

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 496

BY: SMITH of the SENATE

and

ROBERTS (Walt) of the
HOUSE

COMMITTEE SUBSTITUTE AN ACT RELATING TO MOTOR VEHICLES; AMENDING 47 O.S. 1981, SECTIONS 7-102, 7-301, 7-305, 7-310, 7-312, 7-313, 7-315, 7-317, 7-324, 7-325, AS AMENDED BY SECTION 3, CHAPTER 355, O.S.L. 1982, 7-327, 7-335, 7-402, 7-505, SECTION 1, CHAPTER 355, O.S.L. 1982, AS AMENDED BY SECTION 11, CHAPTER 181, O.S.L. 1989, SECTION 2, CHAPTER 355, O.S.L. 1982, 7-601, AS AMENDED BY SECTION 4, CHAPTER 355, O.S.L. 1982, 7-602, AS LAST AMENDED BY SECTION 1, CHAPTER 298, O.S.L. 1990, SECTION 7, CHAPTER 355, O.S.L. 1982, AS AMENDED BY SECTION 1, CHAPTER 45, O.S.L. 1986, 7-607, AS LAST AMENDED BY SECTION 1, CHAPTER 138, O.S.L. 1986, SECTIONS 5 AND 6, CHAPTER 298, O.S.L. 1990, 10-108, 10-109, 10-112, 10-113, 10-114, 10-115, 10-117 AND 580.2 (47 O.S. SUPP. 1990, SECTIONS 7-325, 7-600, 7-600.1, 7-601, 7-602, 7-602.1, 7-607, 7-608 and 7-609), WHICH RELATE TO FINANCIAL RESPONSIBILITY; CLARIFYING LANGUAGE; MODIFYING APPEAL PROVISIONS; MODIFYING APPLICATION OF ACT TO CERTAIN PARTIES; PROHIBITING SUSPENSION OF LICENSE FOR CERTAIN FINDING; CLARIFYING LANGUAGE; MODIFYING TIME FOR FILING NOTICE OF CANCELLATION WITH DEPARTMENT OF PUBLIC SAFETY; INCREASING TIME PERIOD FOR NOTICE OF

CANCELING BOND; MODIFYING CONDITIONS UNDER WHICH DEPARTMENT IS REQUIRED TO CONSENT TO CANCELING BOND OR WAIVE FINANCIAL PROOF REQUIREMENT; MAKING REQUIRED SEIZURE OF LICENSE OR REGISTRATION OPTIONAL; MODIFYING PROCEDURES RELATING TO MODIFICATION OF CERTAIN ORDER; MODIFYING OBSOLETE LANGUAGE; REQUIRING CERTAIN BOND AND SETTING MINIMUM AMOUNTS; ALLOWING DEPARTMENT TO RELY ON CERTAIN REPORTS; DELETING OBSOLETE LANGUAGE; DELETING EXCEPTION FOR USED MOTOR VEHICLE DEALER FOR MAINTAINING SECURITY FOR PAYMENT; MAKING SECTION INAPPLICABLE TO CERTAIN EXEMPTIONS; DELETING OBSOLETE LANGUAGE; PROVIDING FOR NON-USE LICENSE REGISTRATION STICKERS OR PLATES; REQUIRING OWNER OR TRANSPORTER OF MANUFACTURED HOME TO COMPLY WITH SECURITY PROVISIONS; NOTING CERTAIN EXCEPTIONS TO REQUIREMENT TO CARRY SECURITY VERIFICATION FORM; MODIFYING NOTICE PROVISIONS; DELETING CERTAIN EXEMPTION FOR MANUFACTURED HOME; ADDING EXEMPTIONS FOR CERTAIN USED CAR DEALERS AND PUBLIC VEHICLES; EXEMPTING ANTIQUE VEHICLES FROM CERTAIN PROVISIONS; CLARIFYING INSURANCE CARRIER NOTIFICATION REQUIREMENTS; MODIFYING EFFECTIVE DATE OF CERTAIN PROVISIONS; MODIFYING CERTAIN REPORTING REQUIREMENTS, PROCEDURES AND FORMS FOR MOTOR VEHICLE COLLISIONS; CLARIFYING PENALTY PROVISION; MAKING MANDATORY PREPARATION AND SUPPLYING OF FORMS PERMISSIVE; CLARIFYING AND CONFORMING LANGUAGE; REPEALING 47 O.S. 1981, SECTIONS 7-201, 7-202, AS AMENDED BY SECTION 17, CHAPTER 279, O.S.L 1986, 7-203, 7-204, 7-205, 7-206, 7-207, 7-208, 7-209, 7-210, 7-211, 7-212, 7-213, 7-214, 7-215, 7-216, 7-217, 7-218, 7-219, 7-304, 7-306, 7-307 AND 10-111 (47 O.S. SUPP. 1990, SECTION 7-202), WHICH RELATE TO FINANCIAL RESPONSIBILITY AND ACCIDENT REPORTS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. AMENDATORY 47 O.S. 1981, Section 7-102, is amended to read as follows:

Section 7-102. ~~(a)~~ A. Any order or act of the Commissioner under the provisions of this chapter shall be subject to review, at the instance of any party in interest, by appeal to the ~~county~~ district court of the county in which ~~occurred~~ the accident or act occurred which is the subject of such order ~~or act~~. Said appeal shall be taken by filing a written notice of appeal with the Commissioner within ten (10) days after the effective date of such order ~~is made~~, and filing within ten (10) days thereafter a petition in the ~~county~~ district court of said county, asking for the vacation or modification of such order, and there shall be attached to said petition a copy of the order appealed from. All such appeals filed in the ~~county~~ district court shall be set for hearing by said court within thirty (30) days from the date the petition is filed.

