SHORT TITLE: Motor vehicles; proof of insurance; modifying requirement for reinstatment of driver's license; effective date.

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

SENATE BILL NO. 678 By: Shurden

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 1991, Section 7-609, as last amended by Section 1, Chapter 77, O.S.L. 1993 (47 O.S. Supp. 1993, Section 7-609), which relates to proof of insurance; modifying requirement for reinstatement of driver's license; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 7-609, as last amended by Section 1, Chapter 77, O.S.L. 1993 (47 O.S. Supp. 1993, 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 D of Section 7-608 of this 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 D of Section 7-608 of this 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. Provided, if the person is not an owner of any motor vehicle or if the motor vehicle in which the

person has an ownership interest has been repossessed, or if, under penalty of perjury, the person proves by sworn affidavit or otherwise to the satisfaction of the Department that the request of the Department to provide proof of insurance was not received, proof of insurance and payment of the reinstatement fee shall not be required for reinstatement of the driver's license.

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.

SECTION 2. This act shall become effective September 1, 1994.

44-2-1371 JY