

1 ENGROSSED SENATE
2 BILL NO. 260

By: Sharp of the Senate

3 and

4 Moore of the House

5
6 [motor vehicle insurance - prohibitions - waivers -
7 codification - effective date]
8

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

10 SECTION 1. AMENDATORY 47 O.S. 2011, Section 7-605, is
11 amended to read as follows:

12 Section 7-605. A. 1. Whenever any person forfeits a bond,
13 fails to appear, or is convicted in any state or municipal court for
14 permitting the operation in this state of a motor vehicle owned by
15 the person without the security required by this title, for
16 operating a motor vehicle in this state without the security
17 required by this title, or for failure to carry a security
18 verification form, the Department of Public Safety shall suspend the
19 driving privilege of the person.

20 2. The suspension of the driving privilege shall remain in
21 effect until payment is made of the fees provided for in Section 6-
22 212 of this title and proof of security is furnished to the
23 Department of Public Safety ~~which complies with the requirements of~~
24 ~~the Compulsory Insurance Law; provided, for purposes of this~~

1 ~~section, proof of security shall not mean a binder policy but shall~~
2 ~~mean an owner's policy or an operator's policy, as defined in~~
3 ~~Section 7-600 of this title~~ in compliance with Section 2 of this
4 act; provided further, a suspension for failure to appear shall
5 remain in effect until proof of appearance is received by the
6 Department from the reporting court. Suspension under this section
7 shall be effective when notice thereof is given pursuant to Section
8 2-116 of this title.

9 3. Any person whose driving privilege has been suspended
10 pursuant to the provisions of this subsection shall surrender to the
11 Department his or her driver license. Any person failing to
12 voluntarily relinquish his or her driver license to the Department
13 within thirty (30) days of receipt of the notice specified in
14 paragraph 2 of this subsection shall pay a fee of Fifty Dollars
15 (\$50.00) in addition to the fees provided for in Section 6-212 of
16 this title.

17 4. If a person furnishes proof to the satisfaction of the
18 Department that security was in effect at the time of the alleged
19 offense, the Department shall vacate the suspension order and shall
20 not require the filing of a certificate of insurance nor payment of
21 either of the above fees.

22 B. 1. When suspending the driving privilege for violation of
23 the Compulsory Insurance Law, or for violation of a municipal
24 ordinance requiring security or the carrying of a security

1 verification form, the Department may rely upon court records which
2 indicate that a person was either convicted or failed to appear upon
3 the charge when the record is obtained from any court of competent
4 jurisdiction which indicates one of the following:

- 5 a. a conviction, or
- 6 b. a notice of bond forfeiture.

7 2. A court record is sufficient under paragraph 1 of this
8 subsection which includes a statement such as "No Security Form",
9 "No Insurance" or other term indicating lack of security.

10 3. The Department may continue to rely on such records until
11 proof is submitted from the issuing court clerk which indicates that
12 the record either:

- 13 a. was issued in error, or
- 14 b. was not related to a violation of:
 - 15 (1) the Compulsory Insurance Law,
 - 16 (2) a security verification form as required by this
17 article, or
 - 18 (3) a municipal ordinance requiring security or the
19 carrying of a security verification form.

20 C. If a nonresident's driving privilege is suspended pursuant
21 to subsection A of this section, the Department shall transmit
22 notice of the suspension to the licensing agency in the state in
23 which the nonresident resides.

24

1 D. Whenever any person's driving privilege has been suspended
2 pursuant to this section or Section 7-612 of this title, the
3 Department may notify any law enforcement officer of the suspension.
4 Any law enforcement officer who has been notified that the driving
5 privilege of a person has been suspended, upon observing the person
6 or motor vehicle anywhere upon a public street, highway, roadway,
7 turnpike, or public parking lot, shall stop the person or motor
8 vehicle, seize the driver license of the person, seize the vehicle
9 being operated by the person and cause the vehicle to be towed and
10 stored as provided in subsection B of Section 955 of this title, if
11 the officer has probable cause to believe that the vehicle is not
12 insured as required by the Compulsory Insurance Law of this state.