~~(b)~~ B. In case the person appealing desires to have said order stayed during said appeal, he may file with said petition a supersedeas bond in a sum of not less than Three Hundred Dollars (\$300.00) and not more than Five Hundred Dollars (\$500.00), to be fixed by the court. Said bond to be conditioned that said appellant will prosecute said appeal without delay and during the pendency thereof shall comply with and abide by all the statutes relating to the operation of motor vehicles upon the highways of this state, and that the appellant will abide by and perform the final judgment of the court therein and, if said appeal is denied, the appellant will pay all court costs incurred in said appeal, ~~both in the county and district court.~~

~~(c) An appeal may be taken from the judgment of the county court by either party to the district court. Said appeal to the district court shall be taken by the filing of written notice of appeal by either party to be filed in the county court within ten (10) days after the rendition of said judgment, and filing within twenty (20)~~

~~days thereafter in the district court a complete transcript of the proceedings had in said county court, including the testimony taken, duly certified by the clerk of said county court, together with the order and judgment appealed from. Provided, however, after the filing of said appeal in the district court, said court may allow a reasonable time to furnish the transcript of testimony and proceedings.~~

~~(d) In an appeal taken by the Commissioner of Public Safety, the clerk of the county court shall furnish a complete transcript of the proceedings, including the testimony taken, duly certified, and no fee or deposit shall be required by said court clerk.~~

~~(e) C.~~ Said proceedings in the ~~county court and~~ district court shall be governed by the code of civil procedure in ordinary civil action, and the ~~county~~ court may, in disposing of the issue before it, modify, affirm or reverse the order or act of the Commissioner in whole or in part, considering the provisions of this chapter.

~~(f) D.~~ The ~~district court~~ Supreme Court shall have ~~only~~ appellate jurisdiction of ~~such an~~ appeal and shall determine from the record whether said ~~county district~~ court was justified under the law or the evidence presented to render the order or judgment so entered, and said ~~district court~~ Supreme Court may affirm or reverse said judgment of the ~~county district~~ court and return the case to the ~~county district~~ court for further proceedings.

~~(g) E.~~ The Commissioner of Public Safety with his attorney shall file all notices of appeal taken from the ~~county district~~ court and, at the filing thereof, he may request the ~~county district~~ attorney of the county in which the appeal was taken to assist in all proceedings pertaining to said appeal, and said ~~county district~~ attorney shall render such service upon request.

SECTION 2. AMENDATORY 47 O.S. 1981, Section 7-301, is amended to read as follows:

Section 7-301. The provisions of this chapter requiring the deposit of proof of financial responsibility for the future, subject to certain exemptions, shall apply with respect to persons ~~who are required to deposit security under the provisions of Article II, or persons who have been convicted of or forfeited bail for certain offenses under motor vehicle laws or~~ who have failed to pay judgments upon causes of action arising out of ownership, maintenance or use of vehicles of a type subject to registration under the laws of this state. ~~Provided, that the provisions of this chapter shall not apply to any situation in which the license of a driver or owner of a motor vehicle has been suspended, not arising under the conditions specified in Section 7-201 of this title which~~ in any manner have been involved in an accident upon the highways and elsewhere throughout the state, which accident has resulted in bodily injury to or death of any person, or damage to property.

SECTION 3. AMENDATORY 47 O.S. 1981, Section 7-305, is amended to read as follows:

Section 7-305. The suspension or revocation ~~hereinbefore~~ hereinafter required shall remain in effect and the Department shall not issue to such person any new or renewal of license or register or reregister in the name of such person as owner any such vehicle until permitted under the motor vehicle laws of this state, and not then unless and until such person shall give and thereafter maintain proof of financial responsibility for the future.

SECTION 4. AMENDATORY 47 O.S. 1981, Section 7-310, is amended to read as follows:

Section 7-310. The Department upon receipt of a certified copy of a judgment and a certificate of facts relative to such judgment, on a form provided by the Department, shall forthwith suspend the driver's license and vehicle registration and any nonresident's operating privilege of any person against whom such judgment was rendered, except as hereinafter otherwise provided in this chapter.

SECTION 5. AMENDATORY 47 O.S. 1981, Section 7-312, is amended to read as follows:

Section 7-312. If the judgment creditor consents in writing, in such form as the Department may prescribe, that the judgment debtor be allowed license and registration or nonresident's operating privilege, the same may be allowed by the Department, in its discretion, for six (6) months from the date of such consent and thereafter until such consent is revoked in writing, notwithstanding default in the payment of such judgment, or of any installments thereof prescribed in Section 7-317 of this title, provided the judgment debtor furnishes proof of financial responsibility for the future.

SECTION 6. AMENDATORY 47 O.S. 1981, Section 7-313, is amended to read as follows:

Section 7-313. No license, registration or nonresident's operating privilege of any person shall be suspended under the provisions of this chapter if the Department shall find that the person was in compliance with the Compulsory Liability Insurance Law of this state, Section 7-600 et seq. of this title, or that an insurer was otherwise obligated to pay the judgment upon which suspension is based, at least to the extent and for the amounts required in this chapter, but has not paid such judgment for any reason. A finding by the Department that an insurer is obligated to pay a judgment shall not be binding upon such insurer and shall have no legal effect whatever except for the purpose of administering this section. Whenever in any judicial proceedings it shall be determined by any final judgment, decree or order that an insurer is not obligated to pay any such judgment, the Department, notwithstanding any contrary finding theretofore made by it, shall forthwith suspend the license and registration and any nonresident's operating privilege of any person against whom such judgment was rendered, as provided in Section 7-310 of this title.

SECTION 7. AMENDATORY 47 O.S. 1981, Section 7-315, is amended to read as follows:

Section 7-315. A discharge in bankruptcy following the rendering of any such judgment shall not relieve the judgment debtor from ~~any of the requirements of this chapter~~ filing proof of financial responsibility for the future.

SECTION 8. AMENDATORY 47 O.S. 1981, Section 7-317, is amended to read as follows:

Section 7-317. ~~(a)~~ A. A judgment debtor upon due notice to the judgment creditor may apply to the court in which such judgment was rendered for the privilege of paying such judgment in installments and the court, in its discretion and without prejudice to any other legal remedies which the judgment creditor may have, may so order and fix the amounts and times of payment of the installments.

