

1 **SENATE FLOOR VERSION**

February 11, 2021

2 **AS AMENDED**

3 SENATE BILL NO. 193

By: Rader of the Senate

4 and

5 May of the House

6  
7  
8 **[ counties and county officers - fines and penalties**  
9 **- repeat violations - effective date ]**

10  
11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. AMENDATORY 19 O.S. 2011, Section 863.13A, is  
13 amended to read as follows:

14 Section 863.13A. A. A board of county commissioners may  
15 provide for enforcement of its regulations and establish fines,  
16 penalties or other remedies for any offense in violation of its  
17 regulations, which shall be recoverable together with costs of suit.

18 B. 1. In addition to other powers and duties prescribed by  
19 law, a board of county commissioners shall have the power to  
20 establish and enforce fines and penalties for violation of its  
21 zoning, subdivision, storm water ~~and,~~ floodplain, health inspection,  
22 property maintenance and building regulations, including the  
23 issuance of citations by designated county personnel for violations  
24 of its zoning, subdivision, storm water ~~and,~~ floodplain, health

1 ~~inspection, property maintenance and building regulations. A board~~  
2 ~~of county commissioners may additionally establish that any person~~  
3 ~~who fails to correct a violation for which a citation has been~~  
4 ~~issued within the period permitted for its correction may be~~  
5 ~~assessed a fine or penalty for each ensuing day during which such~~  
6 ~~failure or violation continues.~~

7 2. In issuing a citation pursuant to this subsection, the  
8 county employee shall proceed as follows:

- 9 a. the employee shall prepare a written citation ~~to~~  
10 ~~appear in court,~~ containing the name and address of  
11 the cited person and the violation/offense charged,  
12 ~~and stating when the person shall appear in district~~  
13 ~~court. The time to appear specified in the citation~~  
14 ~~shall be at least five (5) days after the issuance of~~  
15 ~~the citation, and~~
- 16 b. one copy of the citation ~~to appear~~ shall be delivered  
17 to the person cited, and ~~such person shall sign a~~  
18 duplicate written citation ~~which~~ shall be retained by  
19 the county employee, ~~and~~
- 20 c. ~~as soon as practicable, one copy of the citation shall~~  
21 ~~be filed with the district court specified therein and~~  
22 ~~one copy delivered to the prosecuting attorney. The~~  
23 delivery may be delivered personally, or by certified  
24 mail or registered mail, to the address on file with

1 the county assessor's office or the last-known  
2 address, or posted in a conspicuous place in or about  
3 the property where the violation occurred.

4 3. If a person fails to ~~appear in district court at~~ pay by the  
5 designated time, a warrant for arrest shall be issued.

6 4. Violations and penalties shall be deemed misdemeanor  
7 offenses, punishable by a fine of up to Five Hundred Dollars  
8 (\$500.00) and up to ninety (90) days in jail. Repeated violations  
9 on the cited property may result in an increase of the fine up to  
10 One Thousand Dollars (\$1,000.00) per violation. Jurisdiction is  
11 hereby conferred upon the district court within the county.

12 5. Fines and penalties collected pursuant to this subsection  
13 shall be deposited in the appropriate county fund.

14 6. Issuance of citations and/or payment of fines or penalties  
15 shall in no way preclude other remedies or appropriate action or  
16 proceedings to prevent or remove a violation.

17 7. A person cited may plead not guilty to the charged violation  
18 and request a court hearing through the county court clerk's office  
19 within ten (10) business days of receiving the citation. If the  
20 person requests a court hearing, the district attorney's office  
21 shall be provided all the information, evidence, reports,  
22 photographs and all other materials related to the offense prepared  
23 by and in the custody of the designated county personnel who wrote  
24 the citation.

1 SECTION 2. This act shall become effective November 1, 2021.

2 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT  
3 February 11, 2021 - DO PASS AS AMENDED  
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