

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

HOUSE BILL NO. 2270

BY: PAULK

AS INTRODUCED

AN ACT RELATING TO MOTOR VEHICLES; AMENDING 47 O.S. 1991, SECTIONS 7-202 AND 7-206, WHICH RELATE TO SECURITY FOLLOWING AN ACCIDENT; PROVIDING FOR IMMEDIATE REVOCATION OF DRIVER'S LICENSE AND VEHICLE REGISTRATION, IN CERTAIN CIRCUMSTANCES; PROVIDING FEE AND PENALTY FOR FAILURE TO SURRENDER LICENSE AND LICENSE PLATE; PROVIDING FOR CERTAIN NOTIFICATION TO LAW ENFORCEMENT OFFICERS; AUTHORIZING OFFICERS TO SEIZE CERTAIN LICENSES AND LICENSE PLATES; PROVIDING PROCEDURE FOR SUBMITTING SEIZED LICENSES AND LICENSE PLATES TO THE DEPARTMENT OF PUBLIC SAFETY; PROVIDING FOR THE DEPOSIT AND DISBURSEMENT OF CERTAIN FEES; PROVIDING CERTAIN IMMUNITY; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 7-202, is amended to read as follows:

Section 7-202. (a) Any driver or owner of a motor vehicle that is involved in an accident who is not exempted from the requirements

of this article by Section 7-203 of this title shall immediately surrender his or her driver's license and license plate for the vehicle to the law enforcement officer investigating the accident. If the driver's license and the license plate have not expired and otherwise appear valid to the officer, the officer shall issue to the person a receipt for the driver's license and license plate. The receipt form shall contain and constitute a notice of revocation, as authorized by Section 7-206 of this title, of driving privilege by the Department of Public Safety. Such revocation shall remain in effect until the person deposits the security required by this Article. Such revocation shall be subject to review pursuant to Section 7-102 of this title.

(b) The Department, not less than twenty (20) days after receipt of a report of an accident as described in the preceding section, shall determine the amount of security which shall be sufficient in its judgment to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against each driver or owner. Such determination shall not be made with respect to drivers or owners who are exempt under succeeding sections of this chapter from the requirements as to security and suspension.

~~(b)~~ (c) The Department shall determine the amount of security deposit required of any person upon the basis of the reports or other information submitted. In the event a person involved in an accident as described in this chapter fails to make a report or submit information indicating the extent of his injuries or the damage to his property within fifty (50) days after the accident and the Department does not have sufficient information on which to base an evaluation of such injuries or damage, then the Department after reasonable notice to such person, if it is possible to give such notice, otherwise without such notice, shall not require any deposit of security for the benefit or protection of such person, but shall require proof of security as provided in Article VI of this chapter.

~~(c) The Department not less than fifty (50) days after receipt of report of any accident referred to herein and upon determining the amount of security to be required of any person involved in such accident or to be required of the owner of any vehicle involved in such accident shall give written notice pursuant to the provisions of Section 2-116 of this title to every such person of the amount of security required to be deposited by him and that an order of suspension will be made to become effective upon the expiration of ten (10) days after the sending of such notice unless within said time security be deposited as required by said notice.~~

SECTION 2. AMENDATORY 47 O.S. 1991, Section 7-206, is amended to read as follows:

Section 7-206. A. In the event that any person ~~required~~ who is not exempt from the requirements to deposit security and file proof of financial responsibility under this chapter ~~fails to deposit such security and file such proof of financial responsibility within ten (10) days after the Department has sent the notice as hereinbefore provided~~ is involved in an accident, the Department shall thereupon suspend:

1. The license and all registrations of each ~~driver~~ such person in any manner involved in the accident;

2. The license and all registrations of all vehicles owned by the driver or owner on or after the effective date of the suspension order of each vehicle involved in such accident, and any other vehicles thereafter acquired and registered in the name of the owner thereof, of a type subject to registration under the laws of this state;

3. If the driver is a nonresident, the privilege of operating a vehicle within this state;

4. If such owner is a nonresident, the privilege of operating any vehicle owned by him on or after the effective date of the suspension order.

B. Such suspensions shall be made in respect to persons required by the Department to deposit security who fail to deposit such security, except as otherwise provided under succeeding sections of this chapter, until such time as the security is deposited and the reinstatement fee provided for in Section 7-506 of this title is paid. Any person whose driver's license and registration have been suspended pursuant to the provisions of subsection A of this section who fails to submit the suspended license or license plate to the law enforcement officer 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 section performed
in good faith.

SECTION 3. This act shall become effective September 1, 1992.

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