

An Act relating to motor vehicles; amending 47 O.S. 1991, Section 6-212, as amended by Section 6, Chapter 218, O.S.L. 1994 (47 O.S. Supp. 1995, Section 6-212), which relates to conditions for reinstatement of driving privilege; eliminating prohibition against multiple and cumulative reinstatement fees; modifying reinstatement requirements; amending 47 O.S. 1991, Sections 7-605, as last amended by Section 9, Chapter 218, O.S.L. 1994, and 7-609, as last amended by Section 10, Chapter 218, O.S.L. 1994 (47 O.S. Supp. 1995, Sections 7-605 and 7-609), which relate to compulsory liability insurance; clarifying that driver license and registration are subject to simultaneous suspension and relinquishment; providing for additional fee for each violation of law; prohibiting assessment of additional fee in certain circumstances; providing for peace officers to submit surrendered driver license and license plate to Department of Public Safety; modifying procedure for reimbursement to law enforcement agencies for surrendering driver licenses and license plates; making payment subject to the availability of funds; amending Section 1, Chapter 67, O.S.L. 1994 (47 O.S. Supp. 1995, Section 6-208.3), which relates to driving privileges

reinstatement fees; authorizing installment payments for reinstatement; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 6-212, as amended by Section 6, Chapter 218, O.S.L. 1994 (47 O.S. Supp. 1995, Section 6-212), is amended to read as follows:

Section 6-212. A. ~~Effective April 1, 1995, the~~ The Department of Public Safety shall:

~~1. Abolish and cease the policy and procedure of assessing and collecting multiple reinstatement fees when reinstating the driving privilege of any person having more than one suspension or revocation affecting his driving privilege at the time of reinstatement; and~~

~~2.~~ Suspend or revoke a person's driving privilege for each basis as delineated within the Oklahoma Statutes; and

~~3.~~ 2. Require any person having more than one suspension or revocation affecting ~~his~~ the person's driving privilege to meet the statutory requirements for each action as a condition precedent to the reinstatement of any driving privilege. Provided, however, ~~reinstatement fees shall not be cumulative, and~~ a single reinstatement fee, as provided for in subsection B of this section, shall be paid for all suspensions or revocations as shown by the Department's records at the time of reinstatement.

B. Whenever a person's privilege to operate a motor vehicle is suspended or revoked pursuant to any provision as authorized by the Oklahoma Statutes, the ~~license or~~ privilege to operate a motor vehicle shall remain under suspension or revocation and shall not be reinstated until:

1. The expiration of each such revocation or suspension order;
~~and~~

2. The person has paid to the Department:

a. if such privilege is suspended or revoked pursuant to Section 1115.5 of Title 22 of the Oklahoma Statutes or pursuant to any provisions of this title, except as provided in subparagraph b of this paragraph, a processing fee of Twenty-five Dollars (\$25.00) for each such suspension or revocation as shown by the Department's records, or

b. if such privilege is suspended or revoked pursuant to the provisions of Section 6-205, 6-205.1, 7-506, 7-608, 753, 754 or 761 of this title or pursuant to subsection A of Section 7-605 of this title for a conviction for failure to maintain the mandatory motor vehicle insurance required by law or pursuant to subsection B of Section 6-206 of this title for a suspension other than for points accumulation, a processing fee of Seventy-five Dollars (\$75.00) for each such suspension or revocation as shown by the Department's records; ~~and~~

3. The person has met all statutory requirements for each revocation or suspension action; and

4. The person has paid to the Department a single reinstatement fee of Twenty-five Dollars (\$25.00).

SECTION 2. AMENDATORY 47 O.S. 1991, Section 7-605, as last amended by Section 9, Chapter 218, O.S.L. 1994 (47 O.S. Supp. 1995, Section 7-605), is amended to read as follows:

