

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 SENATE BILL 1392

By: Dahm

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6 AS INTRODUCED

7 An Act relating to uninsured vehicles; amending 47  
8 O.S. 2021, Section 7-606.2, which relates to the  
9 Uninsured Vehicle Enforcement Diversion Program;  
10 directing certain proceeds to be placed in the  
11 General Revenue Fund; requiring certain notice;  
12 modifying elements of report; and providing an  
13 effective date.

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

15 SECTION 1. AMENDATORY 47 O.S. 2021, Section 7-606.2, is  
16 amended to read as follows:

17 Section 7-606.2. A. Each district attorney may create within  
18 the district attorney's office an Uninsured Vehicle Enforcement  
19 Diversion Program and assign sufficient staff and resources for the  
20 efficient operation of the program. The purpose of the Uninsured  
21 Vehicle Enforcement Diversion Program is to authorize the district  
22 attorney to divert complaints involving the failure to comply with  
23 mandatory vehicle liability insurance coverage from criminal court  
24 to the Uninsured Vehicle Enforcement Diversion Program and to

1 enhance public safety and security through increased compliance with  
2 mandatory vehicle liability insurance coverage.

3 B. 1. Referral of a criminal complaint to the Uninsured  
4 Vehicle Enforcement Diversion Program shall be at the discretion of  
5 the district attorney. This act shall not limit the power of the  
6 district attorney to prosecute Compulsory Insurance Law complaints.

7 2. Upon receipt of a complaint for failure to comply with the  
8 Compulsory Insurance Law, the district attorney shall determine if  
9 the complaint is one which is appropriate for deferred prosecution.

10 3. In determining whether to defer prosecution and refer a case  
11 to the Uninsured Vehicle Enforcement Diversion Program, the district  
12 attorney shall consider the following factors:

13 a. whether the criminal complaint alleges an offense  
14 involving the failure to maintain required vehicle  
15 liability insurance coverage,

16 b. whether it is in the best interest of the accused for  
17 the accused person to be processed through deferred  
18 prosecution in the Uninsured Vehicle Enforcement  
19 Diversion Program,

20 c. the prospects for adequate protection of the public if  
21 the accused person is processed through deferred  
22 prosecution in the Uninsured Vehicle Enforcement  
23 Diversion Program,

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1 d. the number of criminal complaints against the  
2 defendant previously received by the district  
3 attorney,

4 e. whether or not there are other criminal complaints  
5 currently pending against the defendant, and

6 f. the strength of the evidence of the particular  
7 criminal complaint.

8 C. Upon referral of a complaint to the Uninsured Vehicle  
9 Enforcement Diversion Program, a notice of the complaint shall be  
10 forwarded by mail to the last known address of the record owner of  
11 the vehicle. The notice shall contain:

12 1. The date the act which is the subject of the complaint  
13 occurred;

14 2. A statement of the penalty for the violation of the  
15 Compulsory Insurance Law which is the subject of the complaint;

16 3. A statement that the records of the State of Oklahoma  
17 indicate that the owner of the vehicle is not in compliance with the  
18 provisions of the Compulsory Vehicle Insurance Law and that the  
19 complaint against the owner has been referred to the Uninsured  
20 Vehicle Enforcement Diversion Program; and

21 4. The date before which the owner must contact the office of  
22 the district attorney concerning the complaint.

1 D. If the owner fails to comply with the letter, the district  
2 attorney may file the information and proceed with the prosecution  
3 of the owner as provided by law.

4 E. The district attorney may enter into a written agreement  
5 with the owner pursuant to the provisions of Sections 305.1 through  
6 305.6 of Title 22 of the Oklahoma Statutes to defer prosecution on  
7 the complaint for a period to be determined by the district  
8 attorney, not to exceed two (2) years. The conditions of an  
9 agreement to defer prosecution shall include:

10 1. The owner shall provide verification of current insurance  
11 upon request of the district attorney;

12 2. The owner shall comply with the provisions of the Compulsory  
13 Insurance Law for the full term of the agreement; and

14 3. The owner shall not own or operate any vehicle in violation  
15 of the Compulsory Insurance Law during the full term of the  
16 agreement.