13 E. No person shall have a property interest in a driver license
14 issued pursuant to the laws of this state and it shall be the duty
15 of every person whose driving privilege has been suspended to
16 forthwith surrender his or her driver license upon the request of
17 any law enforcement officer or representative of the Department.

18 F. Any person upon a public street, highway, roadway, turnpike,
19 or public parking lot, within this state, who willfully refuses to
20 surrender possession of a driver license after being informed by a
21 peace officer or representative of the Department that his or her
22 driving privilege is currently under suspension according to the
23 records of the Department, shall be guilty of a misdemeanor,
24 punishable as provided in Section 17-101 of this title.

1 G. Any driver license surrendered to or seized by a law
2 enforcement officer pursuant to the Compulsory Insurance Law shall
3 be submitted to a representative of the Department in a manner and
4 with a form or method approved by the Department.

5 H. The Department shall deposit fees collected pursuant to
6 paragraph 3 of subsection A of this section or pursuant to
7 subsection E of Section 7-612 of this title in a special account of
8 the Department maintained with the office of the State Treasurer.
9 The State Treasurer shall credit these fees to this special account
10 to be distributed as hereinafter provided.

11 I. The Department shall identify the name of the employing law
12 enforcement agency from which a suspended driver license has been
13 received pursuant to this section, and determine that the fee
14 required by paragraph 3 of subsection A of this section has been
15 paid. The Department shall reimburse the law enforcement agency so
16 identified the sum of Twenty-five Dollars (\$25.00) for each driver
17 license from the special account.

18 J. Any unencumbered monies remaining in the special account at
19 the close of each calendar month shall be transferred by the
20 Department to the General Revenue Fund of the State Treasury.

21 K. The State of Oklahoma, the departments and agencies thereof,
22 including the Department of Public Safety, all political
23 subdivisions, and the officers and employees of each, shall not be
24 held legally liable in any suit in law or in equity for any

1 erroneous entry of a suspension upon the records of the Department,
2 nor for the enforcement of the provisions of the Compulsory
3 Insurance Law performed in good faith.

4 SECTION 2. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 7-605.1 of Title 47, unless
6 there is created a duplication in numbering, reads as follows:

7 A. Proof of security required by paragraph 2 of subsection A of
8 Section 7-605 of Title 47 of the Oklahoma Statutes shall be
9 maintained with the Department of Public Safety for three (3) years
10 from the date it is required. If a person fails to maintain the
11 proof of security in accordance with this section, the Department of
12 Public Safety shall suspend the driving privilege of the person
13 until such proof is filed.

14 B. Such proof shall be furnished by filing with the Department
15 of Public Safety the written certificate of any insurer authorized
16 to do business in this state certifying that there is in effect an
17 insurance policy in compliance with the Compulsory Insurance Law for
18 the benefit of the person required to furnish proof of security.
19 This certificate shall be furnished to the Department of Public
20 Safety in the form of an SR-22 issued by the insurer. The
21 certificate shall give the policy number and effective date of the
22 motor vehicle liability policy, which shall be the same as the
23 effective date of the certificate, and shall designate by explicit
24 description or by appropriate reference all motor vehicles covered

1 thereby unless the policy is issued to a person who is not the owner
2 of a motor vehicle. Certificates filed under this paragraph
3 continue in force until cancelled under subsection C of this
4 section, or until the requirement for a certificate is waived under
5 subsection D of this section.

6 C. When an insurer has certified an insurance policy under this
7 section, the policy may not be terminated unless notice of
8 termination is filed with the Department of Public Safety no later
9 than ten (10) days after termination. However, a policy of this
10 type which is subsequently procured and certified shall, on the
11 effective date of its certificate, terminate the insurance
12 previously certified.

13 D. The Department of Public Safety shall waive the requirement
14 of filing proof if:

15 1. The person on whose behalf the proof was filed dies or
16 becomes permanently incapacitated to operate a motor vehicle; or

17 2. The person who has given proof surrenders his or her vehicle
18 registration; except that if he or she applies for a vehicle
19 registration within three years from the date proof was originally
20 required, the person shall reestablish proof of security and
21 maintain the proof for the remainder of the three-year period.

22 E. The Department of Public Safety may promulgate any rules
23 necessary to implement the provisions of this section.

24 SECTION 3. This act shall become effective November 1, 2016.

