

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1161

6 By: Aldridge

7 COMMITTEE SUBSTITUTE

8 An Act relating to motor vehicles; defining terms;
9 amending 47 O.S. 2001, Section 7-202, which relates
10 to security requirements; authorizing the Department
11 of Public Safety to determine amount of security
12 necessary for damage judgments from certain
13 collisions; amending 47 O.S. 2001, Section 7-203,
14 which relates to exceptions for security
15 requirements; modifying exemptions; updating
16 statutory language; amending 47 O.S. 2001, Section 7-
17 204, as amended by Section 31, Chapter 519, O.S.L.
18 2004 (47 O.S. Supp. 2008, Section 7-204), which
19 relates to requirements for insurance policies;
20 modifying certain requirements for minimum liability
21 insurance limits; limiting certain exemption;
22 amending 47 O.S. 2001, Section 7-205, which relates
23 to forms and amounts of securities; authorizing
24 Department to require security in certain amount;
stating limitation; amending 47 O.S. 2001, Section 7-
206, which relates to security deposits; modifying
penalties for failure to deposit securities; amending
47 O.S. 2001, Section 7-207, which relates to release
of liability; updating statutory language; amending
47 O.S. 2001, Section 7-209, which relates to payment
of damages; modifying penalties for defaulting on
certain payments; amending 47 O.S. 2001, Section 7-
210, which relates to payment of judgments; updating
statutory language; amending 47 O.S. 2001, Section 7-
212, which relates to suspensions; providing for
suspension of driving privileges; amending 47 O.S.
2001, Section 7-213, which relates to application of
act to nonresidents; updating statutory language;
amending 47 O.S. 2001, Section 7-214, which relates
to authority to decrease securities; modifying

1 certain time period; updating statutory language;
2 amending 47 O.S. 2001, Section 7-215, which relates
3 to corrective actions; updating statutory language;
4 amending 47 O.S. 7-309, which relates to
5 nonresidents; clarifying statutory reference;
6 amending 47 O.S. 2001, Section 310, which relates to
7 suspensions; clarifying statutory references and
8 language; amending 47 O.S. 2001, Section 7-312, which
9 relates to modifying certain time period; updating
10 statutory language; amending 47 O.S. 2001, Section 7-
11 313, which relates to liability; modifying penalty
12 for certain insurers; amending 47 O.S. 2001, Section
13 7-314, which relates to suspensions; updating
14 statutory language; amending 47 O.S. 2001, Section 7-
15 316, as amended by Section 5, Chapter 394, O.S.L.
16 2005 (47 O.S. Supp. 2008, Section 7-316), which
17 relates to judgment payments; modifying satisfaction
18 of certain judgments; amending 47 O.S. 2001, Section
19 7-317, which relates to installment payments;
20 updating statutory language; amending 47 O.S. 2001,
21 Section 7-318, which relates to failure to pay
22 judgments; clarifying statutory reference and
23 updating statutory language; amending 47 O.S. 2001,
24 Section 7-320, which relates to proof of financial
responsibility; clarifying statutory reference;
updating statutory language; amending 47 O.S. 2001,
Section 7-335, which relates to proof of financial
responsibility; amending 47 O.S. 2001, Section 7-402,
which relates to surrender of license; modifying
certain penalties; amending 47 O.S. 2001, Section 7-
502, which relates to exceptions; modifying certain
exceptions; amending 47 O.S. 2001, Section 7-505,
which relates to hardship cases; clarifying statutory
references; updating statutory language; amending 47
O.S. 2001, Section 7-506, which relates to
reinstatement fees; updating statutory language;
amending 47 O.S. 7-600, which relates to compulsory
liability insurance; modifying definitions; amending
47 O.S. 2001, Section 7-600.1, which relates to
insurance policies; modifying requirements for
liability insurance; amending 47 O.S. 2001, Section
7-600.2, as last amended by Section 2, Chapter 335,
O.S.L. 2008 (47 O.S. Supp. 2008, Section 7-600.2),
which relates to online verification; updating
statutory language; modifying certain time period;
removing requirement for certain license plate
designs; amending 47 O.S. 2001, Section 7-601, which

1 relates to liability requirements; deleting obsolete
2 language; updating statutory language; amending 47
3 O.S. 2001, Section 7-601.1, which relates to security
4 verification forms; modifying certain requirements
5 for security verification forms; amending 47 O.S.
6 2001, Section 7-602, as last amended by Section 2,
7 Chapter 322, O.S.L. 2006 (47 O.S. Supp. 2008, Section
8 7-602), which relates to online certification;
9 modifying procedures relating to security
10 verification forms; clarifying statutory references
11 and language; amending 47 O.S. 2001, Section 7-602.1,
12 which relates to possession of forms while driving;
13 amending 47 O.S. 2001, Section 7-603, which relates
14 to verification of security; modifying procedures for
15 verification; amending 47 O.S. 2001, Section 7-605,
16 as amended by Section 4, Chapter 322, O.S.L. 2006 (47
17 O.S. Supp. 2008, Section 7-605), which relates to
18 penalties; modifying certain penalties relating to
19 driving without insurance; deleting certain fee;
20 amending 47 O.S. 2001, Section 7-606, as amended by
21 Section 6, Chapter 322, O.S.L. 2006 (47 O.S. Supp.
22 2008, Section 7-606), which relates to failure to
23 maintain insurance; updating statutory language;
24 amending 47 O.S. 2001, Section 7-607, which relates
to exemptions; clarifying statutory reference;
amending Section 5, Chapter 322, O.S.L. 2006, as
amended by Section 15, Chapter 326, O.S.L. 2007 (47
O.S. Supp. 2008, Section 7-612), which relates to
security verification forms; modifying certain
penalties; providing for recodification; repealing 47
O.S. 2001, Sections 7-301, 7-302, 7-303, 7-304, 7-
305, 7-306, 7-307, 7-321, 7-322, 7-323, 7-325, 7-326,
7-332, 7-334, 7-608 and 7-609, which relate to motor
vehicle liability insurance and verification;
providing for codification; and providing an
effective date.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 7-103 of Title 47, unless there
is created a duplication in numbering, reads as follows:

1 The following words and phrases when used in Title 47 of the
2 Oklahoma Statutes shall have the meanings respectively ascribed to
3 them in this section:

