

1 STATE OF OKLAHOMA

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

3 SENATE BILL 2182

By: Johnson (Constance)

4  
5  
6 AS INTRODUCED

7 An Act relating to relating to motor vehicles;  
8 amending 47 O.S. 2001, Section 10-104, as amended by  
9 Section 8, Chapter 394, O.S.L. 2005 (47 O.S. Supp.  
10 2007, Section 10-104), which relates to duty to give  
11 information and render aid; making language gender  
12 neutral; authorizing certain uninsured motorist  
13 compensation for certain traffic accidents; creating  
14 the Uninsured Motorist Victims Compensation Act;  
15 providing short title; defining terms; creating the  
16 Uninsured Motorist Victims Compensation Board;  
17 providing for appointment of Board members, terms of  
18 membership, vacancies, election of chair, duties, and  
19 travel reimbursement; allowing award of certain  
20 compensation by preponderance of evidence; allowing  
21 appeals; directing Board to hear and determine  
22 certain matters; allowing certain actions without  
23 statutes of limitations; setting period to bar  
24 certain claims; setting period to retain certain  
records; providing subpoena power; directing the  
Department of Public Safety to provide certain  
support; establishing additional duties; allowing  
promulgation of rules; granting access to  
investigations by law enforcement agencies; allowing  
the Board to require collateral source contributions;  
providing hearing process, notice, evidence and  
testimony; authorizing settlement of certain claims  
by certain methods; requiring waiver of certain  
physician-patient privilege for certain claim;  
authorizing certain examinations for certain purpose;  
requiring certain reports; allowing certain  
professional assistance for certain claims;  
authorizing Board to set certain limits on certain  
compensation; setting maximum percentage for award  
for medical services; requiring certain persons to  
accept awards as discharging certain obligations;

1 setting maximum percentage for certain deductibles  
and copayments; making certain records confidential;  
2 prohibiting certain discovery for certain actions;  
providing certain exceptions; prohibiting certain  
3 compensation awards under certain circumstances;  
setting time period for filing certain claims;  
4 setting criteria to diminish certain awards; allowing  
denial of certain claims for certain reasons;  
5 allowing reconsideration of certain claims within  
certain time period; providing for refund of certain  
6 awards for fraud; construing effects of  
reconsideration of certain awards; prohibiting  
7 multiple claims or awards; allowing certain awards  
without fault in eligible accident; authorizing  
8 suspension of proceeding for certain purposes;  
requiring state to be subrogated to certain rights;  
9 directing certain funds be held in trust and  
deposited as certain reimbursement; requiring notice  
10 of certain damage suits; allowing Board to join  
certain damage action for certain purpose; setting  
11 maximum compensation for certain losses, expenses and  
burial expense; allowing lump sum or installments for  
12 certain awards; prohibiting garnishment or attachment  
of certain awards except for certain purpose;  
13 providing certain assignment of awards; authorizing  
advancement of certain awards in certain  
14 circumstances; requiring annual report and summary of  
claims; criminalizing false claim; setting penalty;  
15 requiring reimbursement of certain awards; setting  
accruing interest rate for certain reimbursement;  
16 creating the Uninsured Motorist Victims Compensation  
Revolving Fund; providing for deposit of funds and  
17 expenditures; directing investment of certain  
revolving fund; providing for deposit of earned  
18 interest; establishing uninsured motorist victim  
compensation assessment for certain conviction;  
19 setting minimum and maximum amounts for certain  
assessment; providing for deposit of certain funds;  
20 providing for codification; providing effective  
dates; and declaring an emergency.

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23 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:  
24

1 SECTION 1. AMENDATORY 47 O.S. 2001, Section 10-104, as  
2 amended by Section 8, Chapter 394, O.S.L. 2005 (47 O.S. Supp. 2007,  
3 Section 10-104), is amended to read as follows:

4 Section 10-104. A. The driver of any vehicle involved in an  
5 accident resulting in injury to or death of any person or damage to  
6 any vehicle which is driven or attended by any person shall give his  
7 or her correct name, address and registration number of the vehicle  
8 he or she is driving, and shall upon request exhibit his or her  
9 driver license and ~~his~~ security verification form, as defined in  
10 Section 7-600 of this title, to the person struck or the driver or  
11 occupant of or person attending any vehicle collided with, and shall  
12 render to any person injured in such accident reasonable assistance,  
13 including the carrying, or the making of arrangements for the  
14 carrying, of such person to a physician, surgeon or hospital for  
15 medical or surgical treatment if it is apparent that such treatment  
16 is necessary or if such carrying is requested by the injured person.  
17 Any driver who provides information required by this section which  
18 is intentionally inaccurate shall be subject to the provisions of  
19 Section ~~10-103~~ 10-112 of this title.

