

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 2866

By: Satterfield

AS INTRODUCED

An Act relating to insurance; prohibiting an insurance carrier from taking certain action against an insured for incidents that occur while driving a motor vehicle during employment; requiring certain proof; providing for application of provisions; prohibiting application if the insured is convicted of certain acts; allowing the Insurance Commissioner to take certain action against the insurer; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 944 of Title 36, unless there is created a duplication in numbering, reads as follows:

A. No insurance carrier who issues motor vehicle insurance policies in this state shall assign driving record points, cancel a policy, refuse to issue or renew a policy, establish premium rates or increase premium rates of a policy on the personal motor vehicles of the insured for the reason that the insured has been involved in a motor vehicle collision and was not at fault or has had traffic

complaints, traffic citations or other legal forms of traffic charges filed against the insured while operating a motor vehicle for compensation during the hours of employment if, with respect to a conviction, the employee or applicant has submitted to the insurer a written declaration made by the employer under penalty of perjury that the applicant or insured was, at that time, operating a motor vehicle for compensation during the hours of employment. This section applies only to those individuals whose specific duties include driving motor vehicles for an employer or individuals who have authority in their name to operate as a highway carrier and who are the registered owners or lease operators of the motor vehicle used in the operations as a highway carrier.

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;

2. A violation of Sections 11-902 or 761 of Title 47 of the Oklahoma Statutes as being impaired by or under the influence of alcohol or intoxicating liquor or under the influence of any substance included in the Uniform Controlled Dangerous Substances Act;

3. A violation of Section 11-901 of Title 47 of the Oklahoma Statutes as driving recklessly;

4. A violation of Section 10-102, 10-102.1 or 10-103 of Title 47 of the Oklahoma Statutes as failure to stop at the scene of an accident; or

5. A violation of Section 6-210 of Title 47 of the Oklahoma Statutes for driving with a suspended or revoked drivers license.

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. This act shall become effective November 1, 1998.

46-2-9028

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