4 1. "Judgment" means any judgment which shall have become final
5 by expiration without appeal in the time within which an appeal
6 might have been perfected, or by final affirmation on appeal,
7 rendered by a court of competent jurisdiction of any state or of the
8 United States, upon a cause of action arising out of the ownership,
9 maintenance or use of any vehicle subject to registration under the
10 laws of this state, for damages, including damages for care and loss
11 of services, because of bodily injury to or death of any person, or
12 for damages because of injury to or destruction of property,
13 including the loss of use thereof, or upon a cause of action on an
14 agreement of settlement for the damages;

15 2. "Minimum liability insurance limits" means:

16 a. for vehicle liability policies issued or renewed
17 before April 1, 2005:

18 (1) a limit of not less than Ten Thousand Dollars
19 (\$10,000.00) because of bodily injury to or death
20 of one person in any one accident,

21 (2) subject to the limit for one person as prescribed
22 in subparagraph a of this paragraph, a limit of
23 not less than Twenty Thousand Dollars
24

1 (\$20,000.00) because of bodily injury to or death
2 of two or more persons in any one accident, and
3 (3) if the accident has resulted in injury to or
4 destruction of property, a limit of not less than
5 Ten Thousand Dollars (\$10,000.00) because of
6 injury to or destruction of property of others in
7 any one accident, or

8 b. for vehicle liability policies issued or renewed on or
9 after April 1, 2005:

10 (1) a limit of not less than Twenty-five Thousand
11 Dollars (\$25,000.000) because of bodily injury to
12 or death of one person in any one accident,

13 (2) subject to the limit for one person as prescribed
14 in subparagraph a of this paragraph, a limit of
15 not less than Fifty Thousand Dollars (\$50,000.00)
16 because of bodily injury to or death of two or
17 more persons in any one accident, and

18 (3) if the accident has resulted in injury to or
19 destruction of property to a limit of not less
20 than Twenty-five Thousand Dollars (\$25,000.00)
21 because of injury to or destruction of property
22 of others in any one accident;

23 3. "Motor vehicle liability policy" means an owner's policy or
24 operator's policy of liability, as defined in this chapter, issued

1 by an insurance carrier duly authorized to transact business in this
2 state, to or for the benefit of the person named therein as insured.
3 With respect to a policy which grants coverage in excess of or in
4 addition to minimum liability insurance limits, the term motor
5 vehicle liability policy shall apply only to that part of the
6 coverage which is required by minimum liability insurance limits;
7 and

8 4. "Proof of financial responsibility" means proof of ability
9 to respond in damages for liability at the minimum liability
10 insurance limits:

11 a. resulting from accidents occurring subsequent to the
12 effective date of the proof,

13 b. arising out of the ownership, maintenance or use of a
14 vehicle subject to registration under the laws of this
15 state.

16 SECTION 2. AMENDATORY 47 O.S. 2001, Section 7-202, is
17 amended to read as follows:

18 Section 7-202. ~~(a)~~ A. The Department of Public Safety, not
19 less than twenty (20) days after receipt of a report of an accident,
20 as described in ~~the preceding section~~ Section 7-201 of this title,
21 shall determine the amount of security which shall be sufficient in
22 its judgment to satisfy any judgment or judgments for damages
23 resulting from ~~such~~ the accident, based on the reports or other
24 information submitted to the Department, as may be recovered against

1 each driver or owner. ~~Such~~ The determination shall not be made with
2 respect to drivers or owners who are exempt under ~~succeeding~~
3 ~~sections~~ Section 7-203 of this ~~chapter~~ title from the requirements
4 as to security and suspension.

5 ~~(b) The Department shall determine the amount of security~~
6 ~~deposit required of any person upon the basis of the reports or~~
7 ~~other information submitted. In the event a person involved in an~~
8 ~~accident as described in this chapter fails to make a report or~~
9 ~~submit information indicating the extent of his injuries or the~~
10 ~~damage to his property within fifty (50) days after the accident and~~
11 ~~the Department does not have sufficient information on which to base~~
12 ~~an evaluation of such injuries or damage, then the Department after~~
13 ~~reasonable notice to such person, if it is possible to give such~~
14 ~~notice, otherwise without such notice, shall not require any deposit~~
15 ~~of security for the benefit or protection of such person.~~

16 ~~(e)~~ B. The Department, not less than fifty (50) days after
17 receipt of report of ~~any accident referred to herein~~ an accident as
18 described in Section 7-201 of this title and upon determining the
19 amount of security to be required of any person involved in ~~such the~~
20 accident or to be required of the owner of any vehicle involved in
21 ~~such the~~ the accident shall give written notice pursuant to the
22 provisions of Section 2-116 of this title to every ~~such~~ person of
23 the amount of security required to be deposited by him and that an
24 order of suspension will be made to become effective upon the

1 expiration of ten (10) days after the sending of ~~such~~ the notice
2 unless within ~~said~~ that time security be deposited as required by
3 ~~said~~ the notice.

4 SECTION 3. AMENDATORY 47 O.S. 2001, Section 7-203, is
5 amended to read as follows:

6 Section 7-203. The ~~requirements as to~~ provisions in this
7 chapter requiring security, proof of financial responsibility, and
8 suspension in this article shall not apply:

9 1. To the driver or owner if the owner had in effect at the
10 time of the accident ~~an automobile~~ a motor vehicle liability policy
11 ~~or bond~~ with respect to the vehicle involved in the accident, ~~except~~
12 ~~that;~~ provided, a driver shall not be exempt under this paragraph if
13 at the time of the accident the vehicle was being operated without
14 the ~~owner's~~ permission, express or implied, of the owner;

15 2. To the driver, if not the owner of the vehicle involved in
16 the accident, if there was in effect at the time of the accident ~~an~~
17 ~~automobile~~ a motor vehicle liability policy ~~or bond~~ with respect to
18 ~~his driving~~ the operation of vehicles not owned by ~~him~~ the driver;

19 3. To a driver or owner whose liability for damages resulting
20 from the accident is, in the judgment of the Department, covered by
21 any other form of motor vehicle liability insurance policy ~~or bond;~~

22 4. To any person qualifying as a self-insurer under Section
23 7-503 of this title or to any person operating a vehicle for ~~such~~
24 the self-insurer;

1 5. To the driver or the owner of a vehicle involved in an
2 accident wherein no injury or damage was caused to the person or
3 property of anyone other than ~~such~~ the driver or owner, unless the
4 vehicle is being operated without the permission of the owner,
5 express or implied;

6 6. To the driver or owner of a vehicle which at the time of the
7 accident was parked, unless ~~such~~ the vehicle was parked at a place
8 where parking was at the time of the accident prohibited under any
9 applicable law or ordinance;

