

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

HOUSE JOINT
RESOLUTION NO. 1085

By: Seikel of the House

and

Herbert of the Senate

AS INTRODUCED

A Joint Resolution disapproving certain proposed rule of the Oklahoma Tax Commission relating to motor vehicle liability insurance and non-use decals; directing distribution; and declaring an emergency.

WHEREAS, pursuant to Sections 250.2 and 308 of Title 75 of the Oklahoma Statutes, the Legislature reserves the right to determine that a proposed rule is not consistent with legislative intent and disapprove such rule or any portion thereof; and

WHEREAS, on March 24, 1994, the Oklahoma Tax Commission adopted an amendment to OAC Rule 710:60-3-17, which relates to motor vehicle liability insurance and non-use decals, and such proposed rule was received by the Speaker of the House of Representatives on March 31, 1994; and

WHEREAS, proposed OAC Rule 710:60-3-17 adds a provision that the owner of a vehicle who has filed a Non-Use Affidavit and received a decal of a separate and distinct color is not required, upon putting the vehicle back in service, to purchase another decal indicating he has security verification. The owner may purchase another decal upon insurance verification and pay a fee; and

WHEREAS, proposed OAC Rule 710:60-3-17 does not reflect the intent of the Legislature or the policy or law of this state.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES
AND THE SENATE OF THE 2ND SESSION OF THE 44TH OKLAHOMA LEGISLATURE:

SECTION 1. Proposed modifications of OAC Rule 710:60-3-17 are hereby disapproved by the Oklahoma Legislature.

SECTION 2. All proposed modifications of the language of the Rule which are disapproved by this resolution read as follows:

"710:60-3-17. Liability insurance

(a) Insurance verification form. The owner of a motor vehicle to be registered or titled in this state must surrender a current insurance security verification form to the tag agent prior to the processing of his registration, unless otherwise provided. The security verification shall contain the following information:

- (1) Name and address of the carrier.
- (2) The name and address where security may be verified, if other than carrier.
- (3) Name of insured.
- (4) Notice that an owner's policy has been issued pursuant to Compulsory Insurance Law.
- (5) Year, make, and at least the last three digits of the VIN of each insured vehicle. (Note: Not required if Owner's form states "Fleet Coverage.")
- (6) Inclusive dates liability policy is in effect.
- (7) A warning to the owner of state law requirements that one copy be surrendered on registration and one copy carried in the vehicle.

(b) Registration in conformity with insurance period. The registration should be issued only within the inclusive dates shown on the certification form.

(c) Trailers; boats. Trailers or Boats are not included in the motor vehicle category and will not require a security verification form. Owners of vehicles not in use at the time of registration may register their vehicle upon signing a Non-Use Affidavit (OTC Form

797). The yearly validation decal issued to the owner of a vehicle who has filed a Non-Use Affidavit (OTC Form 797) in lieu of a security verification will be a decal of a separate and distinct color from all other yearly decals. It shall be the owners responsibility to obtain insurance if such vehicles are put into service at a later date. The owner of the vehicle is not required upon putting the vehicle back in service to purchase another decal indicating he has security verification. If the owner chooses to purchase another decal he will present a valid insurance verification and pay a fee of Seven Dollars (\$7.00) plus the insurance processing fee.

(d) Fleet vehicles. On blanket coverage of fleet vehicles, the year, make and serial number are not required on the certification form. It shall bear the term "Fleet Coverage." This term shall be typed or written on the lower right hand portion of the registration certificate by the tag agent.

(e) Exceptions to insurance verification requirements. The following shall not be required to surrender a security verification form to the tag agent.

(1) Any vehicle owned or leased by the Federal or State Government or any agency or political subdivision thereof.

(2) A company owned vehicle bearing the symbol or logo which, according to the records of the Department of Public Safety, reflects a deposit, bond, self-insurance, or fleet policy. (These companies will be issued an equivalent form from the Department of Public Safety.)

(3) Any vehicle authorized for operation under a permit number from the Interstate Commerce Commission or the Oklahoma Corporation Commission.

(4) Any licensed taxicab.

(5) Any vehicle held for sale by a licensed Used Car Dealer.

(6) Any individual obtaining a replacement tag and/or registration decal.

(f) Processing fee authorized. The motor license agent is authorized to charge a fee for processing a security verification form or Non-Use Affidavit upon registration of a motor vehicle."

SECTION 3. The Secretary of State is hereby directed to distribute copies of this resolution to the Governor, the Oklahoma Tax Commission and the editor of "The Oklahoma Register".

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

44-2-L9635 JAF