20 B. Any driver of any vehicle involved in an accident who could  
21 be cited for any traffic offense where said accident resulted in the  
22 immediate death or great bodily injury, as defined in subsection B  
23 of Section 646 of Title 21 of the Oklahoma Statutes, of any person  
24 shall submit to drug and alcohol testing as soon as practicable

1 after such accident occurs. The traffic offense violation shall  
2 constitute probable cause for purposes of Section 752 of this title  
3 and the procedures found in Section 752 of this title shall be  
4 followed to determine the presence of alcohol or controlled  
5 dangerous substances within the driver's blood system.

6 C. When the driver of any vehicle involved in an accident fails  
7 to have at least the minimal liability insurance required by law,  
8 any person incurring property damage or personal injury as a result  
9 of that accident, who is not cited for any traffic or criminal  
10 violation, may be eligible for victim's compensation as provided in  
11 the Uninsured Motorist Victims Compensation Act.

12 SECTION 2. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 10-118 of Title 47, unless there  
14 is created a duplication in numbering, reads as follows:

15 Sections 2 through 18 of this act shall be known and may be  
16 cited as the "Uninsured Motorist Victims Compensation Act".

17 SECTION 3. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 10-118.1 of Title 47, unless  
19 there is created a duplication in numbering, reads as follows:

20 As used in the Uninsured Motorist Victims Compensation Act:

- 21 1. "Allowable expense" means:
- 22 a. any charges incurred for necessary medical care,
  - 23 rehabilitation, rehabilitative occupational training
- 24

- 1 and other remedial treatment and care directly related  
2 to the injury sustained due to the eligible accident,  
3 b. any out-of-pocket expense, insurance deductible or  
4 copayment incurred in relation to an eligible  
5 accident,  
6 c. any reasonable property damage or replacement services  
7 loss directly related to the eligible accident, and  
8 d. any reasonable expenses related to the funeral,  
9 cremation or burial related to a death from the  
10 eligible accident;

11 2. "Board" means the Uninsured Motorist Victims Compensation  
12 Board;

13 3. "Claimant" means any of the following persons applying for  
14 compensation under the Uninsured Motorist Victims Compensation Act:

- 15 a. a victim of an accident who was not cited for any  
16 traffic or criminal violation relating to the eligible  
17 accident who held at the time of the accident a valid  
18 driver license from this state or another state and,  
19 if a resident of this state, a security verification  
20 form for at least the minimal liability insurance  
21 required by law, or if a resident of another state,  
22 proof of liability insurance required by such other  
23 state,  
24

- 1           b. a dependent of a victim who was injured or has died as  
2           a direct result of being involved in the accident, or  
3           c. a person authorized to act on behalf of any of the  
4           persons enumerated in subparagraphs a and b of this  
5           paragraph;

6           4. "Collateral source" means a source of benefits or advantages  
7 for medical care, treatment, or economic loss for which the claimant  
8 would otherwise be eligible to receive compensation under the  
9 Uninsured Motorist Victims Compensation Act or the Oklahoma Crime  
10 Victims Compensation Act, and which the claimant has received, or  
11 which is readily available to the claimant, from any one or more of  
12 the following:

- 13           a. the person at fault in the accident, including, but  
14           not limited to, such person's or an employer's motor  
15           vehicle insurance benefits, liability insurance  
16           benefits, other insurance benefits or any offer of  
17           settlement or other offer or ability to provide  
18           benefits, advantages or compensation,  
19           b. the government of the United States or any agency  
20           thereof, in the form of benefits, such as social  
21           security, Medicare and Medicaid, a state or any of its  
22           political subdivisions or an instrumentality or two or  
23           more states, unless the law providing for the benefits  
24           or advantages makes such benefits excessive or

1 secondary to benefits under the Uninsured Motorist  
2 Victims Compensation Act,

3 c. state-required temporary nonoccupational disability  
4 insurance,

5 d. workers' compensation,

6 e. wage continuation programs of any employer,

7 f. a contract providing prepaid hospital and other health  
8 care services or benefits for disability,