10 7. To the owner of a vehicle if at the time of the accident the
11 vehicle was being operated without ~~his~~ the permission of the owner,
12 express or implied, or was parked by a person who had been operating
13 ~~such~~ the vehicle without ~~such~~ permission of the owner, express or
14 implied;

15 8. To the owner of a vehicle involved in an accident if at the
16 time of the accident ~~such~~ the vehicle was owned by or leased to the
17 United States, this state or any political subdivision of this state
18 or a municipality thereof, or to the driver of ~~such~~ the vehicle if
19 operating ~~such~~ the vehicle with permission; or

20 9. To the driver or the owner of a vehicle ~~in the event if~~ if at
21 the time of the accident the vehicle was being operated by or under
22 the direction of a ~~police~~ peace officer who, in the performance of
23 his or her duties, shall have assumed custody of ~~such~~ the vehicle.
24

1 SECTION 4. AMENDATORY 47 O.S. 2001, Section 7-204, as
2 amended by Section 31, Chapter 519, O.S.L. 2004 (47 O.S. Supp. 2008,
3 Section 7-204), is amended to read as follows:

4 Section 7-204. A. No motor vehicle liability policy or bond
5 shall be considered effective to provide any exemption under Section
6 7-203 of this title unless;

7 1. The policy is issued by an insurance company ~~or surety~~
8 ~~company~~ authorized to do business in this state, except as provided
9 in subsection B of this section, ~~nor unless such;~~

10 2. The policy or bond is subject provides, if the accident has
11 resulted in bodily injury or death or property injury or
12 destruction, to a limit, exclusive of interest and costs, ~~of~~ not
13 less than ~~the following:~~

14 ~~1. For policies or bonds issued or renewed before April 1,~~
15 ~~2005, Ten Thousand Dollars (\$10,000.00) because of bodily injury to~~
16 ~~or death of one person in any one accident and, subject to said~~
17 ~~limit for one person, to a limit of not less than Twenty Thousand~~
18 ~~Dollars (\$20,000.00) because of bodily injury to or death of two or~~
19 ~~more persons in any one accident, and if the accident has resulted~~
20 ~~in injury to or destruction of property to a limit of not less than~~
21 ~~Ten Thousand Dollars (\$10,000.00) because of injury to or~~
22 ~~destruction of property of others in any one accident;~~

23 ~~2. For policies or bonds issued or renewed on or after April 1,~~
24 ~~2005, Twenty five Thousand Dollars (\$25,000.000) because of bodily~~

1 ~~injury to or death of one person in any one accident and, subject to~~
2 ~~said limit for one person, to a limit of not less than Fifty~~
3 ~~Thousand Dollars (\$50,000.00) because of bodily injury to or death~~
4 ~~of two or more persons in any one accident, and if the accident has~~
5 ~~resulted in injury to or destruction of property to a limit of not~~
6 ~~less than Twenty five Thousand Dollars (\$25,000.00) because of~~
7 ~~injury to or destruction of property of others in any one accident~~
8 minimum liability insurance limits.

9 B. No motor vehicle liability policy ~~or bond~~ shall be
10 considered effective to provide any exemption under Section 7-203 of
11 this title with respect to any vehicle which was not registered in
12 this state ~~or was a vehicle which was registered elsewhere than in~~
13 ~~this state~~ at the effective date of the policy ~~or bond~~ or the most
14 recent renewal thereof, unless the insurance company ~~or surety~~
15 ~~company~~ issuing such the policy ~~or bond~~ is authorized to do business
16 in this state, ~~or if said company is not authorized to do business~~
17 ~~in this state, unless it shall execute a power of attorney~~
18 ~~authorizing the Commissioner to accept service on its behalf of~~
19 ~~notice or process in any action upon such policy or bond arising out~~
20 ~~of such accident~~ in the state of registration.

21 C. The Department of Public Safety may rely upon the accuracy
22 of the information in a required report of an accident as to the
23 existence of ~~insurance or a bond~~ a motor vehicle liability policy

24

1 unless and until the Department has reason to believe that the
2 information is erroneous.

3 SECTION 5. AMENDATORY 47 O.S. 2001, Section 7-205, is
4 amended to read as follows:

5 Section 7-205. ~~(a)~~ A. The security required under this chapter
6 shall be in ~~such~~ the form and in ~~such~~ the amount ~~as~~ the Department
7 ~~may require~~ of Public Safety requires, but in no case in excess of
8 ~~the minimum liability insurance limits specified in section 7-204 in~~
9 ~~reference to the acceptable limits of a policy or bond.~~

10 ~~(b)~~ B. Every depositor of security shall designate in writing
11 every person in whose name ~~such~~ the deposit is made and may at any
12 time change ~~such~~ the designation, but any single deposit of security
13 shall be applicable only on behalf of persons required to furnish
14 security because of the same accident.

15 SECTION 6. AMENDATORY 47 O.S. 2001, Section 7-206, is
16 amended to read as follows:

17 Section 7-206. In the event that any person required to deposit
18 security and file proof of financial responsibility under this
19 ~~chapter~~ article fails to deposit such security and file such proof
20 of financial responsibility within ten (10) days after the
21 Department of Public Safety has sent the notice as hereinbefore
22 provided, the Department shall thereupon suspend-

23 ~~1. The license and all registrations~~ the driving privilege of
24 each driver in any manner involved in the accident-

1 ~~2. The license and all registrations of all vehicles owned by~~
2 ~~the owner on or after the effective date of the suspension order of~~
3 ~~each vehicle involved in such accident, and any other vehicles~~
4 ~~thereafter acquired and registered in the name of the owner thereof,~~
5 ~~of a type subject to registration under the laws of this state;~~

6 ~~3. If the driver is a nonresident, the driving privilege of~~
7 ~~operating a vehicle within this state;~~

8 ~~4. If such owner is a nonresident, the privilege of operating~~
9 ~~any vehicle owned by him on or after the effective date of the~~
10 ~~suspension order.~~

11 ~~Such suspensions~~ The suspension shall be made in respect to
12 ~~persons~~ each person required by the Department to deposit security
13 who ~~fail~~ fails to deposit such security, except as otherwise
14 provided ~~under succeeding sections~~ in Section 7-207, 7-208, 7-209,
15 or 7-210 of this ~~chapter~~ title.