~~(b)~~ B. The Department shall not suspend a license, registration or nonresident's operating privilege and shall restore any license, registration or nonresident's operating privilege suspended following nonpayment of a judgment when the judgment debtor gives proof of financial responsibility for the future and obtains such an order permitting the payment of such judgment in installments, and while the payment of any said installments is not in default.

SECTION 9. AMENDATORY 47 O.S. 1981, Section 7-324, is amended to read as follows:

Section 7-324. ~~(a)~~ A. Certification. A "motor vehicle liability policy" as the term is used in this ~~title~~ article shall mean an "owner's policy" or an "operator's policy" of liability insurance, certified as provided in Section 7-321 or Section 7-322 of this title as proof of financial responsibility for the future, and issued, except as otherwise provided in Section 7-322 of this title, by an insurance carrier duly authorized to transact business in this state, to or for the benefit of the person named therein as insured.

~~(b)~~ B. Owner's policy. Such owner's policy of liability insurance:

1. Shall designate by explicit description or by appropriate reference all vehicles with respect to which coverage is thereby to be granted; and

2. Shall insure the person named therein and any other person except as herein provided, as insured, using any such vehicle or vehicles with the express or implied permission of such named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of such vehicle or vehicles within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such vehicle, as follows: Ten Thousand Dollars (\$10,000.00) because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, Twenty Thousand Dollars (\$20,000.00) because of bodily injury to or death of two or more persons in any one accident, and Ten Thousand Dollars (\$10,000.00) because of injury to or destruction of property of others in any one accident.

~~(c)~~ C. May by agreement in a separate written endorsement between any named insured and the insurer exclude as insured any person or persons designated by name from coverage under the policy.

~~(d)~~ D. Operator's policy. Such operator's policy of liability insurance shall insure the person named as insured therein against loss from the liability imposed upon him by law for damages arising out of the use by him of any motor vehicle not owned by him, within the same territorial limits and subject to the same limits of liability as are set forth above with respect to an owner's policy of liability insurance.

~~(e)~~ E. Required statements in policies. Such motor vehicle liability policy shall state the name and address of the named insured, the coverage afforded by the policy, the premium charged

therefor, the policy period and the limits of liability, and shall contain an agreement or be endorsed that insurance is provided thereunder in accordance with the coverage defined in this chapter as respects bodily injury and death or property damage, or both, and is subject to all the provisions of this ~~title~~ article.

~~(f)~~ F. Policy need not insure workers' compensation. Such motor vehicle liability policy need not insure any liability under any workers' compensation law nor any liability on account of bodily injury to or death of an employee of the insured while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance or repair of any such vehicle nor any liability for damage to property owned by, rented to, in charge of or transported by the insured.

~~(g)~~ G. Provisions incorporated in policy. Every motor vehicle liability policy shall be subject to the following provisions which need not be contained therein:

1. The liability of the insurance carrier with respect to the insurance required by this title shall become absolute whenever injury or damage covered by said motor vehicle liability policy occurs; said policy may not be canceled or annulled as to such liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage; no statement made by the insured or on his behalf and no violation of said policy shall defeat or void said policy.

2. The satisfaction by the insured of a judgment for such injury or damage shall not be a condition precedent to the right or duty of the insurance carrier to make payment on account of such injury or damage.

3. The insurance carrier shall have the right to settle any claim covered by the policy, and if such settlement is made in good faith, the amount thereof shall be deductible from the limits of

liability specified in ~~subdivision~~ paragraph 2 of subsection ~~(b)~~ B of this section.

4. The policy, the written application therefor, if any, and any rider or endorsement which does not conflict with the provisions of this title shall constitute the entire contract between the parties.

~~(h)~~ H. Excess or additional coverage. Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy and such excess or additional coverage shall not be subject to the provisions of this title. With respect to a policy which grants such excess or additional coverage, the term "motor vehicle liability policy" shall apply only to that part of the coverage which is required by this section.

~~(i)~~ I. Reimbursement provision permitted. Any motor vehicle liability policy may provide that the insured shall reimburse the insurance carrier for any payment the insurance carrier would not have been obligated to make under the terms of the policy except for the provisions of this title.

~~(j)~~ J. Proration of insurance permitted. Any motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance.

~~(k)~~ K. Multiple policies. The requirements for a motor vehicle liability policy may be fulfilled by the policies of one or more insurance carriers which policies together meet such requirements.

~~(l)~~ L. Binders. Any binder issued pending the issuance of a motor vehicle liability policy shall be deemed to fulfill the requirements for such a policy.

SECTION 10. AMENDATORY 47 O.S. 1981, Section 7-325, as amended by Section 3, Chapter 355, O.S.L. 1982 (47 O.S. Supp. 1990, Section 7-325), is amended to read as follows:

Section 7-325. When an insurance carrier has certified a motor vehicle liability policy under Section 7-321 or Section 7-322 of this title, a notice of cancellation or termination of the insurance so certified shall not be effective unless filed with the Department, within fifteen (15) days ~~after~~ before such termination or cancellation except that such a policy subsequently procured and certified shall, on the effective date of its certification, terminate the insurance previously certified with respect to any vehicle designated in both certificates.

SECTION 11. AMENDATORY 47 O.S. 1981, Section 7-327, is amended to read as follows:

Section 7-327. Proof of financial responsibility may be evidenced by the bond of a surety company duly authorized to transact business within this state, or a bond with at least two individual sureties each owning real estate within this state, and together having equities equal in value to at least twice the amount of the bond, which real estate shall be scheduled in the bond approved by a judge of a court of record, which said bond shall be conditioned for payment of the amounts specified in Section 7-302 of this title. Such bond shall be filed with the Department and shall not be cancelable except after ~~ten (10)~~ fifteen (15) days written notice to the Department.

