

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 SENATE BILL 3

By: Sharp

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6 AS INTRODUCED

7 An Act relating to motor vehicle insurance; enacting
8 The Bob Barry, Jr. Oklahoma Responsible Driver Act;
9 providing short title; amending 47 O.S. 2011, Section
10 7-605, which relates to suspension of driving
11 privilege and proof of security; modifying procedures
12 to reinstate a suspended license, requiring drivers
13 in violation of the Compulsory Insurance Act to file
14 proof of insurance with the Department of Public
15 Safety for 3 years; establishing procedure of filing
16 proof of insurance; prohibiting termination of
17 insurance on file without notification; allowing for
18 a change of insurance; establishing conditions in
19 which requirement of proof may be waived; providing
20 for noncodification; providing for codification; and
21 providing an effective date.

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

23 SECTION 1. NEW LAW A new section of law not to be
24 codified in the Oklahoma Statutes reads as follows: This law shall
be referred to and may be cited as "The Bob Barry, Jr. Oklahoma
Responsible Driver Act".

SECTION 2. AMENDATORY 47 O.S. 2011, Section 7-605, is
amended to read as follows:

1 Section 7-605. A. 1. Whenever any person forfeits a bond,
2 fails to appear, or is convicted in any state or municipal court for
3 permitting the operation in this state of a motor vehicle owned by
4 the person without the security required by this title, for
5 operating a motor vehicle in this state without the security
6 required by this title, or for failure to carry a security
7 verification form, the Department of Public Safety shall suspend the
8 driving privilege of the person.

9 2. The suspension of the driving privilege shall remain in
10 effect until payment is made of the fees provided for in Section 6-
11 212 of this title and proof of security is furnished to the
12 Department of Public Safety ~~which complies with the requirements of~~
13 ~~the Compulsory Insurance Law; provided, for purposes of this~~
14 ~~section, proof of security shall not mean a binder policy but shall~~
15 ~~mean an owner's policy or an operator's policy, as defined in~~
16 ~~Section 7-600 of this title~~ in compliance with Section 3 of this
17 act; provided further, a suspension for failure to appear shall
18 remain in effect until proof of appearance is received by the
19 Department from the reporting court. Suspension under this section
20 shall be effective when notice thereof is given pursuant to Section
21 2-116 of this title.

22 3. Any person whose driving privilege has been suspended
23 pursuant to the provisions of this subsection shall surrender to the
24 Department his or her driver license. Any person failing to

1 voluntarily relinquish his or her driver license to the Department
2 within thirty (30) days of receipt of the notice specified in
3 paragraph 2 of this subsection shall pay a fee of Fifty Dollars
4 (\$50.00) in addition to the fees provided for in Section 6-212 of
5 this title.

6 4. If a person furnishes proof to the satisfaction of the
7 Department that security was in effect at the time of the alleged
8 offense, the Department shall vacate the suspension order and shall
9 not require the filing of a certificate of insurance nor payment of
10 either of the above fees.

11 B. 1. When suspending the driving privilege for violation of
12 the Compulsory Insurance Law, or for violation of a municipal
13 ordinance requiring security or the carrying of a security
14 verification form, the Department may rely upon court records which
15 indicate that a person was either convicted or failed to appear upon
16 the charge when the record is obtained from any court of competent
17 jurisdiction which indicates one of the following:

- 18 a. a conviction, or
- 19 b. a notice of bond forfeiture.

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

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

4 a. was issued in error, or

5 b. was not related to a violation of:

6 (1) the Compulsory Insurance Law,

7 (2) a security verification form as required by this
8 article, or

9 (3) a municipal ordinance requiring security or the
10 carrying of a security verification form.

11 C. If a nonresident's driving privilege is suspended pursuant
12 to subsection A of this section, the Department shall transmit
13 notice of the suspension to the licensing agency in the state in
14 which the nonresident resides.

15 D. Whenever any person's driving privilege has been suspended
16 pursuant to this section or Section 7-612 of this title, the
17 Department may notify any law enforcement officer of the suspension.
18 Any law enforcement officer who has been notified that the driving
19 privilege of a person has been suspended, upon observing the person
20 or motor vehicle anywhere upon a public street, highway, roadway,
21 turnpike, or public parking lot, shall stop the person or motor
22 vehicle, seize the driver license of the person, seize the vehicle
23 being operated by the person and cause the vehicle to be towed and
24 stored as provided in subsection B of Section 955 of this title, if

1 the officer has probable cause to believe that the vehicle is not
2 insured as required by the Compulsory Insurance Law of this state.

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

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

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

19 H. The Department shall deposit fees collected pursuant to
20 paragraph 3 of subsection A of this section or pursuant to
21 subsection E of Section 7-612 of this title in a special account of
22 the Department maintained with the office of the State Treasurer.
23 The State Treasurer shall credit these fees to this special account
24 to be distributed as hereinafter provided.

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

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

11 K. The State of Oklahoma, the departments and agencies thereof,
12 including the Department of Public Safety, all political
13 subdivisions, and the officers and employees of each, shall not be
14 held legally liable in any suit in law or in equity for any
15 erroneous entry of a suspension upon the records of the Department,
16 nor for the enforcement of the provisions of the Compulsory
17 Insurance Law performed in good faith.

18 SECTION 3. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 7-605.1 of Title 47, unless
20 there is created a duplication in numbering, reads as follows:

21 A. Proof of security required by paragraph 2 of subsection A of
22 Section 7-605 of Title 47 of the Oklahoma Statutes shall be
23 maintained with the Department of Public Safety for three (3) years
24 from the date it is required. If a person fails to maintain the

1 proof of security in accordance with this section, the Department
2 shall suspend the driving privilege of the person until such proof
3 is filed.

4 B. Such proof shall be furnished by filing with the Department
5 the written certificate of any insurer authorized to do business in
6 this state certifying that there is in effect an insurance policy in
7 compliance with the Compulsory Insurance Law for the benefit of the
8 person required to furnish proof of security. This certificate
9 shall be furnished to the Department in the form of an SR-22 issued
10 by the insurer. The certificate shall give the policy number and
11 effective date of the motor vehicle liability policy, which shall be
12 the same as the effective date of the certificate, and shall
13 designate by explicit description or by appropriate reference all
14 motor vehicles covered thereby unless the policy is issued to a
15 person who is not the owner of a motor vehicle. Certificates filed
16 under this paragraph continue in force until canceled under
17 subsection C of this section, or until the requirement for a
18 certificate is waived under subsection D of this section.

19 C. When an insurer has certified an insurance policy under this
20 section, the policy may not be terminated unless notice of
21 termination is filed with the Department no later than 10 days after
22 termination. However, a policy of this type which is subsequently
23 procured and certified shall, on the effective date of its
24 certificate, terminate the insurance previously certified.

1 D. The Department shall waive the requirement of filing proof
2 if:

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

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

10 E. The Department may promulgate any rules necessary to
11 implement the provisions of this section.

12 SECTION 4. This act shall become effective November 1, 2017.

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