16 SECTION 7. AMENDATORY 47 O.S. 2001, Section 7-207, is
17 amended to read as follows:

18 Section 7-207. ~~(a)~~ A. A person shall be relieved from the
19 requirement for deposit of security for the benefit or protection of
20 another person injured or damaged in the accident, provided he or
21 she has given proof of financial responsibility, in the event he or
22 she is released from liability by ~~such~~ the other person.

23 ~~(b)~~ B. A covenant not to sue shall relieve the parties thereto
24 as to each other from the security requirements of this chapter.

1 ~~(c)~~ C. In the event the ~~department~~ Department of Public Safety
2 has ~~evaluated~~ received medical evidence that the injuries or damage
3 to any minor are in an amount not more than Two Hundred Dollars
4 (\$200.00), the Department may accept, for the purposes of this
5 article only, evidence of a release from liability executed by a
6 ~~natural guardian~~ custodial parent or a legal guardian on behalf of
7 ~~such~~ the minor without the approval of any court or judge.

8 SECTION 8. AMENDATORY 47 O.S. 2001, Section 7-209, is
9 amended to read as follows:

10 Section 7-209. ~~(a)~~ A. Any two or more of the persons involved
11 in or affected by an accident, as described in Section 7-201 of this
12 title, may at any time enter into a written agreement for the
13 payment of an agreed amount with respect to all claims of any of
14 ~~such~~ the persons because of bodily injury to or death or property
15 damage arising from ~~such~~ the accident, which agreement may provide
16 for payment in installments, and may file a signed copy thereof with
17 the Department of Public Safety.

18 ~~(b)~~ B. The Department, to the extent provided by ~~any such~~ the
19 written agreement filed with it, shall not require the deposit of
20 security and shall terminate any prior order of suspension, provided
21 that proof of financial responsibility has been filed, ~~or,~~
22 provided, if security has previously been deposited, the Department
23 shall immediately return ~~such~~ the security to the depositor or ~~his~~
24 to the personal representative of the depositor.

1 ~~(c) In the event~~ C. Upon notice to the Department of a default
2 in any payment under ~~such the~~ agreement ~~and upon notice of such~~
3 ~~default,~~ the Department shall take action suspending the ~~license and~~
4 ~~registration~~ driving privilege of ~~such the~~ person in default as
5 ~~would be appropriate in the event of~~ in the same manner as for
6 failure of ~~such the~~ person to deposit security when required under
7 this chapter. When reporting a default, the amount already paid and
8 the outstanding balance shall be provided to the Department.
9 Provided, this subsection shall not be deemed to require any party
10 to the agreement to make notice to the Department of a default of
11 any payment.

12 ~~(d) Such~~ D. The suspension provided for in subsection C of
13 this section shall remain in effect and such license and
14 ~~registration~~ the driving privilege of the person shall not be
15 restored unless and until:

16 1. Security is deposited and proof of financial responsibility
17 is filed as required under this chapter, the security to be in such
18 amount as the Department may then determine, ~~or;~~

19 2. ~~When, following any such default and suspension, the~~ The
20 person in default has paid the balance of the agreed amount, ~~or;~~

21 3. One (1) year has elapsed following the effective date of
22 ~~such the~~ suspension and evidence satisfactory to the Department has
23 been filed with it that during ~~such the~~ one-year period no action at
24 law upon ~~such the~~ agreement has been instituted and is pending.

1 SECTION 9. AMENDATORY 47 O.S. 2001, Section 7-210, is
2 amended to read as follows:

3 Section 7-210. The payment of a judgment arising out of an
4 accident or the payment upon ~~such~~ the judgment of an amount equal to
5 the maximum amount which could be required for deposit under this
6 ~~article~~ chapter shall, for the purposes of this ~~article~~ chapter,
7 release the judgment debtor from the liability evidenced by ~~such~~ the
8 judgment, provided that ~~he~~ the person has filed proof of financial
9 responsibility.

10 SECTION 10. AMENDATORY 47 O.S. 2001, Section 7-212, is
11 amended to read as follows:

12 Section 7-212. Unless a suspension is terminated under other
13 provisions of this chapter, any order of suspension by the
14 Department of Public Safety under this chapter shall remain in
15 effect and no license shall be renewed for or issued to any person
16 whose ~~license~~ driving privilege is ~~so~~ suspended and ~~no registration~~
17 ~~shall be renewed for or issued to any person whose vehicle~~
18 ~~registration is so suspended~~ until:

19 1. ~~Such~~ The person shall deposit and file or there shall be
20 deposited and filed on ~~his~~ behalf of the person the security and
21 proof of financial responsibility required under this chapter, or

22 2. One (1) year shall have elapsed following the date of ~~such~~
23 the suspension and evidence satisfactory to the Department has been
24 filed with it that during ~~such~~ the one-year period no action for

1 damages arising out of the accident resulting in ~~such~~ the suspension
2 has been instituted, provided ~~that such,~~ the person has filed the
3 required proof of financial responsibility.

4 An affidavit of the applicant that no action at law for damages
5 arising out of the accident has been filed against him or her or, if
6 filed, that it is not still pending shall be prima facie evidence of
7 that fact. The Department may take whatever steps are necessary to
8 verify the statement set forth in ~~any said~~ the affidavit.

9 SECTION 11. AMENDATORY 47 O.S. 2001, Section 7-213, is
10 amended to read as follows:

11 Section 7-213. ~~(a)~~ A. In case the driver or the owner of a
12 vehicle ~~of a type~~ subject to registration under the laws of this
13 state involved in an accident within this state has no driver
14 license ~~or registration~~ in this state, then ~~such~~ the driver shall
15 ~~not be allowed~~ denied a driver license, ~~nor shall such owner be~~
16 ~~allowed to register any vehicle in this state,~~ until he or she has
17 complied with the requirements of this chapter to the same extent
18 that would be necessary if, at the time of the accident, he or she
19 had held a driver license ~~or been the owner of a vehicle registered~~
20 in this state.

