

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                   STATE OF OKLAHOMA

3                   2nd Session of the 58th Legislature (2022)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 3642

By: Pae of the House

and

7                   **Coleman** of the Senate

8  
9  
10  
11                   COMMITTEE SUBSTITUTE

12                   An Act relating to cities and towns; amending 11 O.S.  
13                   2021, Section 14-111, which relates to enforcement  
14                   and penalties for violation of municipal ordinances;  
15                   modifying dollar amounts; amending 11 O.S. 2021,  
16                   Section 27-126, which relates to court costs and  
17                   fees; modifying dollar amount; and providing an  
18                   effective date.

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

20                   SECTION 1.           AMENDATORY           11 O.S. 2021, 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  
24 criminal court of record may enact ordinances prescribing maximum

1 fines of One Thousand Two Hundred Fifty Dollars (\$1,250.00) and  
2 costs or imprisonment not exceeding six (6) months or both such fine  
3 and imprisonment for alcohol-related or drug-related traffic  
4 offenses. The court shall remit Fifty Dollars (\$50.00) of each  
5 alcohol fine or deferral fee to a fund of the municipality that  
6 shall be used to defray costs for enforcement of laws relating to  
7 juvenile access to alcohol, other laws relating to alcohol and other  
8 intoxicating substances, and traffic-related offenses involving  
9 alcohol or other intoxicating substances. The sum of Fifteen  
10 Dollars (\$15.00) shall be assessed in every case for violations of  
11 municipal ordinances relating to the offense of driving under the  
12 influence of alcohol or other intoxicating substance and shall be  
13 remitted to the credit of the Oklahoma Impaired Driver Database  
14 Revolving Fund created pursuant to Section 8 of this act.

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  
24 Seven Thousand Five Hundred Dollars (\$7,500.00) upon the third or

1 subsequent convictions for violation of any of such ordinances, or  
2 both such fine and imprisonment as well as a term of community  
3 service of not less than forty (40) nor more than eighty (80) hours.

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

1 municipal court not of record shall not have authority to enact any  
2 ordinance making unlawful any act or omission declared by state  
3 statute to be punishable as a felony; provided further, that  
4 municipalities having a municipal court not of record may enact  
5 ordinances prescribing maximum fines of One Thousand Dollars  
6 (\$1,000.00) and costs or imprisonment not exceeding ninety (90) days  
7 or both such fine and imprisonment for violations of municipal  
8 ordinances regulating the pretreatment of wastewater and regulating  
9 stormwater discharges. If imprisonment is available for the  
10 offense, then that person charged shall have a right to a jury  
11 trial.

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

15 E. No municipality may levy a fine or deferral fee in lieu of a  
16 fine of over Fifty Dollars (\$50.00) until it has compiled and  
17 published its penal ordinances as required in Sections 14-109 and  
18 14-110 of this title.

19 F. No municipality may levy a fine of more than Ten Dollars  
20 (\$10.00) nor court costs of more than Fifteen Dollars (\$15.00) for  
21 exceeding the posted speed limit by no more than ten (10) miles per  
22 hour upon any portion of the National System of Interstate and  
23 Defense Highways, federal-aid primary highways, and the state  
24 highway system which are located on the outskirts of any

1 municipality as determined in Section 2-117 of Title 47 of the  
2 Oklahoma Statutes.

3 SECTION 2. AMENDATORY 11 O.S. 2021, Section 27-126, is  
4 amended to read as follows:

5 Section 27-126. Except as provided in Section 14-111 of this  
6 title and subject to other limitations or exceptions imposed by law,  
7 the municipal governing body shall determine by ordinance the court  
8 costs and fees that may be charged and collected by the clerk of the  
9 court. Court costs shall not exceed the sum of ~~Thirty Dollars~~  
10 ~~(\$30.00)~~ Fifty Dollars (\$50.00) plus the fees and mileage of jurors  
11 and witnesses. The clerk of the court is authorized to charge and  
12 collect the fees as determined by the municipal body.

13 SECTION 3. This act shall become effective November 1, 2022.

14  
15 COMMITTEE REPORT BY: COMMITTEE ON COUNTY AND MUNICIPAL GOVERNMENT,  
16 dated 03/02/2022 - DO PASS, As Amended and Coauthored.

17  
18  
19  
20  
21  
22  
23  
24