

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

CONFERENCE COMMITTEE SUBSTITUTE

FOR ENGROSSED

HOUSE BILL NO. 1053

By: Dunegan of the House

and

Smith of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; amending 47 O.S.

1991, Sections 6-204, as amended by Section 9, Chapter 217, O.S.L. 1992 and 6-205.2, as last amended by Section 4, Chapter 238, O.S.L. 1993 (47 O.S. Supp. 1996, Sections 6-204 and 6-205.2), which relate to the cancellation, suspension or revocation of driver licenses; setting disqualification penalties for certain out-of-service convictions; adding certain periods of disqualification; providing for reporting of certain nonresident convictions; amending 47 O.S. 1991, Section 6-111, as last amended by Section 3, Chapter 97, O.S.L. 1993 (47 O.S. Supp. 1996, Section 6-111), which relates to issuance of driver licenses; authorizing Department of Public Safety to cancel a driver license number and issue a new number; providing that there will be no cost to the license holder; modifying term; amending 22 O.S.

1991, Section 1115.1, as last amended by Section 9, Chapter 313, O.S.L. 1995 (22 O.S. Supp. 1996, Section 1115.1), which relates to release on personal recognizance; modifying terms; modifying types of offenses for which arrest warrant is issued under certain circumstances; amending 47 O.S. 1991, Section 1-107.4, which relates to definitions of Class D notice policies; modifying definition; amending 47 O.S. 1991, Section 7-609, as last amended by Section 10, Chapter 218, O.S.L. 1994 (47 O.S. Supp. 1996, Section 7-609), which relates to suspension of driving privilege for failure to provide proof of insurance; modifying procedures for reinstatement; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 6-204, as amended by Section 9, Chapter 217, O.S.L. 1992 (47 O.S. Supp. 1996, Section 6-204), is amended to read as follows:

Section 6-204. A. Whenever any person is convicted of any offense for which this ~~act~~ title makes mandatory the revocation of the ~~driver's license~~ driving privilege of such person by the Department as provided in Section 6-205 of this title, the court in which such conviction occurred may require the surrender to it of all ~~driver's~~ driver licenses then held by the person so convicted and the court shall thereupon forward the same together with a record of such conviction to the Department.

B. Every court, including courts not of record, having jurisdiction over offenses committed under this act, or any other ~~act~~ law of this state or municipal ordinance regulating the operation of motor vehicles on highways, shall forward to the Department a record of the conviction of any person in ~~said~~ such court for a violation of any ~~said~~ such laws other than regulations governing standing or parking, and may recommend the suspension of the ~~driver's license~~ driving privileges of the person so convicted.

C. For the purposes of Section 6-101 et seq. of this title, ~~except for Section 6-205.2,~~ the term "conviction" shall mean a final conviction or shall mean a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 6-205.2, as last amended by Section 4, Chapter 238, O.S.L. 1993 (47 O.S. Supp. 1996, Section 6-205.2), is amended to read as follows:

Section 6-205.2 A. As used in this section, ~~"person":~~

1. "Person" shall mean a resident of this state or an Oklahoma licensee. ~~Also, as used in this section, "conviction"; and~~

2. "Conviction" shall mean:

~~1. An~~ a. an unvacated adjudication of guilt; ~~or,~~

~~2. A~~ b. a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal; ~~or,~~

~~3. An~~ c. an unvacated forfeiture of bail or collateral deposited to secure a person's appearance in court; ~~or,~~

~~4. The~~ d. the payment of a fine and court costs; ~~or,~~

~~5. Violation~~ e. a violation of a condition of release without bail, regardless of whether or not

the penalty is rebated, suspended or probated.

B. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for a period of not less than one (1) year upon receiving a record of ~~such person's~~ conviction of any of the following disqualifying offenses, when such conviction has become final:

1. Driving, operating or being in actual physical control of a Class A, B or C commercial motor vehicle while having a blood or breath alcohol concentration, as defined in Section 756 of this title, or as defined by the state in which the arrest occurred, of four-hundredths (0.04) or more;

2. Refusing to submit to a test for determination of alcohol concentration, as required by Section 751 of this title, or as required by the state in which the arrest occurred, while operating a Class A, B or C commercial motor vehicle;

3. Driving or being in actual physical control of a Class A, B or C commercial motor vehicle while under the influence of alcohol or any other intoxicating substance or the combined influence of alcohol and any other intoxicating substance. Provided, the Department shall not additionally disqualify, pursuant to this subsection, if the person's driving privilege has been disqualified in this state because of a test result or test refusal pursuant to paragraph 1 or 2 of this subsection as a result of the same violation arising from the same incident;

4. Knowingly failing to stop and render aid as required under the laws of this state in the event of a motor vehicle accident which occurs while operating a Class A, B or C commercial motor vehicle; or

5. Any felony during the commission of which a Class A, B or C commercial motor vehicle is used, except a felony involving the

manufacture, distribution or dispensation of a controlled dangerous substance.

~~Provided, however, the Department shall not disqualify such person pursuant to this section if said person's driving privilege has previously been disqualified in this state as a result of any violation arising from the same incident.~~

C. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for a period of not less than three (3) years upon receiving a record of ~~such person's~~ conviction of any of the following disqualifying offenses, committed in connection with the operation of a motor vehicle which is required to be placarded for hazardous materials under 49 C.F.R., Part 172, subpart F, when such conviction has become final:

1. Driving, operating or being in actual physical control of a Class A, B or C commercial motor vehicle while having a blood or breath alcohol concentration, as defined in Section 756 of this title, or as defined by the state in which the arrest occurred, of four-hundredths (0.04) or more;

2. Refusing to submit to a test for determination of alcohol concentration, as required by Section 751 of this title, or as required by the state in which the arrest occurred, while operating a Class A, B or C commercial motor vehicle;

3. Driving or being in actual physical control of a Class A, B or C commercial motor vehicle while under the influence of alcohol or any other intoxicating substance or the combined influence of alcohol and any other intoxicating substance. Provided, the Department shall not additionally disqualify, pursuant to this subsection, if the person's driving privilege has been disqualified in this state because of a test result or test refusal pursuant to paragraph 1 or 2 of this subsection as a result of the same violation arising from the same incident;

4. Knowingly failing to stop and render aid as required under the laws of this state in the event of a motor vehicle accident which occurs while operating a Class A, B or C commercial motor vehicle; or

5. Any felony during the commission of which a Class A, B or C commercial motor vehicle is used, except a felony involving the manufacture, distribution or dispensation of a controlled dangerous substance.

~~Provided, however, the Department shall not disqualify such person pursuant to this section if said person's driving privilege has previously been disqualified in this state as a result of any violation arising from the same incident.~~

D. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for life upon receiving a record of ~~such person's~~ conviction in any court of any of the following disqualifying offenses after a former conviction of any of the following disqualifying offenses, when such second conviction has become final:

1. Driving, operating or being in actual physical control of a Class A, B or C commercial motor vehicle while having a blood or breath alcohol concentration, as defined in Section 756 of this title, or as defined by the state in which the arrest occurred, of four-hundredths (0.04) or more;

2. Refusing to submit to a test for determination of alcohol concentration, as required by Section 751 of this title, or as required by the state in which the arrest occurred, while operating a Class A, B or C commercial motor vehicle;

3. Driving or being in actual physical control of a Class A, B or C commercial motor vehicle while under the influence of alcohol or any other intoxicating substance or the combined influence of alcohol and any other intoxicating substance. Provided, the Department shall not additionally disqualify, pursuant to this

subsection, if the person's driving privilege has been disqualified in this state because of a test result or test refusal pursuant to paragraph 1 or 2 of this subsection as a result of the same violation arising from the same incident;

4. Knowingly failing to stop and render aid as required under the laws of this state in the event of a motor vehicle accident which occurs while operating a Class A, B or C commercial motor vehicle; or

5. Any felony during the commission of which a Class A, B or C commercial motor vehicle is used, except a felony involving the manufacture, distribution or dispensation of a controlled dangerous substance.

~~Provided, however, the Department shall not disqualify such person pursuant to this section if said person's driving privilege has previously been disqualified in this state as a result of any violation arising from the same incident.~~

The Department of Public Safety may promulgate rules establishing conditions under which a disqualification for life pursuant to the provisions of this ~~paragraph~~ subsection may be reduced to a period of not less than ten (10) years.

E. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for life upon receiving a record of ~~such person's~~ conviction for any felony related to the manufacture, distribution or dispensation of a controlled dangerous substance in the commission of which a Class A, B or C commercial motor vehicle is used, when such conviction has become final.

F. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for sixty (60) days upon receiving a record of such person's second conviction for a serious traffic offense arising out of separate transactions or occurrences within a three-year period, when such convictions

have become final. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for one hundred twenty (120) days upon receiving a record of such person's third conviction for a serious traffic offense arising out of separate transactions or occurrences within a three-year period, when such convictions have become final. As used in this subsection, "serious traffic offense" shall mean any of the following offenses committed while operating a commercial motor vehicle:

1. Speeding in excess of fifteen (15) miles per hour over the limit;
2. Reckless driving;
3. Any traffic offense committed that results in or in conjunction with a motor vehicle accident resulting in a fatality;
4. Erratic or unsafe lane change; or
5. Following too close; ~~or~~
- ~~6. Violating a lawful out-of-service order issued by the Department as authorized by the Commissioner of Public Safety.~~

G. Upon the receipt of a person's record of conviction of violating a lawful out-of-service order, except as provided in subsection H of this section, when such conviction becomes final, the Department shall disqualify the driving privilege of such person as follows:

1. The first conviction shall result in a ninety-day disqualification;
2. The second conviction within ten (10) years shall result in a one-year disqualification; and
3. The third or subsequent conviction within ten (10) years shall result in a three-year disqualification.

H. Upon the receipt of a person's record of conviction of violating a lawful out-of-service order while transporting hazardous materials required to be placarded under the Hazardous Materials

Transportation Act (49 P. app. 1801-1813), or while operating motor vehicles designed for transport of more than fifteen passengers, including the driver, when such conviction becomes final, the Department shall disqualify the driving privilege of such person as follows:

1. The first conviction shall result in a one-year disqualification; and

2. The second or subsequent conviction within ten (10) years shall result in a three-year disqualification.

I. Any person who drives a Class A, B or C commercial motor vehicle on any public roads, streets, highways, turnpikes or any other public place of this state at a time when he is disqualified or when his privilege to do so is canceled, denied, suspended or revoked shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00), or by imprisonment for not more than one (1) year, or by both such fine and imprisonment. Each act of driving as prohibited shall constitute a separate offense.

~~H.~~ J. Such periods of disqualification as defined by this section shall not be modified. A person may not be granted driving privileges to operate a Class A, B or C commercial vehicle until the disqualification is reinstated.

K. When any such record of conviction, as specified in this section, is received by the Department and pertains to a nonresident operator of a Class A, B or C commercial motor vehicle, the Department shall report such conviction to the licensing jurisdiction in which the nonresident's license to operate such commercial vehicle was issued or the nonresident's jurisdiction of residence.

SECTION 3. AMENDATORY 47 O.S. 1991, Section 6-111, as last amended by Section 3, Chapter 97, O.S.L. 1993 (47 O.S. Supp. 1996, Section 6-111), is amended to read as follows:

Section 6-111. A. The Department of Public Safety shall, upon payment of the required fee, issue to every applicant qualifying therefor a Class A, B, C or D license or identification card as applied for, which license or card shall bear thereon a distinguishing number assigned to the licensee or cardholder, date of issuance and date of expiration of the license or card, the full name, signature, date of birth, mailing address, sex, and a color photograph of the licensee or cardholder. The Department may cancel the distinguishing number, when that distinguishing number is another person's Social Security number, assign a new distinguishing number, and issue a new license or identification card without charge to the licensee or cardholder. The Department may promulgate rules for inclusion of the height and a brief description of the licensee or cardholder on the face of the card or license, and for the provision of a small decal for attachment to the card or license, identifying the licensee or cardholder as deaf or hearing impaired. The Department of Public Safety may authorize all motor license agents to accept applications for the license or card immediately upon payment of the required fee in accordance with the rules promulgated by the Department of Public Safety. The Department of Public Safety shall develop an alternative procedure whereby an individual applying for a new or renewal Class D license who satisfactorily demonstrates to the Department the inability to appear personally to be photographed, shall be issued a license or card bearing the words "Valid Without Photo"; provided, however, only persons with legitimate religious objection to being photographed may be issued a new or renewal Class A, B or C license without a photograph and bearing the words "Valid Without Photo".