21 ~~(b)~~ B. When a nonresident's ~~operating~~ driving privilege is
22 suspended pursuant to Section 7-206 of this title, the Department of
23 Public Safety shall transmit a ~~certified~~ copy of the record of ~~such~~
24 the action to the official in charge of the issuance of driver

1 licenses ~~and registration certificates~~ in the state in which ~~such~~
2 the nonresident resides, ~~if the law of such other state provides for~~
3 ~~action in relation thereto similar to that provided for in~~
4 ~~subsection (c) of this section.~~

5 ~~(e) C.~~ Upon receipt of ~~such certification~~ a copy of a record
6 from another state that the ~~operating~~ driving privilege of a
7 resident of this state has been suspended or revoked in ~~any such~~ the
8 other state ~~pursuant to a law providing for its suspension or~~
9 ~~revocation~~ for failure to deposit security for the payment of
10 judgments arising out of a motor vehicle accident, or for failure to
11 give and maintain proof of financial responsibility, under
12 circumstances which would require the Department to suspend a
13 ~~nonresident's operating~~ the driving privilege of the person had the
14 accident occurred in this state, the Department shall suspend the
15 ~~license~~ driving privilege of ~~such~~ the resident if he or she was the
16 driver, ~~and all of his registrations if he was the owner of a motor~~
17 ~~vehicle involved~~ determined to be at fault in ~~such~~ the accident.
18 ~~Such~~ The suspension shall continue until ~~such~~ the resident furnishes
19 evidence of his or her compliance with the law of ~~such~~ the other
20 state relating to the deposit of such security or files proof of
21 financial responsibility.

22 SECTION 12. AMENDATORY 47 O.S. 2001, Section 7-214, is
23 amended to read as follows:

24

1 Section 7-214. The Department of Public Safety may reduce the
2 amount of security ordered in any case within ~~six (6) months~~ one (1)
3 year after the date of the accident if in its judgment the amount
4 ordered is excessive. In case the security originally ordered has
5 been deposited, the excess deposit over the reduced amount ordered
6 shall be returned forthwith to the depositor or ~~his~~ the personal
7 representative ~~forthwith~~ of the depositor.

8 SECTION 13. AMENDATORY 47 O.S. 2001, Section 7-215, is
9 amended to read as follows:

10 Section 7-215. Whenever the Department of Public Safety has
11 taken any action or has failed to take any action under this ~~chapter~~
12 article by reason of having received erroneous information or ~~by~~
13 ~~reason of having received~~ no information, then, upon receiving
14 ~~correct~~ further information within one (1) year after the date of an
15 accident, the Department shall take appropriate action to carry out
16 the purposes and effect of this ~~chapter~~ article. ~~The foregoing~~
17 Provided, this section shall not, however, be deemed to require the
18 Department to reevaluate the amount of any deposit required under
19 this article.

20 SECTION 14. AMENDATORY 47 O.S. 2001, Section 7-309, is
21 amended to read as follows:

22 Section 7-309. If the defendant named in any certified copy of
23 a judgment reported to the Department of Public Safety, as
24 prescribed in Section 7-308 of this title, is a nonresident, then

1 the Department shall transmit a certified copy of the judgment to
2 the official in charge of the issuance of driver licenses and
3 ~~registrations~~ of the state of which the defendant is a resident.

4 SECTION 15. AMENDATORY 47 O.S. 2001, Section 7-310, is
5 amended to read as follows:

6 Section 7-310. The Department of Public Safety, upon receipt of
7 a certified copy of a judgment as prescribed in Section 7-308 of
8 this title and a certificate of facts relative to such judgment, on
9 a form provided by the Department, shall forthwith suspend the
10 ~~license and registration and any nonresident's operating driving~~
11 privilege of any person against whom ~~such~~ the judgment was rendered,
12 except as hereinafter otherwise provided in this chapter.

13 SECTION 16. AMENDATORY 47 O.S. 2001, Section 7-312, is
14 amended to read as follows:

15 Section 7-312. If the judgment creditor consents in writing, in
16 ~~such form~~ a manner as the Department of Public Safety may prescribe,
17 that the judgment debtor be allowed ~~license and registration or~~
18 ~~nonresident's operating~~ to continue his or her driving privilege,
19 the same may be allowed by the Department, in its discretion, for at
20 least six (6) months from the date of ~~such~~ the consent and
21 thereafter until ~~such~~ the consent is revoked in writing,
22 notwithstanding default in the payment of ~~such~~ the judgment, or of
23 any installments thereof, as prescribed in Section 7-317 of this

24

1 title, provided the judgment debtor furnishes proof of financial
2 responsibility.

3 SECTION 17. AMENDATORY 47 O.S. 2001, Section 7-313, is
4 amended to read as follows:

5 Section 7-313. No ~~license, registration or nonresident's~~
6 ~~operating~~ driving privilege of any person shall be suspended under
7 the provisions of this chapter if the Department of Public Safety
8 shall find that an insurer was obligated to pay the judgment, at
9 least to the extent and for the amounts required in this chapter,
10 upon which the suspension is based, ~~at least to the extent and for~~
11 ~~the amounts required in this chapter,~~ but has not paid such the
12 judgment for any reason. A finding by the Department that an
13 insurer is obligated to pay a judgment shall not be binding upon
14 ~~such the~~ insurer and shall have no legal effect whatever except for
15 the purpose of administering this section. Whenever in any judicial
16 proceedings it shall be determined by any final judgment, decree or
17 order that an insurer is not obligated to pay ~~any such the~~ judgment,
18 the Department, notwithstanding any contrary finding theretofore
19 made by it, shall forthwith suspend the ~~license and registration and~~
20 ~~any nonresident's operating~~ driving privilege of any person against
21 whom ~~such the~~ judgment was rendered, as provided in Section 7-310 of
22 this title.

23 SECTION 18. AMENDATORY 47 O.S. 2001, Section 7-314, is
24 amended to read as follows:

1 Section 7-314. ~~Such license, registration and nonresident's~~
2 ~~operating~~ The driving privilege of any person which has been
3 suspended under the provisions of Section 7-313 of this title shall
4 remain ~~so~~ suspended and shall not be ~~renewed~~ reinstated, nor shall
5 any ~~such~~ driver license ~~or registration~~ be thereafter issued in the
6 name of ~~such~~ the person, including any ~~such~~ person not previously
7 licensed, ~~unless~~:

8 1. Unless and until every ~~such~~ judgment is stayed, or satisfied
9 in full or to the extent hereinafter provided; and ~~until~~

10 2. Until the ~~said~~ person gives proof of financial
11 responsibility subject to the exemptions stated in Sections 7-312,
12 7-313 and 7-317 of this title.