SECTION 12. AMENDATORY 47 O.S. 1981, Section 7-335, is amended to read as follows:

Section 7-335. ~~(a)~~ A. The Department shall upon request consent to the immediate cancellation of any bond or certificate of insurance or the Department shall direct and the State Treasurer shall return to the person entitled thereto any money or securities deposited pursuant to this chapter as proof of financial responsibility, or the Department shall waive the requirement of filing proof, in any of the following events:

~~1. At any time after three (3) years from the date such proof was required when, during the three-year period preceding the request, the Department has not received record of a conviction or a forfeiture of bail which would require or permit the suspension or revocation of the license or registration of the person by or for whom such proof was furnished; or~~

~~2. In the event of the death of the person on whose behalf such proof was filed or the permanent incapacity of such person to operate a motor vehicle; or~~

~~3. 2.~~ In the event the person who has given proof surrenders his license and registration to the Department.

~~(b) B.~~ Provided, however, that the Department shall not consent to the cancellation of any bond or the return of any money or securities in the event ~~any action for damages upon a liability covered by such proof is then pending or any judgment upon any such liability is then unsatisfied, or in the event the person who has filed such bond or deposited such money or securities has within one (1) year immediately preceding such request been involved as a driver or owner in any motor vehicle accident resulting in injury or damage to the person or property of others.~~ An affidavit of the applicant as to the nonexistence of such facts, or that he has been released from all of his liability, or has been finally adjudicated not to be liable, for such injury or damage, shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the Department.

~~(c) C.~~ Whenever any person whose proof has been canceled or returned under ~~subdivision 3~~ paragraph 2 of subsection A of this section applies for a license or registration within a period of three (3) years from the date proof was originally required, any such application shall be refused unless the applicant shall reestablish such proof for the remainder of such three-year period.

SECTION 13. AMENDATORY 47 O.S. 1981, Section 7-402, is amended to read as follows:

Section 7-402. ~~(a)~~ A. Any person whose license or registration shall have been suspended under any provision of this act, or whose policy of insurance or bond, when required under this act, shall have been canceled or terminated, shall immediately return his license and registration to the Department. If any person shall fail to return to the Department the license or registration as provided herein, the Department ~~shall~~ may forthwith direct any peace officer or employee of the Department to secure possession thereof and to return the same to the Department.

~~(b)~~ B. Any person willfully failing to return license or registration as required in ~~paragraph (a)~~ subsection A of this section shall be fined not more than Five Hundred Dollars (\$500.00) or imprisoned not to exceed thirty (30) days, or both.

SECTION 14. AMENDATORY 47 O.S. 1981, Section 7-505, is amended to read as follows:

Section 7-505. ~~(a)~~ A. In order to furnish a means of relief from extreme and unusually severe hardship in the application of this chapter, it is hereby provided that any owner or operator whose license or registration has been suspended by the Department under the provisions of this chapter ~~for failure to furnish security or~~ for failure to satisfy a judgment may make application for modification of the order of suspension to the district court of the county where such ~~owner or operator resides~~ accident occurred.

The application shall contain the following:

1. The name and address of the applicant.
2. The date and location of the accident, names of any fatality or fatalities, names of persons injured, and/or names of persons whose real or personal property was damaged in said accident.

3. That applicant has failed to comply with the provisions of the Financial Responsibility Act by ~~either~~ failing to ~~post security~~ ~~or to~~ satisfy a judgment.

4. The facts creating an unusual or severe hardship impairing the ability of the applicant to earn a livelihood.

5. That applicant has initiated action to post proof of future financial responsibility by a method enumerated in Section 7-320 of this ~~act~~ title and that said applicant will maintain such proof for a period of three (3) years from the date of modification.

6. A true copy of the order of suspension attached thereto.

7. A verification by the applicant.

~~(b)~~ B. The district court shall set the application for hearing not less than fifteen (15) days nor more than thirty (30) days from the date of filing the application.

~~(c)~~ C. A certified copy of the application, bond, order for hearing and any other pleadings shall be served upon the Department of Public Safety, and all judgment creditors ~~and/or persons on whose behalf security has been required or~~ by mailing a copy to ~~their~~ the last-known address at least ten (10) days before said hearing.

~~(d)~~ D. Persons required to be notified of the hearing may appear and resist the application. At said hearing the court shall take testimony concerning the hardship of the applicant, testimony of any interested party, and allow the driving and accident record of the applicant to be introduced into evidence by the Department of Public Safety. After hearing on the application, but not before, if the court finds that such suspension has resulted or will result in extreme and unusually severe hardship, seriously impairing the ability of the applicant to earn a livelihood, the court may modify, but not vacate, the order of suspension and the extent to which said applicant must comply with the provisions of this chapter with respect to ~~furnishing security or~~ satisfying a judgment. If the court finds the order of suspension should be modified, then the

court shall require that the applicant furnish proof of financial responsibility for the future by a method enumerated in Section 7-320 of this ~~act~~ title. Such proof shall be furnished to the Department of Public Safety and maintained for a period of three (3) years from the date of modification. The modification shall not become effective until such proof is furnished to the Department together with a certified order of the court setting forth the modification.

~~(e)~~ E. An appeal may be taken by any interested party from the order of the district court to the Supreme Court of the State of Oklahoma.

~~(f)~~ F. It shall be the duty of the district attorney in the county where said application is filed to represent the Department of Public Safety in the proceedings under the statute upon request from the Department of Public Safety.

SECTION 15. AMENDATORY Section 1, Chapter 355, O.S.L. 1982, as amended by Section 11, Chapter 181, O.S.L. 1989 (47 O.S. Supp. 1990, Section 7-600), is amended to read as follows:

Section 7-600. As used in Article VI, Chapter 7 of Title 47 of the Oklahoma Statutes:

1. "Owner's policy". An owner's policy of liability insurance:
 - a. shall designate by explicit description or by appropriate reference all vehicles with respect to which coverage is thereby to be granted,
 - b. shall insure the person named therein and insure any other person, except as provided in subparagraph c of this paragraph, using an insured vehicle with the express or implied permission of the named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance, operation or use of such vehicle,

- c. may provide for exclusions from coverage in accordance with existing laws, and
- d. shall be issued by an authorized carrier providing coverage in accordance with Section ~~7-204 of Title 47 of the Oklahoma Statutes~~ 7-600.1 of this title.

