

SB 1325

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THE STATE SENATE
Monday, February 28, 2000

Senate Bill No. 1325

SENATE BILL NO. 1325 - By: LONG of the Senate and BENGGE of the House.

An Act relating to motor vehicles; amending 47 O.S. 1991, Section 8-104, as amended by Section 5, Chapter 85, O.S.L. 1998 (47 O.S. Supp. 1999, Section 8-104), which relates to the financial responsibility of taxicab operators; deleting alternative methods of providing evidence of proof of financial responsibility; deleting procedures for bringing action on bond filed as proof of financial responsibility; modifying definition; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 8-104, as amended by Section 5, Chapter 85, O.S.L. 1998 (47 O.S. Supp. 1999, Section 8-104), is amended to read as follows:

Section 8-104. ~~(a)~~ A. 1. Every person, firm or corporation engaged in the business of operating a taxicab or taxicabs within a municipality shall file with the governing board of the municipality in which such business is operated proof of financial responsibility ~~as hereinafter defined.~~

2. No governing board of a municipality shall hereafter issue any certificate of convenience and necessity, franchise, license permit or other privilege or authority to any person, firm or corporation authorizing such person, firm or corporation to engage in the business of operating a taxicab or taxicabs within the

1 municipality unless such person, firm or corporation first files
2 with the governing board proof of financial responsibility ~~as~~
3 ~~hereinafter defined.~~

4 3. Every person, firm or corporation engaging in the business
5 of operating a taxicab or taxicabs without the corporate city limits
6 of a municipality or municipalities shall file with the Department
7 of Public Safety, Financial Responsibility Division, of the state,
8 proof of financial responsibility ~~as hereinafter defined.~~

9 4. No person, firm or corporation shall hereafter engage in the
10 business of operating a taxicab or taxicabs without the corporate
11 city limits of a municipality or municipalities in the state unless
12 such person, firm or corporation first files with the Department of
13 Public Safety proof of financial responsibility ~~as hereinafter~~
14 ~~defined.~~

15 ~~(b)~~ B. As used in this section, "proof of financial
16 responsibility" shall mean a certificate of any insurance carrier or
17 risk retention group, as defined in Section 6453 of Title 36 of the
18 Oklahoma Statutes, authorized to do business in the state certifying
19 that there is in effect a policy of liability insurance insuring the
20 owner and operator of the taxicab business, his agents and employees
21 while in the performance of their duties against loss from any
22 liability imposed by law for damages including damages for care and
23 loss of services because of bodily injury to or death of any person

1 and injury to or destruction of property caused by accident and
2 arising out of the ownership, use or operation of such taxicab or
3 taxicabs, subject to minimum limits, exclusive of interest and cost,
4 with respect to each such motor vehicle as follows:

5 1. Ten Thousand Dollars (\$10,000.00) because of bodily injury
6 to or death of one person in any one accident and, subject to said
7 limit for one person;7;

8 2. Twenty Thousand Dollars (\$20,000.00) because of bodily
9 injury to or death of two or more persons in any one accident;7; and

10 3. Ten Thousand Dollars (\$10,000.00) because of injury to or
11 destruction of property of others in any one accident.

12 ~~(c) For every person, firm or corporation who engages in the~~
13 ~~taxicab business without the corporate limits of a municipality or~~
14 ~~municipalities proof of financial responsibility may be evidenced by~~
15 ~~the bond of an insurance carrier duly authorized to do business~~
16 ~~within the state, or a bond with at least two individual sureties~~
17 ~~each owning real estate within this state, and together having~~
18 ~~equities equal in value to at least twice the amount of such bond,~~
19 ~~which real estate shall be conditioned for payment of the amounts~~
20 ~~specified in subsection (b) of this section. Such bond shall be~~
21 ~~filed with the Department of Public Safety and shall not be~~
22 ~~cancelable except after ten (10) days' written notice to the~~
23 ~~Commissioner. Such bond shall constitute a lien in favor of the~~

1 ~~state upon the real estate so scheduled of any surety, which lien~~
2 ~~shall exist in favor of any holder of a final judgment against the~~
3 ~~person who has filed such bond, for damages, including damages for~~
4 ~~care and loss of services, because of bodily injury to or death of~~
5 ~~any person, or for damages because of injury to or destruction of~~
6 ~~property, including the loss of use thereof, resulting from the~~
7 ~~ownership, maintenance, use or operation of a motor vehicle after~~
8 ~~such bond was filed, upon the filing of notice to that effect by the~~
9 ~~Commissioner in the office of county clerk of the county where such~~
10 ~~real estate shall be located.~~

11 ~~If such a judgment rendered against the principal on such bond~~
12 ~~shall not be satisfied within thirty (30) days after it has become~~
13 ~~final, the judgment creditor may, for his own use and benefit and at~~
14 ~~his sole expense, bring an action or actions in the name of the~~
15 ~~state against the company or persons executing such bond, including~~
16 ~~an action or proceeding to foreclose any lien that may exist upon~~
17 ~~the real estate of a person who has executed such bonds.~~

18 ~~(d) 1. Proof of financial responsibility may be evidenced by~~
19 ~~the certificate of the Department that the person named therein has~~
20 ~~deposited with the Department Thirty Thousand Dollars (\$30,000.00)~~
21 ~~in cash or a certificate of deposit issued by a financial~~
22 ~~institution located in Oklahoma in an amount of at least Thirty~~
23 ~~Thousand Dollars (\$30,000.00). The Department shall deposit any~~

1 ~~cash it receives for this purpose in a special account of the~~
2 ~~Department which shall be held in escrow until necessary to pay~~
3 ~~judgments as described in paragraph 2 of this subsection. The~~
4 ~~Department shall obtain a written acknowledgment from any financial~~
5 ~~institution issuing a certificate of deposit which is used for the~~
6 ~~purpose of this section, showing the certificate of deposit has been~~
7 ~~pledged to the Department for this purpose. The Department shall~~
8 ~~not accept any such deposit and issue a certificate therefor unless~~
9 ~~accompanied by evidence that there are no unsatisfied judgments of~~
10 ~~any character against the depositor in the county where the~~
11 ~~depositor resides. The thirty-thousand-dollar deposit paid to the~~
12 ~~Department pursuant to this provision shall be per sole proprietor,~~
13 ~~firm or corporation engaged in the business of operating a taxicab~~
14 ~~or taxicabs.~~

15 2. ~~Such deposit shall be held by the Department to satisfy, in~~
16 ~~accordance with the provisions of this act, any execution on a~~
17 ~~judgment issued against such person making the deposit, for damages,~~
18 ~~including damages for care and loss of services, because of bodily~~
19 ~~injury to or death of any person, or for damages because of injury~~
20 ~~to or destruction of property, including the loss of use thereof,~~
21 ~~resulting from the ownership, maintenance, use or operation of a~~
22 ~~motor vehicle after such deposit was made. Money or securities so~~
23 ~~deposited shall not be subject to attachment or execution unless~~

1 ~~such attachment or execution shall arise out of a suit for damages~~
2 ~~as aforesaid.~~

3 SECTION 2. This act shall become effective November 1, 2000.

4 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS & LABOR, dated 2-21-00 -
5 DO PASS, As Coauthored.