

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

HOUSE BILL NO. 1953

BY: STOTTLEMYRE

AS INTRODUCED

AN ACT RELATING TO MOTOR VEHICLE INSURANCE; AMENDING 36 O.S. 1991, SECTION 942, WHICH RELATES TO MOTOR VEHICLE LIABILITY OR COLLISION INSURANCE POLICIES; PROHIBITING USE BY INSURERS OF CERTAIN STATEMENTS; AMENDING 47 O.S. 1991, SECTION 6-117 (SECTION 3, CHAPTER 342, O.S.L. 1991), WHICH RELATES TO RECORDS KEPT BY THE DEPARTMENT OF PUBLIC SAFETY; PROHIBITING THE RELEASE OF CERTAIN INFORMATION; INCORPORATING LANGUAGE FROM A DUPLICATE SECTION OF LAW; AMENDING 47 O.S. 1991, SECTION 7-608, WHICH RELATES TO NOTICE OF TERMINATION OF CERTAIN INSURANCE POLICIES; STATING MAXIMUM AMOUNT OF TIME FOR WHICH CERTAIN PROOF CAN BE REQUIRED; REPEALING 47 O.S. 1991, SECTION 6-117 (SECTION 1, CHAPTER 309, O.S.L. 1991), WHICH IS A DUPLICATE SECTION OF LAW RELATING TO RECORDS KEPT BY THE DEPARTMENT OF PUBLIC SAFETY; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. AMENDATORY 36 O.S. 1991, Section 942, is amended to read as follows:

Section 942. A. Any insurance carrier that issues motor vehicle liability or collision insurance policies in this state shall not establish or apply premium rates, increase premium rates, cancel a policy, or refuse to issue or renew a policy, based on any traffic record maintained by the Department of Public Safety which covers a period of time more than three (3) years prior to the date the insurance carrier makes a determination to take any such action, or based on any statement of proof of insurance required by the Department of Public Safety.

B. The Insurance Commissioner may suspend or revoke, after notice and hearing, the certificate of authority to transact insurance business in this state of any insurance carrier violating the provisions of this section or may censure the insurer or impose a fine.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 6-117 (Section 3, Chapter 342, O.S.L. 1991), is amended to read as follows:

Section 6-117. (a) The Department of Public Safety shall file every application for a license received by it and shall maintain suitable indexes containing, in alphabetical order:

1. All applications denied and on each thereof note the reasons for such denial; and
2. All applications granted; and
3. The name of every licensee whose license has been suspended or revoked by the Department and after each such name note the reasons for such action.

(b) The Department shall also file all accident reports and abstracts of court records of convictions received by it pursuant to the laws of this state and maintain convenient records of such records and reports or make suitable notations in order that an individual record of each licensee showing the convictions of such licensee and the traffic accidents in which he has been involved

shall be readily ascertainable and available for the consideration of the Department of Public Safety upon any application for license or renewal of license and at other suitable times. Any abstract, index, or other entry relating to a driving record according to the licensing authority in another state or a province of Canada, may be posted upon the driving record of any resident of this state when notice thereof is received by documentation or by electronic transmission.

(c) The Commissioner may cause any or all records kept by the Department of Public Safety to be photographed, microphotographed, photostated, or reproduced on film. Such film or reproducing material shall be of durable material and the device used to reproduce such records on such film or material shall be such as to accurately reproduce and perpetuate the original records in all detail.

(d) Such photostatic copy, photograph, microphotograph, or photographic film of the original records shall be deemed to be an original record for all purposes, and shall be admissible in evidence in all courts or administrative agencies. A facsimile, exemplification, or certified copy thereof shall be deemed to be a transcript, exemplification, or certified copy of the original. In any driver's license proceeding in this state, a certified copy of a person's driving record or any portion thereof which is filed with the Department and relevant to the proceeding, including any abstract, index or other entry received from the authority of another jurisdiction by documentation or electronic transmission, shall be admissible as prima facie evidence, notwithstanding any other provision of law.

(e) If such photostatic copy, photograph, microphotograph, or reproductions on films shall be placed in conveniently accessible files and provisions made for preserving, examining, and using same,

the Commissioner is empowered to authorize the disposal, archival storage, or destruction of such records or papers.

(f) Officers and employees of the Department designated by the Commissioner, for the purpose of administering the motor vehicle laws, are authorized to administer oaths and acknowledge signatures, and shall do so without fee.

(g) The Commissioner and such officers of the Department as he may designate are hereby authorized to prepare under the seal of the Department and deliver upon request a certified copy of any record of the Department, charging a fee of Three Dollars (\$3.00) per sheet, photograph, or any part of a sheet or photograph of any such document or similar document so certified. The certified copy shall be admissible in any proceeding in any court in like manner as the original thereof.

(h) The Department of Public Safety or any motor license agent upon request shall prepare and furnish a summary to any person of the traffic record of any person subject to the provisions of the motor vehicle laws of this state. Said summary shall include the enumeration of any motor vehicle accidents, reference to convictions for violations of motor vehicle laws, and any action taken against the person's privilege to operate a motor vehicle, as shown by the files of the Department for the three (3) years preceding the date of the request. The summary shall not include reference to any statement of proof of insurance required by the Department. For each summary furnished by the Department of Public Safety, the Department shall collect the sum of Five Dollars (\$5.00). For each summary furnished by a motor license agent, the agent shall collect the sum of Seven Dollars (\$7.00), Five Dollars (\$5.00) of which shall be apportioned to the Department and Two Dollars (\$2.00) of which shall be retained by the motor license agent.

(i) There is hereby created in the State Treasury a revolving fund for the Department of Public Safety to be designated the

Department of Public Safety Revolving Fund. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all money received by the Department of Public Safety from sale of surplus property, insurance and other reimbursements for damaged property, for the services of highway patrol personnel as approved by the Department if such personnel are representing the Department or are in any uniform of the Department, turnpike enforcement, fees and costs paid by subscribers to the Oklahoma Law Enforcement Telecommunications Systems, refund of federal gasoline tax, court-ordered forfeitures, salvage vehicle inspection and certification fees, inspections fees provided for in subsection H of Section 1111 of this title, reimbursements by state agencies for the use of Department of Public Safety airplanes, fees for meals from users of the Robert R. Lester Law Enforcement Training Academy facilities and federal funds unless otherwise provided by federal law or regulation. Except as provided for in subsection (j) of this section, all monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Department of Public Safety for the operating expenses of the Department and for vehicles, equipment, personnel and other operating expenses for turnpike enforcement. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

(j) All monies accruing to the credit of the Department of Public Safety Revolving Fund from inspection fees provided for in subsection H of Section 1111 of this title shall be budgeted and expended solely for the purpose of inspections by the Department of Public Safety provided for in Section 1111 of this title and for contracting with local law enforcement agencies for conducting the inspections provided for in Section 1111 of this title.

(k) All monies received by the Commissioner of Public Safety, his officers and his employees shall be remitted to the State Treasurer to be credited to the General Revenue Fund in the State Treasury except as otherwise provided in this section.

SECTION 3. AMENDATORY 47 O.S. 1991, Section 7-608, is amended to read as follows:

Section 7-608. A. Each insurance carrier, which issues a vehicle liability policy 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 termination 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. The Department may require that such proof be provided for a maximum of one (1) year.

SECTION 4. REPEALER 47 O.S. 1991, Section 6-117 (Section 1, Chapter 309, O.S.L. 1991), is hereby repealed.

SECTION 5. This act shall become effective September 1, 1992.

43-2-6871

SD