

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 1759

By: Weaver

AS INTRODUCED

An Act relating to motor vehicles; amending 11 O.S. 1991, Section 22-118, which relates to the regulation of taxicabs; modifying certain requirements regarding operation of taxicabs; amending 47 O.S. 1991, Section 7-330, which relates to money or securities as proof; modifying amounts to be deposited as proof of financial responsibility; amending 47 O.S. 1991, Sections 7-602 and 7-607, which relate to security verification; eliminating certain exemptions; 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 conditions for reinstatement under certain circumstances; amending 47 O.S. 1991, Section 904, as last amended by Section 1, Chapter 175, O.S.L. 1996 (47 O.S. Supp. 1996, Section 904), which relates to removal and storage costs; adding certain requirements for release of vehicle; repealing 47 O.S. 1991, Section 8-104, which relates to financial responsibility of taxicabs; and providing an effective date.

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

SECTION 1. AMENDATORY 11 O.S. 1991, Section 22-118, is amended to read as follows:

Section 22-118. The municipal governing body is vested with full police powers, for the purpose of preserving public health, safety and welfare, over the operation, regulation and control of taxicabs within the limits of the municipality. The municipal governing body may prescribe regulations for the operation of taxicabs, which regulations may include, and shall be limited to the following specific powers and subjects:

1. Requirement of minimum insurance, bond or other indemnity for public liability upon each taxicab; ~~and if other than standard insurance be permitted, requirement and specifications of terms and conditions under which such other indemnity shall be accumulated, held, maintained, managed, and disposed of to secure persons in whose favor any liability shall arise out of the operation of taxicabs~~ as defined by Section 1-174 of Title 47 of the Oklahoma Statutes, including the minimum liability insurance requirements prescribed by Section 7-324 of Title 47 of the Oklahoma Statutes, which may exceed the requirements imposed by state law. Any company which owns, operates, dispatches or otherwise manages taxicabs or an owner of a taxicab shall be prohibited from operating the business or any taxicab until any outstanding final judgment is satisfied;

2. Requirement of minimum standards of mechanical condition and efficiency of any vehicle used as a taxicab, together with the power to require inspections to insure compliance therewith;

3. Restriction of the loading of taxicabs to specified zones or localities; including the power to prohibit and punish "cruising"

and the making of such other rules governing the manner of operation of taxicabs as the public safety may require;

4. Determination, establishment, and enforcement of maximum and/or minimum rates and charges to be made by taxicabs for the transportation of passengers; including, but not requiring, the establishment of zones as the basis of such rates, or the requirement of taximeters as the basis of calculating such charges;

5. Requirement of municipal license for the operation of each taxicab; together with the right to levy and exact an annual fee therefor, and the right to revoke, cancel and thereafter refuse to reissue such license for failure to comply with or for infractions of regulations promulgated pursuant to this section. The granting of any license may be made dependent upon the holding of a certificate of convenience and necessity issued by the municipality, if such certificates are provided as authorized by paragraph 6 of this section; and

6. Requirement for the holding of a certificate of convenience and necessity as a condition precedent to the issuance and holding of a municipal license for the operation of a taxicab; including the power to issue, deny, suspend and revoke such certificates.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 7-330, is amended to read as follows:

Section 7-330. Proof of financial responsibility may be evidenced by the certificate of the State Treasurer that the person named therein has deposited with ~~him~~ the State Treasurer for each motor vehicle owned or operated by the depositor, Thirty Thousand Dollars (\$30,000.00) in cash, or securities such as may legally be purchased by savings banks or for trust funds of a market value of Thirty Thousand Dollars (\$30,000.00). The State Treasurer shall not accept any such deposit and issue a certificate therefor and the Department shall not accept such certificate unless accompanied by

evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides.

SECTION 3. AMENDATORY 47 O.S. 1991, Section 7-602, is amended to read as follows:

Section 7-602. A. Until July 1, 1983, every person registering a motor vehicle in this state, except a licensed used car dealer, at the time of registration of such vehicle, shall certify the existence of security with respect to such vehicle on a form prescribed by the Department.

Any person who knowingly issues or promulgates a false or fraudulent writing in connection with this subsection or otherwise fails to comply with this subsection shall be guilty of a misdemeanor and upon conviction shall be subject to a fine not exceeding Five Hundred Dollars (\$500.00).

Motor carriers required by the Corporation Commission, or any other entity, to maintain liability insurance are hereby exempt from Sections 7-600 through 7-610 of this title.