9 g. a contract providing prepaid burial expenses or  
10 benefits, or

11 h. proceeds of any contract of insurance payable to the  
12 claimant for medical care or loss which the victim  
13 sustained because of the accident, except:

14 (1) life insurance proceeds shall not be considered a  
15 collateral source when computing medical expenses  
16 incurred as a result of the accident, and

17 (2) life insurance proceeds shall not be considered a  
18 collateral source for computing burial expenses;

19 5. "Criminally injurious conduct" means a misdemeanor or felony  
20 which occurs or is attempted in this state that is eligible for  
21 crime victims compensation pursuant to the Oklahoma Crime Victims  
22 Compensation Act;

23 6. "Dependent" means a natural person wholly or partially  
24 dependent upon the victim for care or support, and includes a child

1 of the victim born after the death of the victim where the death  
2 occurred as a result of an eligible accident;

3 7. "Economic loss" means monetary detriment consisting only of  
4 allowable expense, work loss and replacement services loss directly  
5 related to an eligible accident;

6 8. "Eligible accident" means a motor vehicle accident caused by  
7 a traffic offense where the accident is between at least two motor  
8 vehicles being driven or operated on the streets, roads or highways  
9 of this state, or an accident between a motor vehicle and a  
10 pedestrian, where the driver at fault fails to have at least the  
11 minimal liability insurance required for operation of a vehicle in  
12 this state and the party or parties injured were in compliance with  
13 such liability insurance, except in the case of a pedestrian or  
14 dependent of a eligible victim. Being in compliance with liability  
15 insurance shall be a prerequisite to being an eligible victim and  
16 for an eligible accident. Any claim submitted pursuant to the  
17 Oklahoma Crime Victims Compensation Act relating to any accident  
18 resulting from the criminally injurious conduct of another shall be  
19 precluded from eligibility pursuant to the provisions of the  
20 Uninsured Motorist Victims Compensation Act;

21 9. "Replacement services loss" means expenses reasonably  
22 incurred in obtaining ordinary and necessary services in lieu of  
23 those the victim would have performed, not for income, but for the  
24

1 benefit of self or family, if the victim had not been injured or  
2 died;

3 10. "Traffic offense" means violation of a law relating to the  
4 operation of vehicles, but shall not mean any offense defined as  
5 criminally injurious conduct by the Oklahoma Crime Victims  
6 Compensation Act;

7 11. "Work loss for victim" means loss of income from work the  
8 eligible victim would have performed if such person had not been  
9 injured or died, reduced by any income from substitute work actually  
10 performed by the victim or by income the victim would have earned in  
11 available appropriate substitute work that the victim was capable of  
12 performing but unreasonably failed to undertake; and

13 12. "Victim or eligible victim" means a person who incurs  
14 property damage, personal injury, or who suffers death as a result  
15 of an eligible accident from a traffic offense, including a  
16 dependent.

17 SECTION 4. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 10-118.2 of Title 47, unless  
19 there is created a duplication in numbering, reads as follows:

20 A. There is hereby created an Uninsured Motorist Victims  
21 Compensation Board, consisting of three (3) members appointed by the  
22 Governor with the advice and consent of the Senate to serve  
23 four-year terms and until the successor is appointed and qualified.  
24 At least one member of the Board shall be a person admitted to

1 practice law in this state. Of the first members appointed, one  
2 shall be appointed for a term of two (2) years, one shall be  
3 appointed for a term of three (3) years, and one shall be appointed  
4 for a term of four (4) years. Vacancies shall be filled in the same  
5 manner as regular appointments.

6 B. Each year the Board shall elect a chairperson from its  
7 membership. Members of the Board shall receive such compensation,  
8 subsistence allowances, mileage and expenses as are provided by the  
9 State Travel Reimbursement Act.

10 SECTION 5. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 10-118.3 of Title 47, unless  
12 there is created a duplication in numbering, reads as follows:

13 A. The Uninsured Motorist Victims Compensation Board shall  
14 award compensation of allowable expenses arising from an eligible  
15 accident if satisfied by a preponderance of the evidence that the  
16 requirements for compensation have been met. The claimant shall  
17 have a right of appeal to the Board for any claim in dispute.

