

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SENATE BILL 1936

By: Ballenger

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5
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2001, Section 7-609, as last amended by Section 8,
9 Chapter 322, O.S.L. 2006 (47 O.S. Supp. 2007, Section
10 7-609), which relates to penalties for failure to
11 provide proof of insurance; modifying certain
12 language; and providing an effective date.

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

14 SECTION 1. AMENDATORY 47 O.S. 2001, Section 7-609, as
15 last amended by Section 8, Chapter 322, O.S.L. 2006 (47 O.S. Supp.
16 2007, Section 7-609), is amended to read as follows:

17 Section 7-609. A. Whenever any owner fails to timely furnish
18 proof of insurance or fails to timely respond as required by
19 subsection C of Section 7-608 of this title, the Department of
20 Public Safety shall suspend the person's driving privilege and the
21 registration of any motor vehicle registered in the name of such
22 person as owner which is not covered by security. The suspension
23 shall be effective immediately upon the lapse of the thirty-day
24 response period in subsection C of Section 7-608 of this title. The
suspension shall remain in effect until payment is made of the fees

1 provided for in Section 6-212 of this title and proof of insurance
2 is presented to the Department; provided, if the person is not
3 subject to the Compulsory Insurance Law of this state, provides
4 proof the vehicle is insured and there has been no break in
5 insurance coverage, provides proof the vehicle is and has been
6 inoperable since or prior to the cancellation date of the insurance
7 policy, provides proof the person no longer owns the vehicle and has
8 not since or prior to the cancellation date of the insurance policy,
9 or is not an owner of any motor vehicle and the Department does not
10 have reason to believe the person should be maintaining an
11 operator's policy, then proof of insurance and payment of the
12 processing and reinstatement fee shall not be required and the
13 Department shall vacate the suspension of the person's driving
14 privilege.

15 B. Any person whose driving privilege and registration have
16 been suspended pursuant to the provisions of subsection A of this
17 section shall surrender to the Department his or her driver license
18 and the license plate of any motor vehicle registered in his or her
19 name and not covered by security within thirty (30) days from the
20 date of the suspension. Any owner failing to surrender his or her
21 driver license or license plate or plates to the Department within
22 such time shall pay a fee of Fifty Dollars (\$50.00) which shall be
23 in addition to the fees provided for in Section 6-212 of this title.

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1 C. Whenever any person's driving privilege or registration of
2 any motor vehicle is suspended pursuant to this section according to
3 the records of the Department, the Department may accordingly notify
4 any peace officer of the suspension.

5 D. Any peace officer who has been notified that a person's
6 driving privilege or registration of a motor vehicle is currently
7 under suspension according to the records of the Department shall,
8 upon observing the person or motor vehicle anywhere upon a public
9 street, highway, roadway, turnpike, or public parking lot, within
10 this state, ~~forthwith~~ immediately stop the person or motor vehicle
11 and seize the person's driver license or license plate or both.

12 E. No person shall have a property interest in a driver
13 license, vehicle registration, or vehicle license plate issued
14 pursuant to the laws of this state and it shall be the duty of every
15 person whose driving privilege or motor vehicle registration has
16 been suspended to ~~forthwith~~ immediately surrender such driver
17 license or license plate or both upon the request of any peace
18 officer or representative of the Department.

19 F. Any person upon a public street, highway, roadway, turnpike,
20 or public parking lot, within this state, who willfully refuses to
21 surrender possession of a driver license or license plate after
22 being informed by a peace officer or representative of the
23 Department that his or her driving privilege or motor vehicle
24 registration is currently under suspension according to the records

1 of the Department, shall be guilty of a misdemeanor, punishable by
2 imprisonment in the county jail for not more than ten (10) days or a
3 fine not to exceed Five Hundred Dollars (\$500.00) or by both such
4 fine and imprisonment.

5 G. Any driver license or license plate surrendered to or seized
6 by a peace officer pursuant to this article shall be submitted to a
7 representative of the Department in a manner and with a form or
8 method approved by the Department.

9 H. The Department shall deposit fees collected pursuant to
10 subsection B of this section and paragraph 3 of subsection A of
11 Section 7-605 of this title in a special account of the Department
12 maintained with the office of the State Treasurer. The State
13 Treasurer shall credit these fees to this special account to be
14 distributed as hereinafter provided.

15 I. The Department shall identify the name of the employing law
16 enforcement agency from which a suspended driver license or license
17 plate has been received pursuant to this section, and determine that
18 the fee required by subsection B of this section or paragraph 3 of
19 subsection A of Section 7-605 of this title has been paid. The
20 Department shall reimburse the law enforcement agency so identified
21 the sum of Twenty-five Dollars (\$25.00) for each driver license and
22 the sum of Twenty-five Dollars (\$25.00) for each vehicle license
23 plate from the special account.

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1 J. Any unencumbered monies remaining in the special account at
2 the close of each calendar month shall be transferred by the
3 Department to the General Revenue Fund of the State Treasury.

4 K. The State of Oklahoma, the departments and agencies thereof,
5 including the Department of Public Safety, all political
6 subdivisions, and the officers and employees of each, shall not be
7 held legally liable in any suit in law or in equity for any
8 erroneous entry of a suspension upon the records of the Department,
9 nor for the enforcement of the provisions of the Compulsory
10 Insurance Law, Section 7-600 et seq. of this title, performed in
11 good faith.

12 SECTION 2. This act shall become effective November 1, 2008.

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