13 SECTION 19. AMENDATORY 47 O.S. 2001, Section 7-316, as
14 amended by Section 5, Chapter 394, O.S.L. 2005 (47 O.S. Supp. 2008,
15 Section 7-316), is amended to read as follows:

16 Section 7-316. A. Judgments herein referred to shall, for the
17 purpose of this chapter only, be deemed satisfied:

18 ~~1. When at least Twenty five Thousand Dollars (\$25,000.00) has~~
19 ~~been credited upon any judgment or judgments rendered in excess of~~
20 ~~that amount because of bodily injury to or death of one person as~~
21 ~~the result of any one collision;~~

22 ~~2. When, subject to the minimum limit of Twenty five Thousand~~
23 ~~Dollars (\$25,000.00) because of bodily injury to or death of one~~
24 ~~person, the sum of at least Fifty Thousand Dollars (\$50,000.00) has~~

1 ~~been credited upon any judgment or judgments rendered in excess of~~
2 ~~that amount because of bodily injury to or death of two or more~~
3 ~~persons as the result of any one collision; or~~

4 3. ~~When at least Twenty five Thousand Dollars (\$25,000.00) has~~
5 ~~been credited upon any judgment or judgments rendered in excess of~~
6 ~~that amount because of injury to or destruction of property of~~
7 ~~others as a result of any one collision~~ the minimum liability
8 insurance limits are met; or

9 When any combination of amounts as prescribed by the minimum
10 liability insurance limits and as appropriate to the consequences of
11 the accident, has been credited upon any judgment or judgments
12 rendered in excess of that amount because of a combination of bodily
13 injury to or death of any number of persons and because of injury to
14 or destruction of property of others as a result of any one
15 accident.

16 B. Provided, however, payments made in settlements of any
17 claims because of bodily injury, death or property damage arising
18 from the ~~collision~~ accident shall be credited in reduction of the
19 amounts provided for in this section.

20 SECTION 20. AMENDATORY 47 O.S. 2001, Section 7-317, is
21 amended to read as follows:

22 Section 7-317. ~~(a)~~ A. A judgment debtor, upon due notice to
23 the judgment creditor, may apply to the court in which ~~such~~ the
24 judgment was rendered for the privilege of paying ~~such~~ the judgment

1 in installments, and the court, in its discretion and without
2 prejudice to any other legal remedies which the judgment creditor
3 may have, may so order and fix the amounts and times of payment of
4 the installments.

5 ~~(b)~~ B. The Department of Public Safety shall not suspend a
6 ~~license, registration or nonresident's operating~~ the driving
7 privilege of any person and shall restore ~~any license, registration~~
8 ~~or nonresident's operating~~ the driving privilege of any person, if
9 otherwise eligible, which was suspended following nonpayment of a
10 judgment when the judgment debtor gives proof of financial
11 responsibility and obtains ~~such~~ an order permitting the payment of
12 ~~such~~ the judgment in installments, and while the payment of any ~~said~~
13 installments is not in default.

14 SECTION 21. AMENDATORY 47 O.S. 2001, Section 7-318, is
15 amended to read as follows:

16 Section 7-318. In the event the judgment debtor fails to pay
17 any installment as specified by ~~such~~ an order described in Section
18 7-317 of this title, then, upon notice by the court of ~~such the~~
19 default, the Department of Public Safety shall forthwith suspend the
20 ~~license, registration or nonresident's operating~~ driving privilege
21 of the person who is the judgment debtor until ~~such~~ the judgment is
22 satisfied, as provided in this ~~chapter~~ article.

23 SECTION 22. AMENDATORY 47 O.S. 2001, Section 7-320, is
24 amended to read as follows:

1 Section 7-320. Proof of financial responsibility when required
2 under this article, with respect to ~~such~~ a vehicle or with respect
3 to a person who is not the owner of ~~such~~ a vehicle, may be given by
4 filing:

5 1. A ~~certificate of insurance~~ security verification form as
6 ~~provided~~ defined in Section ~~7-321 or Section 7-322~~ 7-600 of this
7 title;

8 2. A ~~bond as provided in Section 7-327 of this title;~~

9 ~~3.~~ A certificate of deposit of money or securities as provided
10 in Section 7-330 of this title; or

11 ~~4.~~ 3. A certificate of self-insurance, as provided in Section
12 7-503 of this title, supplemented by an agreement by the self-
13 insurer that, with respect to accidents occurring while the
14 certificate is in force, ~~he~~ the self-insurer will pay the same
15 amounts that an insurer would have been obliged to pay under ~~an~~
16 ~~owner's~~ a motor vehicle liability policy if ~~it~~ the insurance carrier
17 had issued ~~such~~ a policy to ~~said~~ the self-insurer.

18 SECTION 23. AMENDATORY 47 O.S. 2001, Section 7-335, is
19 amended to read as follows:

20 Section 7-335. ~~(a)~~ A. The Department of Public Safety shall
21 upon request consent to the immediate cancellation of any ~~bond~~
22 certificate of insurance or the Department shall direct and the
23 State Treasurer shall return to the person entitled thereto any
24 money or securities deposited pursuant to this article or Article II

1 of this chapter as proof of financial responsibility, or the
2 Department shall waive the requirement of filing proof of financial
3 responsibility, in any of the following events:

4 1. In the event of the death of the person on whose behalf ~~such~~
5 the proof of financial responsibility was filed or the permanent
6 incapacity of ~~such~~ the person to operate a motor vehicle; or

7 2. In the event the person who has given proof of financial
8 responsibility surrenders his or her driver license ~~and registration~~
9 to the Department.

10 ~~(b)~~ B. Provided, however, that the Department shall not consent
11 to the cancellation of any ~~bond or~~ certificate of insurance and the
12 Department shall not consent to the return of any money or
13 securities in the event any action for damages upon a liability
14 covered by such proof of financial responsibility is then pending or
15 any judgment upon any such liability is then unsatisfied, or in the
16 event the person who has filed such bond or deposited such money or
17 securities has within one (1) year immediately preceding such
18 request been involved as a driver or owner in any ~~motor vehicle~~
19 accident resulting in injury or damage to the person or property of
20 others. An affidavit of the ~~applicant~~ person as to the nonexistence
21 of such facts, or that ~~he~~ the person has been released from all ~~of~~
22 ~~his~~ liability, or has been finally adjudicated not to be liable, for
23 ~~such~~ any injury or damage, shall be sufficient evidence thereof in
24

1 the absence of evidence to the contrary in the records of the
2 Department.

3 SECTION 24. AMENDATORY 47 O.S. 2001, Section 7-402, is
4 amended to read as follows:

5 Section 7-402. ~~(a)~~ A. Any person whose ~~license or registration~~
6 driving privilege shall have been suspended under any provision of
7 this ~~act~~ chapter, or whose policy of insurance ~~or bond~~, when
8 required under this ~~act~~ chapter, shall have been canceled or
9 terminated, shall immediately return his or her driver license ~~and~~
10 ~~registration~~ to the Department of Public Safety. If any person
11 shall fail to return to the Department the driver license ~~or~~
12 ~~registration~~ as provided herein, the Department shall forthwith
13 direct any peace officer to secure possession thereof and to return
14 the same to the Department in the same manner as prescribed in
15 Section 7-605 of this title.