18 B. The Board shall hear and determine all matters relating to  
19 claims for compensation. The Board shall be able to reinvestigate  
20 or reopen claims without regard to statutes of limitation. However,  
21 claims that have been inactive for a period of more than two (2)  
22 years from the date of the last action by the Board shall be deemed  
23 closed and any further action forever barred. Claim files may be  
24 destroyed after a claim is closed. Claims which have been declined

1 may be destroyed after nine (9) months, following the last Board  
2 action; provided, the claimant has not notified the Board of any  
3 intentions to request reconsideration of the claim.

4 C. The Board shall have the power to subpoena witnesses, compel  
5 their attendance, require the production of records and other  
6 evidence, administer oaths or affirmations, conduct hearings and  
7 receive relevant evidence.

8 D. The Board shall be provided such office space, support,  
9 staff and secretarial services as determined by the Department of  
10 Public Safety.

11 SECTION 6. NEW LAW A new section of law to be codified  
12 in the Oklahoma Statutes as Section 10-118.4 of Title 47, unless  
13 there is created a duplication in numbering, reads as follows:

14 In addition to any other powers and duties specified elsewhere  
15 in the Uninsured Motorist Victims Compensation Act, the Uninsured  
16 Motorist Victims Compensation Board may:

17 1. Regulate its own procedures except as otherwise provided in  
18 the Uninsured Motorist Victims Compensation Act;

19 2. Adopt rules to implement the provisions of the Uninsured  
20 Motorist Victims Compensation Act;

21 3. Define any term not defined in the Uninsured Motorist  
22 Victims Compensation Act;

23 4. Prescribe forms necessary to carry out the purposes of the  
24 Uninsured Motorist Victims Compensation Act;

1           5. Have access to any reports of investigations from all law  
2 enforcement agencies, or other data necessary to assist the Board in  
3 making a determination of eligibility for compensation under the  
4 provisions of the Uninsured Motorist Victims Compensation Act; and

5           6. Publicize the availability of compensation and information  
6 regarding the filing of claims pursuant to the Uninsured Motorist  
7 Victims Compensation Act.

8           SECTION 7.       NEW LAW       A new section of law to be codified  
9 in the Oklahoma Statutes as Section 10-118.5 of Title 47, unless  
10 there is created a duplication in numbering, reads as follows:

11           The Uninsured Motorist Victims Compensation Board may require  
12 any claimant to seek or accept any collateral source contribution.

13           SECTION 8.       NEW LAW       A new section of law to be codified  
14 in the Oklahoma Statutes as Section 10-118.6 of Title 47, unless  
15 there is created a duplication in numbering, reads as follows:

16           A. Every party to a claim made pursuant to the Uninsured  
17 Motorist Victims Compensation Act shall be afforded an opportunity  
18 to appear and be heard and to offer evidence and argument on any  
19 issue relevant to the claim, and to examine witnesses and offer  
20 evidence in reply to any matter of an evidentiary nature in the  
21 record relevant to the claim.

22           B. In a contested case, all parties shall be afforded an  
23 opportunity for hearing after reasonable notice pursuant to rules  
24 promulgated by the Uninsured Motorist Victims Compensation Board.   A

1 record of the proceedings of the hearing in a contested case shall  
2 be made and shall be transcribed upon request of any party, who  
3 shall pay transcription costs unless otherwise ordered by the Board.

4 C. The Board may, without a hearing, settle a claim by  
5 stipulation, agreed settlement, consent order or default.

6 SECTION 9. NEW LAW A new section of law to be codified  
7 in the Oklahoma Statutes as Section 10-118.7 of Title 47, unless  
8 there is created a duplication in numbering, reads as follows:

9 A. Any person filing a claim under the provisions of the  
10 Uninsured Motorist Victims Compensation Act shall be deemed to have  
11 waived any physician-patient privilege as to communications or  
12 records relevant to an issue of the physical, mental or emotional  
13 conditions of the claimant.

14 B. If the mental, physical or emotional condition of a claimant  
15 is material to a claim, the Uninsured Motorist Victims Compensation  
16 Board upon good cause shown may order the claimant to submit to a  
17 mental or physical examination. The examination report shall set  
18 out the findings of the person making the report, including results  
19 of all tests made, diagnoses, prognoses and other conclusions and  
20 reports of earlier examinations of the same conditions.

21 C. The Board shall furnish a copy of the report examined. If  
22 the victim is deceased, the Board, on request, shall furnish a copy  
23 of the report to the claimant.

24

1 D. The Board may require the claimant to supply any additional  
2 medical or psychological reports available relating to the injury or  
3 death for which compensation is claimed.