2. "Operator's policy". An operator's policy of liability insurance shall insure the named person against loss from the liability imposed upon him by law for damages arising out of the operation or use by him of any motor vehicle not owned by him, subject to the same limits of liability required in an owner's policy.

3. "Security". Security means:

- a. a policy or bond meeting the requirements of Section ~~7-204 of Title 47 of the Oklahoma Statutes~~ 7-600.1 of this title,
- b. a deposit of cash or securities having the equivalency of limits required under Section ~~7-204 of Title 47 of the Oklahoma Statutes~~ 7-600.1 of this title as acceptable limits for a policy or bond, or
- c. self-insurance, pursuant to the provisions of Section 7-503 of Title 47 of the Oklahoma Statutes, having the equivalency of limits required under Section ~~7-204 of Title 47 of the Oklahoma Statutes~~ 7-600.1 of this title as acceptable limits for a policy or bond.

4. "Compulsory Insurance Law". Compulsory Insurance Law is the law requiring liability insurance in conjunction with the operation of a motor vehicle in this state as found in Article VI, Chapter 7 of Title 47 of the Oklahoma Statutes.

5. "Security verification form". A security verification form is a form, approved by the Insurance Commissioner, verifying the existence of security required by the Compulsory Insurance Law of the State of Oklahoma.

SECTION 16. AMENDATORY Section 2, Chapter 355, O.S.L. 1982 (47 O.S. Supp. 1990, Section 7-600.1), is amended to read as follows:

Section 7-600.1 A. No policy or bond shall be issued under the Compulsory Insurance Law unless issued by an insurance company or surety company authorized to do business in this state and such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than Ten Thousand Dollars (\$10,000.00) because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than Twenty Thousand Dollars (\$20,000.00) because of bodily injury to or death of two or more persons in any one accident, and if the accident has resulted in injury to or destruction of property to a limit of not less than Ten Thousand Dollars (\$10,000.00) because of injury to or destruction of property of others in any one accident.

B. The Department may rely upon the accuracy of the information in a report of an accident as to the existence of insurance or a bond unless and until the Department has reason to believe that the information is erroneous.

C. The following statement or endorsement shall be included in owner's policies and operator's policies except certified policies issued pursuant to Section 7-324 of ~~Title 47 of the Oklahoma Statutes~~ this title: "Liability insurance is provided in this policy in accordance with coverage required by the Compulsory Insurance Law of Oklahoma."

~~B.~~ D. Excess or additional coverage. A policy may also grant any lawful coverage in excess of or in addition to the coverage specified for policies defined in Section ~~±~~ 7-600 of this ~~act~~ title and such excess or additional coverage shall not be subject to the provisions of the Compulsory Insurance Law.

~~C. E.~~ Binders. Any binder issued pending the issuance of a policy shall be deemed to fulfill the requirements for such a policy.

SECTION 17. AMENDATORY 47 O.S. 1981, Section 7-601, as amended by Section 4, Chapter 355, O.S.L. 1982 (47 O.S. Supp. 1990, Section 7-601), is amended to read as follows:

Section 7-601. ~~A. Until January 1, 1983, every owner of a motor vehicle registered in this state, other than a licensed used motor vehicle dealer, shall, at all times, maintain in force with respect to such vehicle security for the payment of loss resulting from the liability imposed by law for bodily injury, death and property damage sustained by any person arising out of the ownership, maintenance, operation or use of the vehicle. As used herein, "security" means:~~

~~1. A policy or bond meeting the requirements of Section 7-204 of this title;~~

~~2. A deposit of cash or securities having the equivalency of limits required under Section 7-204 of this title as acceptable limits for a policy or bond; or~~

~~3. Self-insurance, pursuant to the provisions of Section 7-503 of this title, having the equivalency of limits required under Section 7-204 of this title as acceptable limits for a policy or bond.~~

~~B.~~ On and after January 1, 1983, every owner of a motor vehicle registered in this state, ~~other than a licensed used motor vehicle dealer,~~ shall, at all times, maintain in force with respect to such vehicle security for the payment of loss resulting from the liability imposed by law for bodily injury, death and property damage sustained by any person arising out of the ownership, maintenance, operation or use of the vehicle. Every person, while operating or using a motor vehicle registered in this state which is not owned by such person, shall maintain in force security for the

payment of loss resulting from the liability imposed by law for bodily injury, death or property damage sustained by any person arising out of the operation or use of the vehicle, unless such security has been provided by the owner in accordance with this section which does not exclude said person from coverage.

Provided this section shall not apply to exemptions as provided in Section 7-607 of this title.

SECTION 18. AMENDATORY 47 O.S. 1981, Section 7-602, as last amended by Section 1, Chapter 298, O.S.L. 1990 (47 O.S. Supp. 1990, Section 7-602), is amended to read as follows:

~~Section 7-602. A. Until July 1, 1983, every person registering a motor vehicle in this state, except a licensed used car dealer, at the time of registration of such vehicle, shall certify the existence of security with respect to such vehicle on a form prescribed by the Department.~~

~~Any person who knowingly issues or promulgates a false or fraudulent writing in connection with this subsection or otherwise fails to comply with this subsection shall be guilty of a misdemeanor and upon conviction shall be subject to a fine not exceeding Five Hundred Dollars (\$500.00).~~

~~Motor carriers required by the Corporation Commission, or any other entity, to maintain liability insurance are hereby exempt from Sections 7-600 through 7-610 of this title.~~

~~B.~~ On and after July 1, 1983:

1. The owner of a motor vehicle registered in this state shall carry in such vehicle at all times a current owner's security verification form listing the vehicle or an equivalent form which has been issued by the Department and shall produce such form upon request for inspection by any law enforcement officer or representative of the Department of Public Safety and, in case of a collision, the form shall be shown upon request to any person affected by said collision.