16 ~~(b)~~ B. Any person willfully failing to return his or her driver
17 license ~~or registration~~ as required in ~~paragraph (a)~~ subsection A of
18 this section shall be ~~fined not more than Five Hundred Dollars~~
19 ~~(\$500.00) or imprisoned not to exceed thirty (30) days, or both~~
20 punished as provided in Section 17-101 of this title.

21 SECTION 25. AMENDATORY 47 O.S. 2001, Section 7-502, is
22 amended to read as follows:

23 Section 7-502. ~~Except for sections 10-108 and 7-322, the~~ The
24 provisions of this chapter shall not apply with respect to any

1 vehicle which is subject to regulation by the ~~Oklahoma~~ Corporation
2 Commission or to regulation by any other federal or state agency
3 under provisions of any laws requiring insurance or other security.

4 SECTION 26. AMENDATORY 47 O.S. 2001, Section 7-505, is
5 amended to read as follows:

6 Section 7-505. ~~(a)~~ A. In order to furnish a means of relief
7 from extreme and unusually severe hardship in the application of
8 Article II or Article III of this chapter, it is hereby provided
9 that any owner or operator whose ~~license or registration~~ driving
10 privilege has been suspended by the Department of Public Safety
11 under the provisions of Article II or Article III of this chapter
12 for failure to furnish security or for failure to satisfy a judgment
13 may make application for modification of the order of suspension to
14 the district court of the county where such owner or operator
15 resides.

16 The application shall contain the following:

- 17 1. The name and address of the applicant-;
- 18 2. The date and location of the accident, names of any fatality
19 or fatalities, names of persons injured, and/or names of persons
20 whose real or personal property was damaged in ~~said~~ the accident-;
- 21 3. ~~That~~ A statement that the applicant has failed to comply
22 with the provisions of ~~the Financial Responsibility Act~~ Article II
23 or Article III of this chapter by either failing to post security or
24 to satisfy a judgment-;

1 4. The facts creating ~~an~~ the unusual or severe hardship
2 impairing the ability of the applicant to earn a livelihood-;

3 5. That the applicant has initiated action to post proof of
4 financial responsibility by a method enumerated in Section 7-320 of
5 this title-;

6 6. A true copy of the order of suspension attached thereto-;
7 and

8 7. A verification by the applicant.

9 ~~(b)~~ B. The district court shall set the application for hearing
10 not less than fifteen (15) days nor more than thirty (30) days from
11 the date of filing the application.

12 ~~(c)~~ C. A certified copy of the application, bond, order for
13 hearing and any other pleadings shall be served upon the Department
14 of Public Safety, all judgment creditors and/or persons on whose
15 behalf security has been required or by mailing a copy to their last
16 known address at least ten (10) days before ~~said~~ the hearing.

17 ~~(d)~~ D. Persons required to be notified of the hearing may
18 appear and resist the application of Article II or Article III of
19 this chapter. At ~~said~~ the hearing the court shall take testimony
20 concerning the hardship of the applicant, testimony of any
21 interested party, and allow the driving record and accident record
22 of the applicant to be introduced into evidence by the Department of
23 Public Safety. After hearing on the application, but not before, if
24 the court finds that ~~such~~ the suspension has resulted or will result

1 in extreme and unusually severe hardship, seriously impairing the
2 ability of the applicant to earn a livelihood, the court may modify,
3 but not vacate, the order of suspension and the extent to which ~~said~~
4 the applicant ~~must~~ shall comply with the provisions of Articles II
5 and III of this chapter with respect to furnishing security or
6 satisfying a judgment. If the court finds the order of suspension
7 should be modified, then the court shall require that the applicant
8 furnish proof of financial responsibility by a method enumerated in
9 Section 7-320 of this title. ~~Such~~ The proof of financial
10 responsibility shall be furnished to the Department of Public
11 Safety. The modification shall not become effective until ~~such~~ the
12 proof of financial responsibility is furnished to the Department
13 together with a certified order of the court setting forth the
14 modification.

15 ~~(e)~~ E. An appeal may be taken by any interested party from the
16 order of the district court to the Supreme Court of the State of
17 Oklahoma.

18 ~~(f)~~ F. It shall be the duty of the district attorney in the
19 county where ~~said~~ the application is filed to represent the
20 Department of Public Safety in the proceedings under the statute
21 upon request from the Department of Public Safety.

22 SECTION 27. AMENDATORY 47 O.S. 2001, Section 7-506, is
23 amended to read as follows:

24

1 Section 7-506. Whenever a person's driving privilege ~~or a~~
2 ~~registration~~ is suspended ~~or revoked~~ under this chapter and the
3 filing of proof of financial responsibility is made a prerequisite
4 to reinstatement of ~~such~~ the driving privilege ~~or registration, or~~
5 ~~both,~~ or the issuance of a driver license ~~or registration, or both,~~
6 no ~~such~~ driving privilege ~~and registration~~ shall be reinstated or a
7 driver license ~~or registration~~ issued unless the ~~licensee or~~
8 ~~registrant~~ person, in addition to complying with the other
9 provisions of this chapter, pays to the Department of Public Safety
10 the fees provided for in Section 6-212 of this title.

11 SECTION 28. AMENDATORY 47 O.S. 2001, Section 7-600, is
12 amended to read as follows:

13 Section 7-600. As used in Section 7-600 et seq. of this title:

14 1. "Owner's policy". ~~An owner's~~ means a policy of motor
15 vehicle liability insurance which:

- 16 a. shall designate by explicit description or by
17 appropriate reference all vehicles with respect to
18 which coverage is thereby to be granted,
- 19 b. shall insure the person named therein and insure any
20 other person, except as provided in subparagraph c of
21 this paragraph, using an insured vehicle with the
22 express or implied permission of the named insured,
23 against loss from the liability imposed by law for
24

1 damages arising out of the ownership, maintenance,
2 operation or use of ~~such~~ the vehicle,

3 c. may provide for exclusions from coverage in accordance
4 with existing laws, and

5 d. shall be issued by an authorized carrier providing
6 coverage in accordance with Section 7-204 of this
7 title.