17 F. Each diversion agreement shall include a provision requiring  
18 the owner to pay to the district attorney's office or District  
19 Attorneys Council a fee equal to the amount which would have been  
20 assessed as court costs upon the filing of the case in district  
21 court pursuant to the provisions of Section 153 of Title 28 of the  
22 Oklahoma Statutes. This fee shall be deposited in a special  
23 district attorney fund with the county treasurer to be known as the  
24 "Uninsured Vehicle Enforcement Diversion Program Fund". Diversion

1 fees paid to the District Attorneys Council shall be deposited in a  
2 special fund to be known as the "Uninsured Vehicle Enforcement  
3 Diversion Program Fund".

4 1. Each diversion agreement shall also include a provision  
5 requiring the owner to pay an additional fee of Twenty Dollars  
6 (\$20.00) to the District Attorneys Council, of which Five Dollars  
7 (\$5.00) will be used in processing the payment, Ten Dollars (\$10.00)  
8 will be used in operating and maintaining the Compulsory Insurance  
9 Verification System and Five Dollars (\$5.00) will be deposited in  
10 the Oklahoma Pension Improvement Revolving Fund created by section 2  
11 of Enrolled Senate Bill No. 1128 of the 2nd Session of the 55th  
12 Oklahoma Legislature.

13 2. The monies deposited in the Uninsured Vehicle Enforcement  
14 Diversion Program Fund of a district attorney or the District  
15 Attorneys Council shall be used by the district attorney and  
16 District Attorneys Council to pay for all expenses and costs of  
17 equipping, operating and monitoring the vehicle insurance program,  
18 including but not limited to, contractual payments to third-party  
19 entities providing essential services and/or equipment for detection  
20 of violations of Compulsory Insurance Law, and payment of reasonable  
21 compensation to authorized and participating law enforcement  
22 agencies as may be agreed between such entities, law enforcement  
23 agencies and the district attorney or District Attorneys Council.

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1           3. Proceeds from the Uninsured Vehicle Enforcement Diversion  
2 Program administered by the District Attorneys Council ~~may be used~~  
3 ~~to pay for any lawful expenditures associated with the operation of~~  
4 ~~the diversion program by the District Attorneys Council. The net~~  
5 ~~proceeds shall be allocated and distributed to the district~~  
6 ~~attorneys by the District Attorneys Council. District attorneys may~~  
7 ~~use proceeds from this diversion program to pay for any lawful~~  
8 ~~expenditure associated with the operation of the district attorney's~~  
9 ~~office shall be deposited in the General Revenue Fund.~~

10           4. The district attorney and District Attorneys Council shall  
11 keep records of all monies deposited to and disbursed from the  
12 Uninsured Vehicle Enforcement Diversion Program Fund. The records  
13 of these funds shall be audited at the same time the records of the  
14 district attorney and District Attorneys Council, respectively, are  
15 audited.

16           5. If the owner furnishes proof to the satisfaction of the  
17 district attorney's office or District Attorneys Council that the  
18 required vehicle liability insurance coverage was in effect at the  
19 time of the alleged violation, no fee shall be required. Within  
20 three (3) days of the owner furnishing proof of the required  
21 coverage, the district attorney's office or District Attorneys  
22 Council shall provide written notice to the owner that the proof was  
23 satisfactory and that no fee is required.

1 G. Members of the district attorney's staff shall perform  
2 duties in connection with the Uninsured Vehicle Enforcement  
3 Diversion Program in addition to any other duties which may be  
4 assigned by the district attorney.

5 H. District attorneys shall prepare and submit an annual report  
6 to the District Attorneys Council showing total deposits and total  
7 expenditures in the Uninsured Vehicle Enforcement Diversion Program.  
8 Each district attorney shall submit information requested by the  
9 District Attorneys Council regarding the Uninsured Vehicle  
10 Enforcement Diversion Program.

11 By September 15 of each year following the implementation of the  
12 Uninsured Vehicle Enforcement Program, the District Attorneys  
13 Council shall publish an annual report for the previous fiscal year  
14 of the Uninsured Vehicle Enforcement Diversion Program. An  
15 electronic copy of the report shall be distributed to the Governor,  
16 President Pro Tempore of the Senate, Speaker of the House of  
17 Representatives and the chairs of the House and Senate  
18 Appropriations Committees. The report required by this paragraph  
19 shall include the number of cases processed, the number of  
20 complaints dismissed pursuant to paragraph 5 of subsection F of this  
21 section, the total amount of initial notices sent out, the total  
22 amount of subsequent notices sent out, the total amount of fees  
23 collected, the total cost of the program, and such other information  
24 as required by the District Attorneys Council.

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SECTION 2. This act shall become effective November 1, 2024.

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