B. On and after July 1, 1983:

1. The owner of a motor vehicle registered in this state shall carry in such vehicle at all times a current owner's security verification form listing the vehicle or an equivalent form which has been issued by the Department and shall produce such form upon request for inspection by any law enforcement officer or representative of the Department of Public Safety and, in case of a collision, the form shall be shown upon request to any person affected by said collision.

2. Every person registering a motor vehicle in this state, except a motor vehicle which is not being used upon the public highways or public streets, or a manufactured home while said manufactured home is on a permanent foundation, at the time of registration of such vehicle, shall certify the existence of security with respect to such vehicle by surrendering to a motor

license agent or other registering agency a current owner's security verification form or an equivalent form issued by the Department. A motor license agent or other registering agency shall require the surrender of such form prior to processing an application for registration or renewal.

3. The following shall not be required to carry an owner's or operator's security verification form or an equivalent form from the Department during operation of the vehicle and shall not be required to surrender such form for vehicle registration purposes:

- a. any vehicle owned or leased by the federal or state government, or any agency or political subdivision thereof,
- b. any vehicle bearing the name, symbol, or logo of a business, corporation or utility on the exterior and which is in compliance with the provisions of Sections 7-600 through 7-610 of this title according to records of the Department of Public Safety which reflect a deposit, bond, self-insurance, or fleet policy,
- c. any vehicle authorized for operation pursuant to a permit number issued by the Interstate Commerce Commission or the Corporation Commission, and
- d. ~~any licensed taxicab, and~~
- e. any vehicle owned by a licensed used motor vehicle dealer.

4. Any person who knowingly issues or promulgates false or fraudulent information in connection with either an owner's or operator's security verification form or an equivalent form which has been issued by the Department of Public Safety shall be guilty of a misdemeanor and upon conviction shall be subject to a fine not exceeding Five Hundred Dollars (\$500.00), or imprisonment for not more than six (6) months, or by both such fine and imprisonment.

C. Each motor license agent is authorized to charge a fee of One Dollar and fifty cents (\$1.50) to each person to whom said agent issues a certificate of registration and who is required to surrender proof of financial responsibility pursuant to the provisions of Sections 7-600 through 7-610 of this title. Said fee may be retained by the agent as compensation for his services in processing the proof of financial responsibility and for processing the driver's license information, insurance verification information, and other additional information furnished to the agent pursuant to Section 1112 of this title, if such agent does not receive the maximum compensation as authorized by law.

SECTION 4. AMENDATORY 47 O.S. 1991, Section 7-607, is amended to read as follows:

Section 7-607. A. Every owner of a motor vehicle which is not used upon the public highways or public streets shall be exempt from the provisions of Sections 7-600 through 7-606 of this title if the owner of such vehicle has filed an affidavit with the appropriate motor license agent which states that the vehicle shall not be driven upon the public highways or public streets during the uninsured period.

The form of the affidavit shall be prescribed by the Oklahoma Tax Commission and shall contain blanks for the owner to specify the length of time the vehicle shall not be driven upon the public highways or public streets, the reason the vehicle shall not be driven, and any other information deemed necessary by the Tax Commission.

B. The owner or transporter of a manufactured home, as defined by Section 1102 of this title, who is moving or transporting such manufactured home on state roads or federal highways shall comply with the provisions of Sections 7-600 through 7-606 of this title.

~~C. Any person, firm or corporation engaged in the business of operating a taxicab or taxicabs shall be exempt from the provisions~~

~~of Sections 7-600 through 7-606 of this title if the person, firm or corporation has complied with the provisions of Section 8-104 of this title.~~

SECTION 5. 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~~ article performed in good faith.

SECTION 6. AMENDATORY 47 O.S. 1991, Section 904, as last amended by Section 1, Chapter 175, O.S.L. 1996 (47 O.S. Supp. 1996, Section 904), is amended to read as follows:

Section 904. The owner of a motor vehicle or lienholder of the vehicle abandoned in violation of Section 901 et seq. of this title, or the owner of any vehicle or lienholder of the vehicle which shall have been lawfully removed from any highway or other public property may regain possession of the vehicle in accordance with regulations of the Department of Public Safety upon payment of the reasonable cost of removal and storage of such vehicle and providing proof of security or an affidavit that the vehicle will not be used on public highways or streets as required by Section 7-600 of this title.

The cost of removal and storage shall be paid to the wrecker or towing service.

SECTION 7. REPEALER 47 O.S. 1991, Section 8-104, is hereby repealed.

SECTION 8. This act shall become effective November 1, 1997.

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