B. The Department may issue a temporary permit to an applicant for a ~~driver's~~ driver license permitting such applicant to operate a motor vehicle while the Department is completing its investigation and determination of all facts relative to such applicant's privilege to receive a license. Such permit must be in ~~his~~ the immediate possession of the driver while operating a motor vehicle, and it shall be invalid when the applicant's ~~driver's~~ driver license has been issued or for good cause has been refused.

C. The Department may issue a restricted commercial ~~driver's~~ driver license to seasonal drivers eighteen (18) years of age or older for any of the following specific farm-related service industries:

1. Farm retail outlets and suppliers;
2. Agri-chemical businesses;
3. Custom harvesters; and
4. Livestock feeders.

The applicant shall hold a valid Oklahoma ~~driver's~~ driver license and shall meet all the requirements for a commercial ~~driver's~~ driver license except for the commercial ~~driver's~~ driver license skills and knowledge tests. The restricted commercial ~~driver's~~ driver license shall not exceed a total of one hundred eighty (180) days within any twelve-month period.

The restricted commercial ~~driver's~~ driver license shall not be valid for operators of commercial motor vehicles beyond one hundred fifty (150) miles from the place of business or the farm currently being served. Such license shall be limited to Class B and Class C vehicles. Holders of such licenses who transport hazardous materials which are required to be placarded shall be limited to the following:

1. Diesel fuel in quantities of one thousand (1,000) gallons or less;

2. Liquid fertilizers in vehicles with total capacities of three thousand (3,000) gallons or less; and

3. Solid fertilizers that are not mixed with any organic substance.

No other placarded hazardous materials shall be transported by holders of said licenses.

SECTION 4. AMENDATORY 22 O.S. 1991, Section 1115.1, as last amended by Section 9, Chapter 313, O.S.L. 1995 (22 O.S. Supp. 1996, Section 1115.1), is amended to read as follows:

Section 1115.1 A. In addition to other provisions of law for posting bail, any person, whether a resident of this state or a nonresident, who is arrested by a law enforcement officer solely for a misdemeanor violation of a state traffic law or municipal traffic ordinance, shall be released by the arresting officer upon personal recognizance if:

1. The arrested person has been issued a valid license to operate a motor vehicle by this state, another state jurisdiction within the United States, which is a participant in the Nonresident Violator Compact or any party jurisdiction of the Nonresident Violator Compact;

2. The arresting officer is satisfied as to the identity of the arrested person;

3. The arrested person signs a written promise to appear as provided for on the citation, unless the person is unconscious or injured and requires immediate medical treatment as determined by a treating physician; and

4. The violation does not constitute:

a. a felony, or

b. negligent homicide, or

c. driving or being in actual physical control of a motor vehicle while impaired or under the influence of alcohol or other intoxicating substances, unless the

person is unconscious or injured and requires immediate medical treatment as determined by a treating physician, or

- d. eluding or attempting to elude a law enforcement officer, or
- e. operating a motor vehicle without having been issued a valid ~~driver's~~ driver license, or while the driving privilege and driver license is under suspension, revocation, denial or cancellation, or
- f. an arrest based upon an outstanding warrant, or
- g. a traffic violation coupled with any offense stated in subparagraphs a through f of this paragraph, or
- h. an overweight violation, or the violation of a special permit exceeding the authorized permit weight, or
- i. a violation relating to the transportation of hazardous materials.

B. If the arrested person is eligible for release on personal recognizance as provided for in subsection A of this section, then the arresting officer shall:

1. Designate the traffic charge;
2. Record information from the arrested person's ~~driver's~~ driver license on the citation form, including the name, address, date of birth, personal description, type of ~~driver's~~ driver license, ~~driver's~~ driver license number, issuing state, and expiration date;
3. Record the motor vehicle make, model and tag information;
4. Record the arraignment date and time on the citation; and
5. Permit the arrested person to sign a written promise to appear as provided for in the citation.