2. Every person registering a motor vehicle in this state, except a motor vehicle which is not being used upon the public highways or public streets, or a manufactured home while said manufactured home is on a permanent foundation, at the time of registration of such vehicle, shall certify the existence of security with respect to such vehicle by surrendering to a motor license agent or other registering agency a current owner's security verification form or an equivalent form issued by the Department. The owner or transporter of a manufactured home, as defined by Section 1102 of this title, who is moving or transporting such manufactured home on state roads or federal highways shall comply with the provisions of Sections 7-600 through 7-606 of this title. A motor license agent or other registering agency shall require the surrender of such form prior to processing an application for registration or renewal.

3. The following shall not be required to carry an owner's or operator's security verification form or an equivalent form from the Department during operation of the vehicle and shall not be required to surrender such form for vehicle registration purposes:

- a. any vehicle owned or leased by the federal or state government, or any agency or political subdivision thereof,
- b. any vehicle bearing the name, symbol, or logo of a business, corporation or utility on the exterior and which is in compliance with the provisions of Sections 7-600 through 7-610 of this title according to records of the Department of Public Safety which reflect a deposit, bond, self-insurance, or fleet policy,
- c. any vehicle authorized for operation pursuant to a permit number issued by the Interstate Commerce Commission or the Corporation Commission,
- d. any licensed taxicab, and

e. any vehicle owned by a licensed used motor vehicle dealer.

4. Any person who knowingly issues or promulgates false or fraudulent information in connection with either an owner's or operator's security verification form or an equivalent form which has been issued by the Department of Public Safety shall be guilty of a misdemeanor and upon conviction shall be subject to a fine not exceeding Five Hundred Dollars (\$500.00), or imprisonment for not more than six (6) months, or by both such fine and imprisonment.

~~C.~~ B. Each motor license agent is authorized to charge a fee of One Dollar and fifty cents (\$1.50) to each person to whom said agent issues a certificate of registration and who is required to surrender proof of financial responsibility pursuant to the provisions of Sections 7-600 through 7-610 of this title. Said fee may be retained by the agent as compensation for his services in processing the proof of financial responsibility and for processing the driver's license information, insurance verification information, and other additional information furnished to the agent pursuant to Section 1112 of this title, if such agent does not receive the maximum compensation as authorized by law.

SECTION 19. AMENDATORY Section 7, Chapter 355, O.S.L. 1982, as amended by Section 1, Chapter 45, O.S.L. 1986 (47 O.S. Supp. 1990, Section 7-602.1), is amended to read as follows:

Section 7-602.1 Every operator of a motor vehicle registered in this state shall, while operating or using such vehicle, carry either an operator's or an owner's security verification form issued by a carrier or an equivalent form issued by the Department of Public Safety, reflecting liability coverage, unless such vehicle is exempt under paragraph 3 of subsection A of Section 7-602 of this title. An owner's security verification form issued to the owner of a motor vehicle may be used as an operator's security verification form by an operator who is not the owner of the motor vehicle, if

said operator is not excluded from coverage on the motor vehicle liability insurance policy for the vehicle. Any such exclusions from said policy shall be included on the owner's security verification form.

SECTION 20. AMENDATORY 47 O.S. 1981, Section 7-607, as last amended by Section 1, Chapter 138, O.S.L. 1986 (47 O.S. Supp. 1990, Section 7-607), is amended to read as follows:

Section 7-607. A. Every owner of a motor vehicle which is not actually used upon the public highways or public streets shall be exempt from the provisions of Sections 7-600 through 7-606 of this title if the owner of such vehicle has filed an affidavit with the appropriate motor license agent which states that the vehicle shall not be driven upon the public highways or public streets during the uninsured period.

The form of the affidavit shall be prescribed by the Oklahoma Tax Commission and shall contain blanks for the owner to specify the length of time the vehicle shall not be driven upon the public highways or public streets, the reason the vehicle shall not be driven, and any other information deemed necessary by the Tax Commission.

Upon the receipt of a non-use affidavit pursuant to the provisions of this section, the motor license agent shall issue a distinctive license registration sticker or plate as prescribed by the Oklahoma Tax Commission in lieu of the regular sticker or plate. Such distinctive sticker or plate shall bear the words "not for road use" or other indicia prescribed by the Tax Commission which will give notice to enforcement officers that a non-use affidavit has been filed. It shall be a misdemeanor for any person to operate a motor vehicle upon a public highway or public street which bears such distinctive non-use registration sticker or plate and such vehicle shall be subject to immediate impoundment by any law enforcement agency.

~~B. The owner or transporter of a manufactured home, as defined by Section 1102 of this title, who is moving or transporting such manufactured home on state roads or federal highways shall comply with the provisions of Sections 7-600 through 7-606 of this title.~~

~~C. Any person, firm or corporation engaged in the business of operating a taxicab or taxicabs shall be exempt from the provisions of Sections 7-600 through 7-606 of this title if the person, firm or corporation has complied with the provisions of Section 8-104 of this title.~~

C. Any licensed used car dealer shall be exempt from the provisions of Sections 7-600 through 7-606 of this title if the dealer has complied with the liability insurance coverage required in Section 583 of this title.

D. The owner and any authorized operator of a vehicle which is owned or leased by the federal or state government, or any agency or political subdivision thereof shall be exempt from the provisions of Sections 7-600 through 7-606 of this title.

E. The provisions of this section shall not apply to owners of antique vehicles as defined by the Oklahoma Tax Commission.

