officers of the state or any political subdivision of
13 the state.

14 2. The Oklahoma Highway Patrol Division shall have primary law
15 enforcement authority respecting traffic-related offenses upon the
16 National System of Interstate and Defense Highways, and may have
17 special law enforcement authority on those portions of the federal-
18 aid primary highways and the state highway system which are located
19 within the boundaries and on the outskirts of a municipality, and
20 designated by the Commissioner of Public Safety for such special law
21 enforcement authority. As used in this subsection "outskirts of a
22 municipality" means and shall be determined by presence of the
23 following factors:

24 a. low land use density,

1 b. absence of any school or residential subdivision
2 requiring direct ingress or egress from the highway,
3 and

4 c. a scarcity of retail or commercial business abutting
5 the highway.

6 3. The Commissioner may designate any portion of the National
7 System of Interstate and Defense Highways, and those portions of the
8 federal-aid primary highways and the state highway system which are
9 located within the boundaries of and on the outskirts of a
10 municipality for special traffic-related enforcement by the Oklahoma
11 Highway Patrol Division and issue a written notice to any other law
12 enforcement agency affected thereby. Upon receipt of such notice,
13 the affected law enforcement agency shall not regulate traffic nor
14 enforce traffic-related statutes or ordinances upon such designated
15 portion of the National System of Interstate and Defense Highways or
16 such designated portions of the federal-aid primary highways and the
17 state highway system without prior coordination and written approval
18 of the Commissioner.

19 E. 1. Any of the following persons may request the
20 Commissioner to investigate the traffic-related enforcement
21 practices of a municipal law enforcement agency whose jurisdiction
22 includes portions of the federal-aid primary highways, the state
23 highway system, or both located within the boundaries of and on the
24 outskirts of the municipality:

- a. the district attorney in whose jurisdiction the municipality is located,
- b. a majority of the county commissioners, by resolution, of the county in which the municipality is located,
- c. the State Auditor and Inspector,
- d. the State Attorney General, or
- e. a state legislator in whose district the municipality is located.

2. The request shall state that the requesting party believes the enforcement practices are being conducted:

- a. within the boundaries of and on the outskirts of the municipality, and
- b. for the purpose of generating more than fifty percent (50%) of the revenue needed for the operation of the municipality.

3. Upon receipt of a request pursuant to this subsection, the Commissioner may investigate the traffic-related enforcement practices of the municipal law enforcement agency and the receipts and expenditures of the municipality. The law enforcement agency, the municipality, and the requesting party shall cooperate fully with the Commissioner in such an investigation. Revenues derived from citations issued for speeding violations of fourteen (14) miles per hour or more over the speed limit shall not be considered by the Commissioner when investigating and making determinations regarding

1 traffic-related enforcement practices of a municipal law enforcement
2 agency. The Commissioner shall utilize all revenues of the
3 municipality in its calculation for determining whether there has
4 been any violation. Upon the completion of the investigation, the
5 Commissioner shall submit a report of the results of the
6 investigation to the Attorney General, who shall make a
7 determination within sixty (60) days of receipt of the report as to
8 whether the enforcement practices of the municipal law enforcement
9 agency are being conducted as provided in subparagraphs a and b of
10 paragraph 2 of this subsection. Upon a determination that the
11 enforcement practices are not being conducted in such a manner, the
12 Attorney General shall notify the Commissioner in writing, and the
13 Commissioner shall take no action to make a designation as provided
14 in paragraph 3 of subsection D of this section. Upon a
15 determination that the enforcement practices are being conducted as
16 provided in subparagraphs a and b of paragraph 2 of this subsection,
17 the Attorney General shall notify the Commissioner in writing, and
18 the Commissioner shall make the designation of special traffic-
19 related enforcement as provided in paragraph 3 of subsection D of
20 this section, which shall stay in force for such time as determined
21 by the Commissioner. The Department of Public Safety shall adopt
22 rules to uniformly implement the procedures for initiating,
23 investigating and reporting to the Attorney General the results of a
24 request under the provisions of this subsection and the criteria for

1 determining the length of time the designation of special traffic-
2 related enforcement shall be in force.

3 F. Nothing in this section shall limit a member of the Oklahoma
4 Highway Patrol Division from requesting assistance from any other
5 law enforcement agency nor limit officers of such agency from
6 rendering the requested assistance. The officer and the law
7 enforcement agency responding to the request of the member of the
8 Oklahoma Highway Patrol Division or sheriff's department shall have
9 the same rights and immunities as are possessed by the Oklahoma
10 Highway Patrol Division.

11 G. No state official shall have any power, right, or authority
12 to command, order, or direct any commissioned law enforcement
13 officer of the Department of Public Safety to perform any duty or
14 service contrary to the provisions of this title or any other laws
15 of this state.

16 SECTION 2. This act shall become effective November 1, 2015.

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