

HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

ENGROSSED

Senate Bill No. 194

As Amended

ENGROSSED SENATE BILL NO. 194 -- By FISHER of the Senate and TYLER of the House.

An Act relating to automobile insurance; amending **SECTION 35**, Chapter 247, O.S.L.1996, as last amended by Section 2, Chapter 190, O.S.L. 1998, 7-605, as last amended by Section 9, Chapter 218, O.S.L. 1994, and 7-609, as last amended by Section 6, Chapter 193, O.S.L. 1997 (47 O.S. Supp. 1998, Sections 6-107.4, 7-605 and 7-609), which relate to compulsory automobile insurance; requiring removal of specified information from driving record upon certain occurrences; clarifying language; requiring certain persons whose driving privileges have been suspended to surrender driver license and license plate; reducing time to comply; expanding exception from providing proof of insurance; clarifying which license plates are to be surrendered; clarifying that certain provisions apply to surrender of both driver licenses and license plates; and providing an effective date.

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

SECTION 1. AMENDATORY Section 35, Chapter 247, O.S.L. 1996, as last amended by Section 2, Chapter 190, O.S.L. 1998 (47 O.S. Supp. 1998, Section 6-107.4) is amended to read as follows:

Section 6-107.4. A. Whenever a license or instruction permit for the operation of a motor vehicle is canceled or denied pursuant to Section 6-107.3 of this title, the license or privilege to operate a motor vehicle shall remain canceled or denied for a minimum period of sixty (60) days or until the person whose license or permit has been canceled or denied reaches eighteen (18) years of age, whichever period is the shortest; provided, however, a denial pursuant to paragraph 2 of subsection A of Section 6-107.3 of this title shall remain in effect only until such time as a student presents to the Department of Public Safety sufficient documentation of attainment of an eighth grade level of reading proficiency pursuant to the provisions of Section ~~3~~ Section 1210.515 of this act-Title 70 of the Oklahoma Statutes.

B. After the minimum period, the licensee or applicant may at any time apply for driving privileges by presenting sufficient documentation to the Department of Public Safety pursuant to Section 6-107.3 of this title and paying the fee required for issuance or renewal of a Class D license. Upon reinstatement after cancellation and upon issuance after denial, the Department shall remove the record of cancellation or denial from the person's driving record.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 7-605, as last amended by Section 9, Chapter 218, O.S.L. 1994 (47 O.S. Supp. 1998, Section 7-605), is amended to read as follows:

Section 7-605. A. 1. Every owner ~~or operator~~ of a motor vehicle who ~~operates~~ permits the operation of the motor vehicle ~~or permits it to be operated~~ in this state, and every person who operates a motor vehicle in this state when no ~~without the~~ security ~~exists as~~ required by this title, ~~or~~ and 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 or her driving privilege and ~~registrations~~ suspension of the registration of any motor vehicle not covered by security.

2. Such ~~The~~ suspension shall remain in effect until payment is made of the fees provided for in Section 6-212 of this title; and proof of security is furnished to the Department of Public Safety which complies with the requirements of Section 7-601 of this title. Suspension under this section shall be effective ~~upon the Department giving~~ when notice thereof is given pursuant to Section 2-116 of this title ~~that the owner or operator is without security.~~

3. Any person whose driving privilege or registration has been suspended pursuant to the provisions of this subsection shall surrender to the Department his or her driver license and the license plate of any motor vehicle registered in his or her name and not covered by security. Any ~~suspended~~ person failing to voluntarily relinquish his or her driver license or ~~registration~~ license plate or plates to the Department within ~~sixty (60)~~ thirty (30) days of receipt of ~~said~~ the notice specified in paragraph 2 of this subsection shall pay a fee of Fifty Dollars (\$50.00) in addition to the fees provided for in Section 6-212 of this title.

4. 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 payment of either of the above fees.

B. 1. The ~~When suspending a driver license or motor vehicle registration for violation of the Compulsory Insurance Law, Section 7-600 et seq. of this title, or for violation of a municipal ordinance requiring security or the carrying of a security verification form, the~~ Department may rely upon ~~an abstract~~ court records which indicate that a person was either convicted or failed to appear upon the charge when the record is obtained from any court of competent jurisdiction which indicates one of the following:

a. 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~~

b. a conviction, or

c. contains 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.

2. A court record is sufficient under paragraph 1 of this subsection which includes a statement such as indicated by "No Security Form", "No Insurance" or other such term indicating lack of security.

3. The Department may continue to rely on such ~~abstract or notice unless~~ records until proof is submitted from the issuing court clerk which indicates that the ~~abstract or notice~~ record either:

a. was issued in error, or

b. was not related to a violation of:

(1) the Compulsory Insurance Law, or

(2) a security verification form as required by Chapter 7 of this title, or

(3) by a municipal ordinance requiring security or the carrying of a security verification form.

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~~ the nonresident resides.

SECTION 3. AMENDATORY 47 O.S. 1991, Section 7-609, as last amended by Section 6, Chapter 193, O.S.L. 1997 (47

O.S. Supp. 1998, Section 7-609), is amended to read as follows:

Section 7-609. A. ~~In the event the~~ Whenever any 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 of Public Safety shall suspend the person's driving privilege and the registration of any motor vehicle registered in the name of such person as owner ~~and which is~~ not covered by security. The suspension shall be effective immediately upon the lapse of the thirty-day response period ~~as provided~~ in subsection D of Section 7-608 of this title. ~~Such~~ The suspension shall remain in effect until payment is made 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 of this state or provides proof the vehicle was insured prior to the suspension date, then 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~~ surrender to the Department his or her driver license and the license plate of any motor vehicle registered in his or her name and not covered by security ~~to the Department~~ within thirty (30) days from the date of ~~such~~ the suspension. Any owner failing to ~~submit the~~ surrender his or her driver license or license plate or plates to the Department within such time shall pay a fee of Fifty Dollars (\$50.00) which shall be 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~~ the 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 or both.

E. No person ~~who has been issued~~ shall have a property interest in a driver license, vehicle registration, or vehicle license plate issued 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 or both 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~~ his or her 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~~ The Department shall deposit ~~said fee~~ fees collected pursuant to subsection B of this section in the office of the State Treasurer. The State Treasurer shall credit ~~said these~~ these fees ~~into to~~ 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~~ license plate as shown on the certificate, from the special account.

J. Any unencumbered monies remaining in ~~said the~~ the special account at the close of each calendar month shall be transferred to the General Revenue Fund of the State Treasury.

~~K. J.~~ J. 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~~ the Compulsory Insurance Law, Section 7-600, et seq. of this title, performed in good faith.

SECTION 4. This act shall become effective November 1, 1999.