4 E. In certain cases wherein mental health expenses are being  
5 claimed, the Board may request assistance from a panel of  
6 professionals in the mental health field. The panel of  
7 professionals may only act in an advisory capacity to the Board.

8 F. The Board shall have the authority to set limits of  
9 compensation on any medical or mental health treatment, and require  
10 that providers of medical or mental health treatments be licensed  
11 prior to compensating for said treatment. Awards for all medical  
12 services shall not exceed seventy-five percent (75%) of the total  
13 cost of the services less any other reduction for contributory  
14 conduct, as determined by the Board. Any medical provider that  
15 receives payment from the Uninsured Motorist Victims Compensation  
16 Revolving Fund for medical, dental or psychological services, or any  
17 provider that supplies equipment pursuant to an award under the  
18 Uninsured Motorist Victims Compensation Act shall, as a condition of  
19 the receipt of such payment, accept such payment as discharging in  
20 full any and all obligations of the claimant to pay, reimburse or  
21 compensate the provider for medical services, supplies or equipment  
22 that have been reimbursed pursuant to the Uninsured Motorist Victims  
23 Compensation Act. In the event the claimant has paid for a medical  
24 service, the claimant will be reimbursed for the out-of-pocket loss,

1 less any reductions for contributory conduct, as determined by the  
2 Board. Insurance deductibles and copayments may be reimbursed not  
3 to exceed eighty percent (80%) of the total amount paid.

4 G. All records and information given to the Board to process a  
5 claim on behalf of an eligible victim shall be confidential. Such  
6 exhibits, medical records, psychological records, counseling  
7 records, work records, criminal investigation records, criminal  
8 court case records, witness statements, telephone records, and other  
9 records of any type or nature whatsoever gathered for the purpose of  
10 evaluating whether to compensate a victim shall not be obtainable by  
11 any party to any civil or criminal action through any discovery  
12 process except:

13 1. In the event of an appeal under the Administrative  
14 Procedures Act from a decision of the Board and then only to the  
15 extent narrowly and necessarily to obtain court review; or

16 2. Upon a strict showing to the court in a separate civil or  
17 criminal action that particular information or documents are not  
18 obtainable after diligent effort from any independent source, and  
19 are known to exist otherwise only in Board records. In such case  
20 the court may inspect in camera such records to determine whether  
21 the specific requested information exists. If the court determines  
22 the specific information sought exists in the Board's records, the  
23 documents may then be released only by court order if the court  
24 finds as part of its order that the documents will not pose any

1 threat to the safety of the victim or any other person whose  
2 identity may appear in the Board's records.

3 SECTION 10. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 10-118.8 of Title 47, unless  
5 there is created a duplication in numbering, reads as follows:

6 A. Compensation for a claim under the Uninsured Motorist  
7 Victims Compensation Act shall not be awarded by the Uninsured  
8 Motorist Victims Compensation Board:

9 1. Unless the claim has been filed with the Board within ninety  
10 (90) days after the property damage, injury, or death upon which the  
11 claim is based. The Board may, at its discretion, waive this  
12 requirement, if the Board finds there was good cause for failure to  
13 file the claim within the established time period, but in no event  
14 shall the filing of a claim be permitted after one (1) year from the  
15 date of the injury or death upon which the claim is based;

16 2. To a claimant who was a criminal offender, or an accomplice  
17 of the criminal offender, or a person at fault in the accident, or a  
18 person who failed to be in compliance with the required liability  
19 indemnification in this state;

20 3. To another person if the award would benefit any ineligible  
21 person; or

22 4. Unless the accident resulting in property damage, injury, or  
23 death was reported to a law enforcement officer within twenty-four  
24

1 (24) hours after its occurrence or the Board finds there was good  
2 cause for failure to report within that time.

3 B. Compensation otherwise payable to a claimant shall be  
4 diminished to the extent:

5 1. That the economic loss is recouped from collateral sources;  
6 or

7 2. Of the degree of responsibility for the cause of the  
8 property damage, injury, or death attributable to the victim as  
9 determined by the Board.

10 C. The Board, upon finding that the claimant or victim has not  
11 fully cooperated with appropriate law enforcement agencies or  
12 insurance providers, may deny, withdraw or reduce an award of  
13 compensation.

