

1 STATE OF OKLAHOMA

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

3 SENATE BILL 260

By: Sharp

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6 AS INTRODUCED

7 An Act relating to motor vehicle insurance; requiring  
8 filing of certain insurance with the Department of  
9 Public Safety for certain period of time; stating  
10 applicable convictions; requiring maintenance of  
11 certain records for suspension of driving privileges  
12 for certain noncompliance; providing certain notice;  
13 clarifying conditions when notice is required;  
14 defining term; clarifying applicability to certain  
15 persons; providing procedures for suspension or  
16 revocation of certain registration and privileges;  
17 providing method of reinstatement; prohibiting  
18 certain registration of motor vehicles under certain  
19 circumstances; stating requirements for certain  
20 evidence; providing penalty for false certification;  
21 providing for codification; and providing an  
22 effective date.

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

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

A. 1. In addition to any other requirements of this act, the  
Commissioner of the Department of Public Safety shall require a  
person to acquire insurance and, for such person's insurance  
company, to maintain on file with the Department evidence of such

1 insurance for a period of one year when a person has been convicted  
2 in this or another state of any of the violations enumerated in  
3 paragraph 2 of subsection A of Section 6-205 of Title 47.

4 2. The Department shall also require any driver whose driving  
5 privileges have been suspended pursuant to this section to maintain  
6 such evidence of insurance as required above.

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

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

20 5. For the purposes of this act, the term "conviction" includes  
21 pleading guilty or nolo contendere, being convicted or being found  
22 guilty of any violation enumerated in this subsection without regard  
23 to whether sentence was suspended or deferred granted. A forfeiture  
24 of bail, bond or collateral deposited to secure a defendant's

1 appearance in court, which forfeiture has not been vacated, shall be  
2 equivalent to a conviction.

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

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

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

19 2. Such owner shall mail a written request which is postmarked  
20 within ten (10) days after the notice is mailed requesting a hearing  
21 with the Department. Upon receipt of a timely request for a  
22 hearing, the Department shall afford such person an opportunity for  
23 hearing. If, within the ten-day period or at the hearing, such  
24 owner is unable to demonstrate proof of continuous financial

1 security covering the motor vehicle in question, the Department  
2 shall revoke the registration of such motor vehicle and suspend the  
3 driving privileges of the owner of the vehicle.

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

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

21 E. Evidence that an owner of a motor vehicle, registered or  
22 required to be registered in this state, has operated or permitted  
23 such motor vehicle to be operated in this state without having in  
24 force and effect the financial security required by this act for

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

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

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

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