

ENGROSSED SENATE
BILL NO. 304

By: Shurden of the Senate
and
Leist of the House

An Act relating to insurance; amending 36 O.S. 1991, Section 941, which relates to motor vehicle insurance policies; expanding prohibitions against assignment of driving record points and cancellation, refusal to renew, or increase of premium rate for motor vehicle insurance policies due to certain traffic violations; making certain exception; correcting and clarifying statutory references; and declaring an emergency.

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

SECTION 1. AMENDATORY 36 O.S. 1991, Section 941, is amended to read as follows:

Section 941. A. No insurance carrier who issues motor vehicle insurance policies in this state shall assign driving record points, cancel, refuse to renew or increase the premium rate for any motor vehicle liability or collision insurance policy for the ~~reason that~~ the following reasons:

1. The insured has been involved in a motor vehicle collision and was not at fault;

2. The insured has been cited for a moving traffic violation which, if for speeding, does not exceed ten miles per hour over the

speed limit and was not involved in a motor vehicle collision or accident at the time the citation was issued, except that this provision shall not apply if the insured has received more than three prior citations for moving traffic violations which have resulted in fines or convictions.

B. This section shall not apply to an insured who has been convicted of:

1. Homicide or assault arising out of the operation of any motor vehicle; or

2. A violation of Sections 11-902 or 761 of ~~this title~~ Title 47 of the Oklahoma Statutes as being impaired by or under the influence of alcohol or intoxicating liquor or who was under the influence of any substance included in the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of Title 63 of the Oklahoma Statutes.

C. 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. 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 Senate the 28th day of February, 1995.

President of the Senate

Passed the House of Representatives the ____ day of

_____, 1995.

Speaker

of the House of
Representatives