

SHORT TITLE: Motor vehicle insurance and suspensions of license and registration for lapse; providing for notices. Emergency.

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

SENATE BILL NO. 1015

By: Dickerson

AS INTRODUCED

An Act relating to motor vehicle insurance; Amending 47 O.S. 1991, Section 7-609, as last amended by Section 6, Chapter 193, O.S.L. 1997 (47 O.S. Supp. 1997, Sections 7-608 and 7-609), which relates to suspension of driving privilege and registration, submission, surrender, or seizure of driver license and license plate, fees, and liability; providing certain notices include certain addresses; requiring Department of Public Safety give certain notice; clarifying references; eliminating gender distinctions; updating usage; 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 6, Chapter 193, O.S.L. 1997 (47 O.S. Supp. 1997, Section 7-609), is amended to read as follows:

Section 7-609. A. In the event ~~the~~ a motor vehicle owner fails to timely furnish proof of insurance or fails to timely respond to ~~the Department's~~ a request of the Department of Public Safety 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~~ the 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. The Department shall, within three (3) days of suspending the driving privilege and registration or registrations, send notice to the owner by regular mail at the last address known to the Department. ~~Such~~ The 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;~~ provided, if the person is not an owner of any motor vehicle or is not subject to the ~~Compulsory Insurance Law~~ compulsory insurance law of this state, proof of insurance and payment of the processing and reinstatement fee shall not be required, 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 or her driver license and license plate to the Department within thirty (30) days from the date of ~~such~~ the 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~~ the person or motor vehicle anywhere upon a public street, highway, roadway, turnpike, or public parking lot

within this state, forthwith stop ~~such~~ the person or motor vehicle and seize ~~such~~ the 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~~ the 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~~ the person is currently under suspension according to the records of the Department, shall upon conviction be guilty of a misdemeanor, punishable by imprisonment in the county jail for not more than ten (10) days or by 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~~ the fee in the office of the State Treasurer. The State Treasurer shall credit ~~said~~ the 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~~ the 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~~ Section 7-600 et seq. of this title performed in good faith.

SECTION 2. 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.

46-2-1867

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