SECTION 21. AMENDATORY Section 5, Chapter 298, O.S.L. 1990 (47 O.S. Supp. 1990, Section 7-608), is amended to read as follows:

Section 7-608. A. Each insurance carrier, which issues a vehicle liability policy to a natural person or persons pursuant to the provisions of Sections 7-601 through 7-610 of this title, shall provide notice, either by means of written or electronic communication, to the Department of Public Safety of the dermination of such policy for nonpayment or refund of premium if such termination is final and occurs within the first one hundred eighty (180) days of the inception date of such policy. Such notice shall be provided to the Department within a reasonable time after the expiration of any applicable grace period.

B. The Department of Public Safety shall promulgate rules and regulations governing the notification requirements specified in subsection A of this section, including the development of procedures which would permit insurance carriers to provide the required notices to the Department by means of written or electronic communication on a monthly basis.

C. Upon receipt of a notice of termination of insurance from a carrier pursuant to subsection A of this section, the Department of Public Safety shall notify the vehicle owner of the receipt of such termination notice and shall request proof of insurance from the vehicle owner. Within thirty (30) days of the request for proof of insurance, the vehicle owner shall submit such proof of insurance on a form prescribed by the Department.

SECTION 22. AMENDATORY Section 6, Chapter 298, O.S.L. 1990 (47 O.S. Supp. 1990, Section 7-609), is amended to read as follows:

Section 7-609. A. In the event the owner fails to timely furnish proof of insurance or fails to timely respond to the Department's request as required by subsection C of Section ~~5~~ 7-608 of this ~~act~~ title, the Department shall suspend the person's driver's license and the registration of any motor vehicle registered in the name of such person as owner and not covered by security, effective immediately upon the lapse of the thirty-day response period as provided in subsection C of Section ~~5~~ 7-608 of this ~~act~~ title. Such suspension shall remain in effect until payment of a reinstatement fee of One Hundred Dollars (\$100.00) and proof of insurance is presented to the Department.

B. Any person whose driver's license and registration have been suspended pursuant to the provisions of subsection A of this section shall submit such driver's license and license plate to the Department within thirty (30) days from the date of such suspension. Any owner failing to submit the suspended license or license plate

to the Department within such time shall pay a fee of Fifty Dollars (\$50.00) in addition to the reinstatement fee.

C. Whenever any person's driver's license or registration of any motor vehicle is suspended pursuant to this section according to the records of the Department, the Department may accordingly notify any law enforcement agency, police officer, sheriff, deputy sheriff, highway patrol trooper or other peace officer of such suspension.

D. Any peace officer who has been notified that a person's driver's license or registration of a motor vehicle is currently under suspension according to the records of the Department may, upon observing such person or motor vehicle anywhere upon a public street, highway, roadway, turnpike or public parking lot within this state, forthwith stop such person or motor vehicle and seize such suspended driver's license or license plate.

E. No person who has been issued a driver's license, vehicle registration or vehicle license plate pursuant to the laws of this state shall obtain or retain a property interest therein and it shall be the duty of every person to forthwith surrender such suspended driver's license or license plate upon the request of any peace officer or representative of the Department of Public Safety.

F. Any person upon a public street, highway, roadway, turnpike or public parking lot within this state who willfully refuses to surrender possession of a driver's license or license plate after being informed by a peace officer or representative of the Department of Public Safety that the same is currently under suspension according to the records of the Department, shall be guilty of a misdemeanor, punishable by imprisonment in the county jail for not more than ten (10) days or a fine not to exceed Five Hundred Dollars (\$500.00) or by both such fine and imprisonment.

G. Any driver's license or license plate surrendered to or seized by a peace officer pursuant to this section shall be

submitted to a representative of the Department of Public Safety in a manner and with a form or method approved by the Department.

H. Following receipt of the fifty-dollar fee collected pursuant to subsection B of this section, the Department shall deposit said fee in the office of the State Treasurer. The State Treasurer shall credit said fees into a special account to be distributed as hereinafter provided.

I. The Department shall certify to the State Treasurer the name of the employing law enforcement agency from which a suspended driver's license or license plate has been received pursuant to this section, together with a certification that the fifty-dollar fee required by subsection B of this section has been paid. Following receipt of certification from the Department as provided herein, the State Treasurer shall reimburse the law enforcement agency named in the certificate the sum of Twenty-five Dollars (\$25.00) for each driver's license and the sum of Twenty-five Dollars (\$25.00) for each vehicle registration plate as shown on the certificate, from the special account.

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

K. The State of Oklahoma, the departments and agencies thereof, including the Department of Public Safety, all political subdivisions, and the officers and employees of each, shall not be held legally liable in any suit in law or in equity for any erroneous entry of a suspension upon the records of the Department, nor for the enforcement of the provisions of this act performed in good faith.

L. The provisions of this section shall become effective July 1, 1992.

SECTION 23. AMENDATORY 47 O.S. 1981, Section 10-108, is amended to read as follows:

Section 10-108. A. ~~The operator of a motor vehicle which~~ Any person who is in any manner involved in a motor vehicle collision upon any road, street, highway or elsewhere within this state ~~resulting in bodily injury to or death of any person or in which it is apparent that damage to one vehicle or other property is in excess of Three Hundred Dollars (\$300.00) shall~~ may forward a written report of such collision to the Department if ~~settlement of the collision has not been made within six (6) months after the date of the accident and provided that if a settlement has been made a report of such settlement must be made by the parties.~~

B. ~~Notwithstanding the provisions of Section 7-202 of this title, if any party involved in a collision files a report under this section, the Department shall notify all other parties involved in the collision~~ it appears that the driver or owner of any motor vehicle involved in the collision was not in compliance with the Compulsory Insurance Law of this state, Section 7-600 et seq. of this title.

B. The Department shall notify the driver(s) and or owner(s) of the motor vehicle(s), as specified in the report, that a report has been filed and all other parties such person(s) shall then furnish the Department, within ten (10) days, such information as the Department may request to determine whether the parties person(s) were in compliance with the requirements of Sections 7-601 Section 7-600 et seq. of this title at the time of the collision. Upon a finding that an owner or driver was not in compliance with Sections 7-601 Section 7-600 et seq., the Department shall then commence proceedings under the provisions of Sections 7-201 and 7-301 Section 7-605 et seq. of this title.

