

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 1380

By: Gilbert

AS INTRODUCED

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

1991, Sections 7-605, as last amended by Section 9, Chapter 218, O.S.L. 1994, 7-608, as amended by Section 1, Chapter 351, O.S.L. 1992 and 7-609, as last amended by Section 10, Chapter 218, O.S.L. 1994 (47 O.S. Supp. 1996, Sections 7-605, 7-608 and 7-609), which relate to the Compulsory Insurance Law; modifying time periods for relinquishment of driver license and vehicle registration for failure to maintain security or provide proof of insurance; modifying time period for notification by insurance carrier of lapse of insurance; making notification requirement apply to all policies nonpayment or refund of premium; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 7-605, as last amended by Section 9, Chapter 218, O.S.L. 1994 (47 O.S. Supp. 1996, 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 driving privilege and 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 driver license or registration to the Department within ~~sixty (60)~~ ten (10) days of receipt of said notice shall pay a fee of Fifty Dollars (\$50.00) in addition to the fees provided for in Section 6-212 of this title. 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 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 2. AMENDATORY 47 O.S. 1991, Section 7-608, as amended by Section 1, Chapter 351, O.S.L. 1992 (47 O.S. Supp. 1996, Section 7-608), is amended to read as follows:

Section 7-608. A. Each insurance carrier, which issues a vehicle liability policy pursuant to the provisions of Sections 7-601 through 7-610 of this title, shall provide notice, either by means of written or electronic communication, to the Department of Public Safety of the termination of such policy for nonpayment or refund of premium if such termination is final ~~and occurs within the first one hundred eighty (180) days of the inception date of such policy.~~ Each insurance carrier also shall provide such notice for any such policy which has been issued for a period of less than six (6) months which expires without renewal. Any notice required by this subsection shall be provided to the Department within ~~a reasonable time~~ ten (10) days after the expiration of any applicable grace period.

B. If an insurance carrier, required to provide notification pursuant to subsection A of this section, has knowledge that relinquishment of vehicle ownership is the reason for termination or expiration without renewal of a policy, that fact shall be included in the notification.

C. The Department of Public Safety shall promulgate rules and regulations governing the notification requirements specified in subsections A and B of this section, including the development of

procedures which would permit insurance carriers to provide the required notices to the Department by means of written or electronic communication on a monthly basis.

D. Upon receipt of a notice of termination of insurance from a carrier pursuant to subsection A of this section, the Department of Public Safety shall notify the vehicle owner of the receipt of such termination notice and shall request proof of insurance from the vehicle owner. Within ~~thirty (30)~~ ten (10) days of the request for proof of insurance, the vehicle owner shall submit such proof of insurance on a form prescribed by the Department. The Department shall not be required to notify or request proof of insurance from a former vehicle owner if the Department receives the notification as provided in subsection B of this section, unless the Department has reason to believe that the person should be maintaining an operator's policy.

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. 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~~ ten-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 driver license and license plate to the Department within ~~thirty (30)~~ ten (10) 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 4. This act shall become effective November 1, 1997.

46-1-5394

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