

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

SENATE BILL 325

By: Milacek

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 2001, Sections 6-212, as amended by Section 5, Chapter 474, O.S.L. 2002, and 7-609 (47 O.S. Supp. 2002, Section 6-212), which relate to reinstatement and suspension of driving privilege; adding certain fees under certain circumstances; increasing certain fees and punishments; declaring certain act a misdemeanor; providing punishment; authorizing impoundment of vehicle under certain circumstances; repealing 47 O.S. 2001, Section 7-700, which relates to suspension following reinstatement; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2001, Section 6-212, as amended by Section 5, Chapter 474, O.S.L. 2002 (47 O.S. Supp. 2002, Section 6-212), is amended to read as follows:

Section 6-212. A. The Department of Public Safety shall not assess and collect multiple reinstatement fees when reinstating the driving privilege of any person having more than one suspension or revocation affecting the person's driving privilege at the time of reinstatement.

B. The Department shall:

1. Suspend or revoke a person's driving privilege for each basis as delineated within the Oklahoma Statutes; and

2. Require any person having more than one suspension or revocation affecting the person's driving privilege to meet the statutory requirements for each action as a condition precedent to the reinstatement of any driving privilege. Provided, however, reinstatement fees shall not be cumulative, and a single

reinstatement fee, as provided for in subsection C of this section, shall be paid for all suspensions or revocations as shown by the Department's records at the time of reinstatement.

C. Whenever a person's privilege to operate a motor vehicle is suspended or revoked pursuant to any provision as authorized by the Oklahoma Statutes, the license or privilege to operate a motor vehicle shall remain under suspension or revocation and shall not be reinstated until:

1. The expiration of each such revocation or suspension order;
2. The person has paid to the Department:
 - a. if such privilege is suspended or revoked pursuant to Section 1115.5 of Title 22 of the Oklahoma Statutes or pursuant to any provisions of this title, except as provided in subparagraph b of this paragraph, a processing fee of Twenty-five Dollars (\$25.00) for each such suspension or revocation as shown by the Department's records, or
 - b. if such privilege is suspended or revoked pursuant to the provisions of Section 6-205, 6-205.1, 7-506, 7-608, 753, 754 or 761 of this title or pursuant to subsection A of Section 7-605 of this title for a conviction for failure to maintain the mandatory motor vehicle insurance required by law or pursuant to subsection B of Section 6-206 of this title for a suspension other than for points accumulation, a processing fee of Seventy-five Dollars (\$75.00) for each such suspension or revocation as shown by the Department's records; and
3. The person has paid to the Department a single reinstatement fee of Twenty-five Dollars (\$25.00).

D. In addition to the processing and reinstatement fees required in subsection C of this section, if a person's driving

privilege is suspended pursuant to subsection A of Section 7-605 of this title for a conviction pursuant to subsection B of Section 7-606 of this title for failure to maintain the mandatory motor vehicle insurance required by law, the person shall pay a fee to the Department prior to reinstatement of driving privileges as follows:

1. One Hundred Fifty Dollars (\$150.00) upon the first suspension;

2. Two Hundred Fifty Dollars (\$250.00) upon the second suspension; or

3. Five Hundred Dollars (\$500.00) upon the third or subsequent suspension.

E. Effective July 1, 2002, and for each fiscal year thereafter:

1. Two Hundred Fifty Thousand Dollars (\$250,000.00) of all monies collected each month pursuant to this section shall be apportioned as provided in Section 1104 of this title, except as otherwise provided in this section; and

2. All other monies collected in excess of Two Hundred Fifty Thousand Dollars (\$250,000.00) each month shall be deposited in the General Revenue Fund.

SECTION 2. AMENDATORY 47 O.S. 2001, Section 7-609, is amended to read as follows:

Section 7-609. A. Whenever any owner fails to timely furnish proof of insurance or fails to timely respond 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 which is not covered by security. The suspension shall be effective immediately upon the lapse of the thirty-day response period in subsection D of Section 7-608 of this title. 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, 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 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 within thirty (30) days from the date of the suspension. Any owner failing to 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)~~ One Hundred Dollars (\$100.00) 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 peace officer of 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 the person or motor vehicle anywhere upon a public street, highway, roadway, turnpike, or public parking lot, within this state, forthwith stop the person or motor vehicle and seize the person's driver license or license plate or both.

E. No person shall have a property interest in a driver license, vehicle registration, or vehicle license plate issued pursuant to the laws of this state 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.

F. ~~Any~~ Notwithstanding any other provision of law, 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 that his or her driving privilege or motor vehicle registration 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~~ six (6) months or a fine not to exceed ~~Five Hundred Dollars (\$500.00)~~ One Thousand Dollars (\$1,000.00) 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 in a manner and with a form or method approved by the Department.

H. The Department shall deposit fees collected pursuant to subsection B of this section in a special account of the Department maintained with the office of the State Treasurer. The State Treasurer shall credit these fees to this special account to be distributed as hereinafter provided.

I. The Department shall identify the name of the employing law enforcement agency from which a suspended driver license or license plate has been received pursuant to this section, and determine that the fee required by subsection B of this section has been paid. The Department shall reimburse the law enforcement agency so identified the sum of ~~Twenty-five Dollars (\$25.00)~~ Fifty Dollars (\$50.00) for each driver license and the sum of ~~Twenty-five Dollars (\$25.00)~~ Fifty Dollars (\$50.00) for each vehicle license plate from the special account.

J. Any unencumbered monies remaining in the special account at the close of each calendar month shall be transferred by the Department 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 the Compulsory Insurance Law, Section 7-600 et seq. of this title, performed in good faith.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-611 of Title 47, unless there is created a duplication in numbering, reads as follows:

If a motor vehicle is involved in a motor vehicle accident in this state which causes damage to the person or property of another and the owner has failed to maintain the mandatory motor vehicle insurance pursuant to Chapter 7 of Title 47 of the Oklahoma Statutes, the owner shall be guilty of a misdemeanor, punishable by a fine not to exceed One Thousand Dollars (\$1,000.00) or imprisonment in the county jail for not more than one (1) year or by both such fine and imprisonment. The court may also order that the vehicle be impounded until proof of motor vehicle liability coverage is made to the court. The owner of the impounded vehicle shall be responsible for all costs of impoundment.

SECTION 4. REPEALER 47 O.S. 2001, Section 7-700, is hereby repealed.

SECTION 5. This act shall become effective November 1, 2003.

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