14 D. The Board, on its own motion or on request of the claimant,  
15 may reconsider a decision granting or denying an award or  
16 determining its amount. The motion or request to reconsider a  
17 decision shall be made within three (3) months from the date of the  
18 last action by the Board on the claim at issue. An order on  
19 reconsideration of an award shall not require a refund of amounts  
20 previously paid, unless the award was obtained by fraud. The right  
21 of reconsideration does not affect the finality of a Board decision  
22 for the purpose of judicial review. On claims which are denied by  
23 the Board, reconsideration may only be granted within six (6) months  
24 of the last Board action.

1 E. The provisions of subsections A and B of this section shall  
2 not apply to claimants eligible for compensation pursuant to the  
3 Oklahoma Crime Victims Compensation Act. Multiple claims are  
4 prohibited under the Uninsured Motorist Victims Compensation Act  
5 when arising out of the same accident and no claim or award shall be  
6 allowed pursuant to both the Uninsured Motorist Victims Compensation  
7 Act and the Oklahoma Crime Victims Compensation Act.

8 SECTION 11. NEW LAW A new section of law to be codified  
9 in the Oklahoma Statutes as Section 10-118.9 of Title 47, unless  
10 there is created a duplication in numbering, reads as follows:

11 An award may be granted by the Uninsured Motorist Victims  
12 Compensation Board whether or not any person was cited at fault in  
13 the subject accident of the claimant. The Board may suspend the  
14 proceedings pending disposition of a traffic citation or proceedings  
15 to determine eligibility of a claim filed under the Oklahoma Crime  
16 Victims Compensation Act.

17 SECTION 12. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 10-118.10 of Title 47, unless  
19 there is created a duplication in numbering, reads as follows:

20 A. If compensation is awarded by the Uninsured Motorist Victims  
21 Compensation Board from a claim made pursuant to the Uninsured  
22 Motorist Victims Compensation Act, the state shall be subrogated to  
23 all the rights of a claimant to receive or recover from a collateral  
24 source to the extent that compensation was awarded.

1 B. In the event the claimant recovers compensation, other than  
2 under the provisions of the Uninsured Motorist Victims Compensation  
3 Act, for injuries or death resulting from an eligible accident, the  
4 claimant shall retain, as trustee, so much of the recovered funds as  
5 necessary to reimburse the Uninsured Motorist Victims Compensation  
6 Revolving Fund to the extent that compensation was awarded to the  
7 claimant from that fund. The funds retained in trust shall be  
8 promptly deposited in the Uninsured Motorist Victims Compensation  
9 Revolving Fund.

10 C. If a claimant brings an action to recover damages related to  
11 the eligible accident upon which compensation is claimed or awarded,  
12 the claimant shall give the Uninsured Motorist Victims Compensation  
13 Board written notice of the action. After receiving the notice, the  
14 Board may join in the action as a party plaintiff to recover the  
15 compensation awarded.

16 SECTION 13. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 10-118.11 of Title 47, unless  
18 there is created a duplication in numbering, reads as follows:

19 A. The Uninsured Motorist Victims Compensation Board may  
20 compensate for work loss and replacement services loss.  
21 Compensation for such loss may not exceed One Thousand Dollars  
22 (\$1,000.00).

23 B. Compensation payable to a victim and to all other claimants  
24 sustaining economic loss because of property damage incurred by that

1 victim or injury to or death of that victim may not exceed Twenty  
2 Thousand Dollars (\$20,000.00) in the aggregate.

3 C. The Board may provide for the payment to a claimant in a  
4 lump sum or in installments. At the request of the claimant, the  
5 Board may convert future economic loss, other than allowable  
6 expense, to a lump sum.

7 D. An award shall not be subject to execution, attachment,  
8 garnishment or other process, except for child support and except  
9 that an award for allowable expense shall not be exempt from a claim  
10 of a creditor to the extent that such creditor has provided  
11 products, services or accommodations, the costs of which are  
12 included in the award.

13 E. An assignment by the claimant to any future award under the  
14 provisions of the Uninsured Motorist Victims Compensation Act is  
15 unenforceable, except:

16 1. An assignment of any award for work loss to assure payment  
17 of court-ordered alimony, maintenance or child support; or

18 2. An assignment of any award for allowable expense to the  
19 extent that the benefits are for the cost of products, services or  
20 accommodations necessitated by the property damage, injury, or death  
21 on which the claim is based and are provided or to be provided by  
22 the assignee.

23 F. Outpatient counseling expenses for a victim of an eligible  
24 accident may be considered by the Board provided the counseling is

1 necessary for coping with an injury or death and the counselor is a  
2 qualified mental health care provider. A total not to exceed Two  
3 Thousand Dollars (\$2,000.00) may be awarded for individual  
4 counseling sessions for eligible victims in the discretion of the  
5 Board.