The arresting officer shall then release the person upon personal recognizance based upon the signed promise to appear. The citation shall contain a written notice to the arrested person that release

upon personal recognizance based upon a signed written promise to appear for arraignment is conditional and that failure to timely appear for arraignment shall result in the suspension of the arrested person's ~~driver's~~ driving privilege and driver license in this state, or in the nonresident's home state pursuant to the Nonresident Violator Compact.

C. The court, or the court clerk as directed by the court, may continue or reschedule the date and time of arraignment upon request of the arrested person or ~~his~~ the attorney for that person. If the arraignment is continued or rescheduled, the arrested person shall remain on personal recognizance and written promise to appear until such arraignment, in the same manner and with the same consequences as if the continued or rescheduled arraignment was entered on the citation by the arresting officer and signed by the defendant. An arraignment may be continued or rescheduled more than one time. Provided, however, the court shall require an arraignment to be had within a reasonable time. It shall remain the duty of the defendant to appear for arraignment unless the citation is satisfied as provided for in subsection D of this section.

D. A defendant released upon personal recognizance may elect to enter a plea of guilty or nolo contendere to the violation charged at any time before ~~he~~ the defendant is required to appear for arraignment by indicating such plea on the copy of the citation furnished to ~~him~~ the defendant or on a legible copy thereof, together with the date of the plea and signature. The defendant shall be responsible for assuring full payment of the fine and costs to the appropriate court clerk. Payment of the fine and costs may be made by personal, cashier's, traveler's, certified or guaranteed bank check, postal or commercial money order, or other form of payment approved by the court in an amount prescribed as bail for the offense. Provided, however, the defendant shall not use currency for payment by mail. If the defendant has entered a plea

of guilty or nolo contendere as provided for in this subsection, such plea shall be accepted by the court and the amount of the fine and costs shall be:

1. As prescribed in Section 1115.3 of this title as bail for the violation; or

2. In case of a municipal violation, as prescribed by municipal ordinance for the violation charged; or

3. In the absence of such law or ordinance, then as prescribed by the court.

E. 1. If, pursuant to the provisions of subsection D of this section, the defendant does not timely elect to enter a plea of guilty or nolo contendere and fails to timely appear for arraignment, the court may issue a warrant for the arrest of the defendant and the municipal or district court clerk, within one hundred twenty (120) calendar days from the date the citation was issued by the arresting officer, shall notify the Department of Public Safety that:

- a. the defendant was issued a traffic citation and released upon personal recognizance after signing a written promise to appear for arraignment as provided for in the citation,
- b. the defendant has failed to appear for arraignment without good cause shown,
- c. the defendant has not posted bail, paid a fine, or made any other arrangement with the court to satisfy the citation, and
- d. the citation has not been satisfied as provided by law.

Additionally, the court clerk shall request the Department of Public Safety to either suspend the defendant's ~~driver's~~ driving privilege and driver license to operate a motor vehicle in this state, or notify the defendant's home state and request suspension of the

defendant's ~~driver's~~ driving privilege and driver license in accordance with the provisions of the Nonresident Violator Compact. Such notice and request shall be on a form approved or furnished by the Department of Public Safety.

2. The court clerk shall not process the notification and request provided for in paragraph 1 of this subsection if, with respect to such charges:

- a. the defendant was arraigned, posted bail, paid a fine, was jailed, or otherwise settled the case, or
- b. the defendant was not released upon personal recognizance upon a signed written promise to appear as provided for in this section or if released, was not permitted to remain on such personal recognizance for arraignment, or
- c. the violation relates to parking or standing, an overweight violation, an overweight permit or the transportation of hazardous materials, or
- d. a period of one hundred twenty (120) calendar days or more has elapsed from the date the citation was issued by the arresting officer.

F. Following receipt of the notice and request from the court clerk for ~~driver's~~ driving privilege and driver license suspension as provided for in subsection E of this section, the Department of Public Safety shall proceed as provided for in Section 1115.5 of this title.