SECTION 24. AMENDATORY 47 O.S. 1981, Section 10-109, is amended to read as follows:

Section 10-109. ~~(a)~~ A. The form of the report required by this section shall be prescribed by the Commissioner, and the

Commissioner shall cause to be prepared such blanks and shall make such blanks available to the motoring public ~~by leaving a supply with sheriffs, chiefs of police, justices of the peace, judges of the district court and other officials as the Commissioner may deem advisable.~~

~~(b) B.~~ Such report, in addition to such other information as may be prescribed by the Commissioner, shall contain information to enable the Commissioner to determine whether the requirements ~~for the deposit of security under Section 7-202~~ 7-600 et seq. of this title are inapplicable by reason of the existence of insurance or other exceptions specified ~~in this act, and shall be accompanied by a copy of an estimate made by some motor vehicle agency or established garage as to the cost of repairing the vehicle of which the person making the report was the operator or owner, which report shall be signed by an authorized representative of such agency or garage~~ by law.

SECTION 25. AMENDATORY 47 O.S. 1981, Section 10-112, is amended to read as follows:

Section 10-112. Any person who gives information in reports as ~~required provided for in Sections~~ Section 10-108, or 10-110 ~~or 10-111~~ of this title knowing or having reason to believe that such information is false shall be fined not more than Five Hundred Dollars (\$500.00) or imprisoned for not more than one (1) year, or both.

SECTION 26. AMENDATORY 47 O.S. 1981, Section 10-113, is amended to read as follows:

Section 10-113. ~~(a) A.~~ The Department ~~shall~~ may prepare and upon request supply to police departments, ~~coroners,~~ sheriffs, ~~garages~~ and other suitable agencies or individuals forms for accident reports required as provided for hereunder, ~~appropriate with respect to the persons required to make such reports and the purposes to be served.~~

B. The written reports to be made by ~~persons involved in accidents and by~~ investigating officers shall call for sufficiently detailed information to disclose with reference to a traffic accident the cause, conditions then existing and the persons and vehicles involved.

~~(b)~~ C. Every accident report required to be made in writing shall be made on the appropriate form approved by the Department and shall contain all of the information required therein unless not available.

SECTION 27. AMENDATORY 47 O.S. 1981, Section 10-114, is amended to read as follows:

Section 10-114. The Commissioner of Public Safety may suspend the license or permit to drive and any nonresident operating privileges of any person failing to file a report ~~an accident~~ as ~~herein~~ provided by subsection B of Section 10-108 of this title until such report has been filed, and the Commissioner may extend such suspension not to exceed thirty (30) days. Any person convicted of failing to make a report as required herein shall be punished as provided in Section 17-101 of this title.

SECTION 28. AMENDATORY 47 O.S. 1981, Section 10-115, is amended to read as follows:

Section 10-115. ~~(a)~~ A. All ~~accident~~ reports made by persons involved in accidents shall be without prejudice to the individual so reporting and shall be for the confidential use of the Department or other state agencies having use for the records for accident prevention purposes, or for the administration of the laws of this state relating to the ~~deposit of security~~ Compulsory Insurance Law and proof of financial responsibility by persons driving or the owners of motor vehicles, except that the Department may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident.

~~(b)~~ ~~All accident~~ B. Individual driver and owner reports and supplemental information filed in connection with the administration of the laws of this state relating to the ~~deposit of security~~ Compulsory Insurance Law or proof of financial responsibility shall be confidential and not open to general public inspection, nor shall copying of lists of such reports be permitted, except, however, that such reports and supplemental information may be examined by any person named therein or by his representative designated in writing.

~~(c)~~ C. No reports or information mentioned in this section shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the Department shall furnish upon demand of any party to such trial, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the Department in compliance with law.

SECTION 29. AMENDATORY 47 O.S. 1981, Section 10-117, is amended to read as follows:

Section 10-117. Any incorporated city, town, village or other municipality may by ordinance require that the driver of a vehicle involved in an accident shall ~~also~~ file with a designated city department a report of such accident ~~or a copy of any report herein required to be filed with the Department.~~ All such reports shall be for the confidential use of the city department and subject to the provisions of Section 10-115 of this ~~Code~~ title.

SECTION 30. AMENDATORY 47 O.S. 1981, Section 580.2, is amended to read as follows:

Section 580.2 A. During the time a person is operating a motor vehicle with the express or implied permission of an authorized motor vehicle dealer, as defined in Section 562 of this title, such person's motor vehicle liability policy shall have primary coverage with the motor vehicle liability policy of the dealer having secondary coverage until the vehicle is returned. The change in financial responsibility shall be evidenced by a release signed by

the person operating the vehicle with the express or implied permission of the dealer with the release to be returned to the person upon the return of the motor vehicle to the dealer. The motor vehicle liability policy of such person shall meet the ~~minimum financial responsibility~~ Compulsory Liability Insurance requirements found in Section ~~7-324~~ 7-600 et seq. of this title.

B. This section shall apply only to the loan of a motor vehicle by an authorized motor vehicle dealer which loan occurs without financial remuneration in the form of a fee or lease charge.

SECTION 31. REPEALER 47 O.S. 1981, Sections 7-201, 7-202, as amended by Section 17, Chapter 279, O.S.L 1986, 7-203, 7-204, 7-205, 7-206, 7-207, 7-208, 7-209, 7-210, 7-211, 7-212, 7-213, 7-214, 7-215, 7-216, 7-217, 7-218, 7-219, 7-304, 7-306, 7-307 and 10-111 (47 O.S. Supp. 1990, Section 7-202), are hereby repealed.

SECTION 32. This act shall become effective September 1, 1991.

43-1-6417 SD