

1 **SENATE FLOOR VERSION**

2 February 19, 2015

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 260

By: Sharp of the Senate

and

Moore of the House

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9 [motor vehicle insurance - filing of certain
10 insurance - applicable convictions - maintenance of
11 certain records - procedures for suspension or
12 revocation - reinstatement - penalty for false
13 certification - codification - effective date]

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

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 7-615 of Title 47, unless there
17 is created a duplication in numbering, reads as follows:

18 A. 1. In addition to any other requirements of this act, the
19 Commissioner of the Department of Public Safety shall require a
20 person to acquire insurance and for such person's insurance company
21 to maintain on file with the Department evidence of such insurance
22 for a period of one year when a person has been convicted in this or
23 another state of any of the violations enumerated in paragraph 2 of
24 subsection A of Section 6-205 of Title 47 to begin from the date a

1 verdict of guilty, a plea of guilty or a plea of nolo contendere was
2 entered unless the driving privileges of such person were suspended
3 or revoked, then the time begins from the date the driving
4 privileges are reinstated or modified.

5 2. The Department shall also require any driver whose driving
6 privileges have been suspended pursuant to this section to maintain
7 such evidence of insurance as required above for a period of one
8 year beginning from the date the driving privileges are reinstated.

9 3. The company of the insured shall immediately send by regular
10 mail or electronic mail notice to the Department whenever any policy
11 required by this subsection to be on file with the Department is
12 terminated by the insured or the insurer for any reason. The
13 receipt by the Department of such termination shall be prima facie
14 evidence that no financial security exists with regard to the person
15 concerned.

16 4. No cancellation notice shall be sent to the Department if
17 the insured adds or deletes a vehicle, adds or deletes a driver,
18 renews a policy or is issued a new policy by the same company. No
19 cancellation notice shall be sent to the Department prior to the
20 date the policy is terminated if the company allows a grace period
21 for payment until such grace period has expired and the policy is
22 actually terminated.

23 5. For the purposes of this act, the term "conviction" includes
24 pleading guilty or nolo contendere, being convicted or being found

1 guilty of any violation enumerated in this subsection without regard
2 to whether sentence was suspended or deferred granted. A forfeiture
3 of bail, bond or collateral deposited to secure a defendant's
4 appearance in court, which forfeiture has not been vacated, shall be
5 equivalent to a conviction.

6 6. The requirements of this subsection shall apply whether or
7 not such person owns a motor vehicle.

8 B. Whenever the Department shall receive prima facie evidence,
9 as prescribed by this section, that continuous financial security
10 covering any motor vehicle registered in this state is not in
11 effect, the Department shall notify the owner by registered or
12 certified mail or United States post office certificate of mailing
13 that, at the end of thirty (30) days after the notice is mailed, the
14 registration for such motor vehicle and the driving privileges of
15 the owner of the vehicle shall be suspended or revoked, unless
16 within ten (10) days after the notice is mailed:

17 1. Such owner shall demonstrate proof of continuous financial
18 security covering such vehicle to the satisfaction of the
19 Department. Such proof of continuous financial security may be
20 provided by the owner by displaying such proof on a cellular phone
21 or other portable electronic device; or

22 2. Such owner shall mail a written request which is postmarked
23 within ten (10) days after the notice is mailed requesting a hearing
24 with the Department. Upon receipt of a timely request for a

1 hearing, the Department shall afford such person an opportunity for
2 hearing. If, within the ten-day period or at the hearing, such
3 owner is unable to demonstrate proof of continuous financial
4 security covering the motor vehicle in question, the Department
5 shall revoke the registration of such motor vehicle and suspend the
6 driving privileges of the owner of the vehicle.

7 C. Whenever the registration of a motor vehicle or the driving
8 privileges of the owner of the vehicle are suspended or revoked for
9 failure of the owner to maintain continuous financial security, such
10 suspension or revocation shall remain in effect until satisfactory
11 proof of insurance has been filed with the Department as required by
12 subsection A of this section and a reinstatement fee in the amount
13 herein prescribed is paid to the Department. Such reinstatement fee
14 shall be in the amount of One Hundred Dollars (\$100.00), except that
15 if the registration of a motor vehicle of any owner is revoked
16 within one year following a prior revocation of the registration of
17 a motor vehicle of such owner under the provisions of this act, such
18 fee shall be in the amount of Three Hundred Dollars (\$300.00).

19 D. In no case shall any motor vehicle, the registration of
20 which has been revoked for failure to have continuous financial
21 security, be reregistered in the name of the owner thereof, the
22 owner's spouse, parent or child or any member of the same household
23 until the owner complies with subsection C of this section.

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1 E. Evidence that an owner of a motor vehicle, registered or
2 required to be registered in this state, has operated or permitted
3 such motor vehicle to be operated in this state without having in
4 force and effect the financial security required by this act for
5 such vehicle, together with proof of records of the Department
6 indicating that the owner did not have such financial security,
7 shall be prima facie evidence that the owner did at the time and
8 place alleged, operate or permit such motor vehicle to be operated
9 without having in full force and effect financial security required
10 by the provisions of this act.

11 F. Any owner of a motor vehicle registered or required to be
12 registered in this state who shall make a false certification
13 concerning financial security for the operation of such motor
14 vehicle, as required by this act, shall be guilty of a misdemeanor.
15 Any person, firm or corporation giving false information to the
16 Department concerning another's financial security for the operation
17 of a motor vehicle registered or required to be registered in this
18 state, knowing or having reason to believe that such information is
19 false, shall be guilty of a misdemeanor.

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

21 COMMITTEE REPORT BY: COMMITTEE ON INSURANCE
22 February 19, 2015 - DO PASS AS AMENDED
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