G. The municipal or district court clerk shall maintain a record of each request for ~~driver's~~ driving privilege and driver license suspension submitted to the Department of Public Safety pursuant to the provisions of this section. When the court or court clerk receives appropriate bail or payment of the fine and costs, settles the citation, makes other arrangements with the defendant, or otherwise closes the case, the court clerk shall furnish proof

thereof to such defendant, if the defendant personally appears, or shall mail such proof by first class mail, postage prepaid, to the defendant at the address noted on the citation or at such other address as is furnished by the defendant. Additionally, the court or court clerk shall notify the home jurisdiction of the defendant as listed on the citation, if such jurisdiction is a member of the Nonresident Violator Compact, and shall, in all other cases, notify the Department, of the resolution of the case. The form of proof and the procedures for notification shall be approved by the Department of Public Safety. Provided, however, the court or court clerk's failure to furnish such proof or notice in the manner provided for in this subsection shall in no event create any civil liability upon the court, the court clerk, the State of Oklahoma or any political subdivision thereof, or any state department or agency or any employee thereof but duplicate proof shall be furnished to the person entitled thereto upon request.

SECTION 5. AMENDATORY 47 O.S. 1991, Section 1-107.4, is amended to read as follows:

Section 1-107.4 A. ~~Any~~ A Class D motor vehicle is any motor vehicle or combination of vehicles, regardless of weight, which:

1. Is marked and used as a firefighting vehicle or a law enforcement emergency response vehicle;
2. Is designed and used solely as a recreational vehicle;
3. Is a single or combination vehicle with a gross combined weight rating of less than twenty-six thousand one (26,001) pounds;  
or
4. Is a single or combination farm vehicle with a gross combined weight rating of more than twenty-six thousand one (26,001) pounds if:
  - a. it is entitled to be registered with a farm tag and has a farm tag attached thereto, and

- b. it is controlled and operated by a farmer, his family or his employees, and
- c. it is used to transport either agricultural products, farm machinery, farm supplies or any combination of those materials to or from a farm, and
- d. it is not used in the operations of a common or contract motor carrier, and
- e. it is used within one hundred fifty (150) air miles of the person's farm or as otherwise provided by federal law.

B. The Department of Public Safety shall provide by rule promulgated pursuant to the Administrative Procedures Act, Section 250 et seq. of Title 75 of the Oklahoma Statutes, that, in addition to the requirements specified in paragraph 4 of subsection A of this section, a motor vehicle or combination of vehicles operated by persons engaged in custom farming operations or persons operating farm retail outlets or such person's employees, and used within one hundred fifty (150) air miles of the temporary base of operations of a person engaged in custom farming operations, shall be considered to be a Class D motor vehicle if the inclusion of such vehicle within the definition of a Class D motor vehicle will not result in the loss of federal funds to the State of Oklahoma pursuant to federal law or regulation.

C. In addition to vehicles described in subsection A of this section, the Department of Public Safety may provide by rule promulgated in accordance with the Administrative Procedures Act, Section 250 et seq. of Title 75 of the Oklahoma Statutes, that any motor vehicle or combination of vehicles regardless of weight, which is marked and used as a state, county or municipal vehicle, may be included within the definition of a Class D motor vehicle if such inclusion will not result in the loss of federal funds to the State of Oklahoma pursuant to federal law or regulation.

D. Provided, further, a Class D Motor Vehicle shall not include any vehicle which is:

1. Designed to carry sixteen or more passengers, including the driver; or

2. Required to be placarded for hazardous materials under 49 C.F.R., Part 172, subpart F; provided, the Department of Public Safety shall provide by rule promulgated pursuant to the Administrative Procedures Act, Section 250 et seq. of Title 75 of the Oklahoma Statutes, that a farm vehicle or a vehicle being operated by a person operating a farm retail outlet or such person's employee, which is required to be placarded for hazardous materials under 49 C.F.R., Part 172, subpart F, shall be considered to be a Class D motor vehicle if the inclusion of such vehicle within the definition of a Class D motor vehicle will not result in the loss of federal funds to the State of Oklahoma pursuant to federal law or regulation.

SECTION 6. AMENDATORY 47 O.S. 1991, Section 7-609, as last amended by Section 10, Chapter 218, O.S.L. 1994 (47 O.S. Supp. 1996, 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~~ is not subject to the Compulsory Insurance Law of this state, proof of insurance and payment of the processing and reinstatement fee shall not be required for reinstatement, and the Department shall vacate the suspension 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 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.

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.

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 7. This act shall become effective November 1, 1997.

46-1-7471

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