Section 7-605. A. Every owner or operator of a motor vehicle who operates the vehicle or permits it to be operated in this state when no security exists as required by this title, or any person who receives a deferred sentence, forfeits a bond or is convicted in any

state or municipal court for failure to carry a security verification form, shall be subject to suspension of ~~his~~ the person's driving privilege and of the registrations of any motor vehicle not covered by security. Such suspension shall remain in effect until payment of the fees provided for in Section 6-212 of this title, and proof of security is furnished to the Department which complies with the requirements of Section 7-601 of this title. Suspension under this section shall be effective upon the Department giving notice pursuant to Section 2-116 of this title that the owner or operator is without security. Any suspended person failing to voluntarily relinquish ~~his~~ the person's driver license or motor vehicle registration, or if applicable, both such license and registration, to the Department within sixty (60) days of receipt of said notice shall pay a fee of Fifty Dollars (\$50.00) which shall be in addition to the fees provided for in Section 6-212 of this title. The additional fee shall be assessed by the Department for each and every violation of the provisions of this section. Provided, upon proof that the person's license and the registration to each vehicle not covered by security were previously relinquished, no additional fee shall be assessed. If a person furnishes proof to the satisfaction of the Department that security was in effect at the time of the alleged offense, the Department shall vacate the suspension order and shall not require the filing of a certificate of insurance nor either of the above fees.

B. The Department may rely upon an abstract which indicates a charge and the imposition of a deferred sentence pending compliance with the Compulsory Insurance Law, Section 7-600 et seq. of this title, or an abstract of conviction or a notice of bond forfeiture from any court of competent jurisdiction, which indicates that the person was either convicted, or failed to appear upon a charge of failure to carry a security verification form or the lack of security, indicated by "No Security Form", "No Insurance" or other

such term indicating lack of security. The Department may continue to rely on such abstract or notice unless proof is submitted from the issuing court clerk which indicates that the abstract or notice was issued in error, or was not related to a violation of the Compulsory Insurance Law or a security verification form as required by ~~Chapter 7~~ of this title chapter or by municipal ordinance.

C. If a nonresident's driving privilege or registration is suspended pursuant to subsection A of this section, the Department shall transmit a certified copy of the record of such action to the official or officials in charge of the issuance of licenses and registration certificates in the state in which such nonresident resides.

SECTION 3. AMENDATORY 47 O.S. 1991, Section 7-609, as last amended by Section 10, Chapter 218, O.S.L. 1994 (47 O.S. Supp. 1995, 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 driving privilege 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 the fees provided for in Section 6-212 of this title 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 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 person's driving privilege.

B. Any person whose driving privilege and registration have been suspended pursuant to the provisions of subsection A of this section shall submit ~~his~~ the person's driver license and license plate to the Department within thirty (30) days from the date of such suspension. Any owner failing to submit the driver license or license plate to the Department within such time shall pay a fee of Fifty Dollars (\$50.00) in addition to the fees provided for in Section 6-212 of this title. The additional fee shall be assessed by the Department for each and every violation of the provisions of this section. Provided, upon proof that the person's license and the registration to each vehicle not covered by security were previously relinquished, no additional fee shall be assessed.

C. Whenever any person's driving privilege 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 driving privilege 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 person's driver license or license plate.

E. No person who has been issued a driver 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 whose driving privilege or motor vehicle registration has been suspended to forthwith surrender such

driver 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 license or license plate after being informed by a peace officer or representative of the Department of Public Safety that the driving privilege or motor vehicle registration of such person 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 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 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 license and the sum of Twenty-five Dollars (\$25.00) for each vehicle registration plate as shown on the certificate, from the special account upon the availability of funds.

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~~ the Compulsory Insurance Law performed in good faith.

SECTION 4. AMENDATORY Section 1, Chapter 67, O.S.L. 1994 (47 O.S. Supp. 1995, Section 6-208.3), is amended to read as follows:

Section 6-208.3 The Department of Public Safety shall promulgate rules and establish and implement procedures whereby any person whose driving privileges have been suspended or revoked, ~~when such person is eligible to apply for reinstatement of such privileges,~~ may pay in installment payments any or all of the reinstatement fees required by law for the reinstatement of such person's driving privileges. The driving privileges of such person shall not be reinstated until the required fees are paid in full and such person has met all other requirements for reinstatement; provided, however, the suspension or revocation may be modified as provided by law during the period in which the installment payments are being made if all other requirements for reinstatement have been met.

SECTION 5. This act shall become effective July 1, 1996.

SECTION 6. 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.

Passed the House of Representatives the 27th day of February,
1996.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1996.

President of the Senate