6 G. Reasonable funeral, cremation or burial expenses shall not  
7 exceed Five Thousand Dollars (\$5,000.00).

8 SECTION 14. NEW LAW A new section of law to be codified  
9 in the Oklahoma Statutes as Section 10-118.12 of Title 47, unless  
10 there is created a duplication in numbering, reads as follows:

11 If the Uninsured Motorist Victims Compensation Board determines  
12 that a claimant will suffer financial hardship unless an advance  
13 award is made, an amount may be paid to the claimant and shall be  
14 deducted from the final award, or shall be repaid by and recoverable  
15 from the claimant to the extent that it exceeds the final award.

16 SECTION 15. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 10-118.13 of Title 47, unless  
18 there is created a duplication in numbering, reads as follows:

19 The Uninsured Motorist Victims Compensation Board shall prepare  
20 and transmit annually to the Governor, the Speaker of the House of  
21 Representatives and the President Pro Tempore of the Senate a report  
22 of its activities, including the amount of compensation awarded and  
23 a statistical summary of claims and awards made and denied.

24

1 SECTION 16. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 10-118.14 of Title 47, unless  
3 there is created a duplication in numbering, reads as follows:

4 The filing of a false claim for compensation pursuant to the  
5 Uninsured Motorist Victims Compensation Act shall constitute a  
6 misdemeanor, and shall be punishable by a fine not to exceed Three  
7 Thousand Dollars (\$3,000.00) or by imprisonment in the county jail  
8 for a term not to exceed one (1) year, or by both such fine and  
9 imprisonment. In addition, the person shall be ordered to reimburse  
10 the total amount paid by the Uninsured Motorist Victims Compensation  
11 Board with interest accruing thereon at the rate of twelve percent  
12 (12%) per annum until paid.

13 SECTION 17. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 10-118.15 of Title 47, unless  
15 there is created a duplication in numbering, reads as follows:

16 There is hereby created in the State Treasury a revolving fund  
17 for the Uninsured Motorist Victims Compensation Board to be  
18 designated the "Uninsured Motorist Victims Compensation Revolving  
19 Fund". The fund shall be a continuing fund, not subject to fiscal  
20 year limitations, and shall consist of all monies received by the  
21 Uninsured Motorist Victims Compensation Board from any source  
22 excluding appropriated funds. All monies accruing to the credit of  
23 the fund are hereby appropriated and, except for those monies  
24 specifically authorized by the Legislature to be expended by the

1 Department of Public Safety for administration of the Uninsured  
2 Motorist Victims Compensation Board or operating expenses for  
3 administering any grant programs, may be budgeted and expended by  
4 the Board for the purpose of implementing the provisions of the  
5 Uninsured Motorist Victims Compensation Act. Expenditures from the  
6 fund shall be made upon warrants issued by the State Treasurer  
7 against claims filed as prescribed by law with the Director of State  
8 Finance for approval and payment. The fund shall be invested in  
9 whatever instruments are authorized by law for investments by the  
10 State Treasurer. The interest earned by any investment of monies  
11 from the fund shall be credited to the fund for expenditure as  
12 provided by law for the fund.

13 SECTION 18. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 10-118.16 of Title 47, unless  
15 there is created a duplication in numbering, reads as follows:

16 In addition to any traffic fine or criminal penalty allowed by  
17 law, any person found guilty of failure to have at least the minimal  
18 liability indemnification required to operate a vehicle on the  
19 streets, roads and highways of this state shall be assessed an  
20 uninsured motorist victims compensation assessment in an amount not  
21 less than Fifty Dollars (\$50.00) nor more than Five Thousand Dollars  
22 (\$5,000.00). Assessment shall be collected by the court clerk, and  
23 deposited in the Uninsured Motorist Victims Compensation Revolving  
24 Fund, created pursuant to Section 17 of this act.

1 SECTION 19. Sections 1 through 16 of this act shall become  
2 effective January 1, 2009.

3 SECTION 20. Sections 17 and 18 of this act shall become  
4 effective July 1, 2008.

5 SECTION 21. It being immediately necessary for the preservation  
6 of the public peace, health and safety, an emergency is hereby  
7 declared to exist, by reason whereof this act shall take effect and  
8 be in full force from and after its passage and approval.

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