STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

HOUSE BILL NO. 2863 By: Seikel

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 1991, Section 7-609, as last amended by Section 10, Chapter 218, O.S.L. 1995 (47 O.S. Supp. 1995, Section 7-609), which relates to the Compulsory Insurance Law; providing for impoundment of vehicle for violation of the Compulsory Insurance Law; requiring payment of storage cost; providing impoundment procedures; modifying reimbursement fees; 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 7-609, as last amended by Section 10, Chapter 218, O.S.L. 1995 (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, <u>and</u>

impound the motor vehicle, 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 and impoundment order shall remain in effect until payment of the fees provided for in Section 6-212 of this title and vehicle storage costs 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 and vehicle storage costs shall not be required for reinstatement of the person's driving privilege or release of the impounded vehicle.

B. Any person whose driving privilege and registration have been suspended and vehicle impounded pursuant to the provisions of subsection A of this section shall submit ~~his~~ the person's driver license ~~and~~, license plate, and vehicle to the Department within thirty (30) days from the date of such suspension and order of impoundment. Any owner failing to submit the driver license ~~or~~, license plate, or vehicle 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.

C. Whenever any person's driving privilege or registration of any motor vehicle is suspended and motor vehicle impounded 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 and impoundment order.

D. Any peace officer who has been notified that a person's driving privilege or registration of a motor vehicle is currently under suspension and that an impoundment order has been issued for

the motor vehicle 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, or motor vehicle.

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, or motor vehicle 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 and impoundment order 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, or motor vehicle 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, or impounded motor vehicle 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)~~ Fifteen Dollars ($15.00) for each vehicle registration plate as shown on the certificate, and the sum of Ten Dollars ($10.00) for each vehicle impoundment 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, for any erroneous impoundment of a motor vehicle, nor for the enforcement of the provisions of this act performed in good faith.

SECTION 2. This act shall become effective July 1, 1996.

SECTION 3. 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.

45-2-8580 SD