8 2. "Operator's policy".—~~An operator's~~ means a policy of motor
9 vehicle liability insurance which shall insure the named person
10 against loss from the liability imposed upon the named person by law
11 for damages arising out of the operation or use by the named person
12 of any motor vehicle not owned by the named person, subject to the
13 same limits of liability required in an owner's policy.

14 3. "Security".—~~Security~~ means:

15 a. a policy ~~or bond~~ meeting the ~~requirements of Section~~
16 ~~7-204 of this title~~ minimum vehicle liability limits,

17 b. a deposit of cash or securities as defined in Section
18 7-330 of this title having the equivalency of the
19 minimum vehicle liability limits ~~required under~~
20 ~~Section 7-204 of title as acceptable limits for a~~
21 ~~policy or bond,~~

22 c. self-insurance, pursuant to the provisions of Section
23 7-503 of this title, having the equivalency of the
24 minimum vehicle liability limits ~~required under~~

1 ~~Section 7-204 of this title as acceptable limits for a~~
2 ~~policy or bond, or~~

3 d. for vehicles registered pursuant to the provisions of
4 Section 1127 of this title, a policy ~~or bond~~ meeting
5 or exceeding the ~~requirements of Section 7-204 of this~~
6 ~~title~~ minimum vehicle liability limits; provided, the
7 policy ~~or bond~~ may be issued by an insurance company
8 ~~or surety company~~ authorized to do business in the
9 state of residence or domicile of the member of the
10 Armed Forces and the motor license agent or other
11 registering agency shall accept the security
12 verification form issued by such insurance company ~~or~~
13 ~~surety company.~~

14 4. "Compulsory Insurance Law".—~~Compulsory Insurance Law~~ is the
15 law requiring liability insurance, which provides the minimum
16 vehicle liability limits, in conjunction with the operation of a
17 motor vehicle in this state as found in this article, Section 7-600
18 et seq. of this ~~article~~ title.

19 5. "Security verification form".—~~A security verification form~~
20 is means a form, approved by the ~~Insurance Commissioner~~ Department
21 of Public Safety, verifying the existence of security required by
22 the Compulsory Insurance Law ~~of the State of Oklahoma.~~

23 6. "Commercial auto coverage" means coverage provided to an
24 insured, regardless of the number of vehicles or entity covered,

1 under a commercial auto, garage or truckers coverage form or rated
2 from either a commercial manual or rating rule as filed and approved
3 by the Insurance Department. Vehicle type and ownership are not
4 necessarily the primary factors in either underwriting the coverage
5 or rating the coverage. The rating may be subject to individual
6 risk characteristics including, but not limited to, experience
7 rating, schedule rating, loss rating or deductible rating.

8 SECTION 29. AMENDATORY 47 O.S. 2001, Section 7-600.1, is
9 amended to read as follows:

10 Section 7-600.1 A. The following statement or endorsement
11 shall be included in owner's policies and operator's policies except
12 certified policies issued pursuant to Section 7-324 of ~~Title 47 of~~
13 ~~the Oklahoma Statutes~~ this title: "Liability insurance is provided
14 in this policy in accordance with coverage required by the
15 Compulsory Insurance Law of Oklahoma."

16 B. ~~Excess or additional coverage.~~ A policy which grants the
17 coverage required for a motor vehicle liability policy may also
18 grant any lawful coverage in excess of or in addition to the
19 coverage specified for policies defined in Section ~~4~~ 7-600 of this
20 ~~act~~ title, and ~~such~~ the excess or additional coverage shall not be
21 subject to the provisions of the Compulsory Insurance Law.

22 C. ~~Binders.~~ Any binder issued pending the issuance of a policy
23 shall be deemed to fulfill the requirements for such a policy except
24

1 as provided for in paragraph 2 of subsection D of Section 7-605 of
2 this title.

3 SECTION 30. AMENDATORY 47 O.S. 2001, Section 7-600.2, as
4 last amended by Section 2, Chapter 335, O.S.L. 2008 (47 O.S. Supp.
5 2008, Section 7-600.2), is amended to read as follows:

6 Section 7-600.2 A. The Department of Public Safety shall
7 ~~promulgate and~~ adopt rules for an online verification system for
8 motor vehicle ~~insurance or bond~~ liability policies as required by
9 the Compulsory Insurance Law, subject to the following:

10 1. The Oklahoma Tax Commission and the Insurance Department
11 shall cooperate with the Department of Public Safety in the
12 development of the verification system;

13 2. The verification system shall be accessible through the
14 Internet, World Wide Web or a similar proprietary or common carrier
15 electronic system by authorized personnel of the Department, the
16 ~~Oklahoma~~ Tax Commission, the courts, law enforcement personnel, and
17 any other entities authorized by the Department;

18 3. The verification system shall provide for direct inquiry and
19 response between the Department and insurance carriers, or such
20 other method of inquiry and response as agreed to by the Department
21 and individual insurance carriers, and direct access to insurers'
22 records by personnel authorized by the Department;

23 4. The verification system shall be available twenty-four (24)
24 hours a day to verify the insurance status of any vehicle registered

1 in this state through the vehicle's identification number, policy
2 number, registered owner's name or other identifying characteristic
3 or marker as prescribed by the Department in its rules;

4 5. The Department shall conduct a pilot project to test the
5 system prior to statewide use;

6 6. The verification system shall be installed and operational
7 no later than ~~July 1~~ December 31, 2008, following an appropriate
8 testing period and after December 31, 2009, the verification system
9 shall be installed and operational through the Internet as a web-
10 based portal system;

11 7. The Department may contract with a private vendor to assist
12 in establishing and maintaining the verification system;

13 8. The verification system shall include appropriate
14 provisions, consistent with industry standards, to secure its data
15 against unauthorized access and to maintain a record of all
16 information requests;

17 9. Information contained in the verification system shall not
18 be considered a public record;

19 10. Any law enforcement officer, during a traffic stop or
20 accident investigation, may access information from the online
21 verification system to establish compliance with the Compulsory
22 Insurance Law and to verify the current validity of the policy
23 described on a security verification form and produced by the
24

1 operator of a motor vehicle during the traffic stop or accident
2 investigation; and

3 11. All information exchanged between the Department and
4 insurance companies, any database created, and all reports,
5 responses, or other information generated for the purposes of the
6 verification system shall not be subject to the Oklahoma Open
7 Records Act.

8 B. This section shall not apply to a policy issued pursuant to
9 paragraph 3 of subsection A of Section 7-601.1 of this title or
10 paragraph 3 of subsection A of Section 7-602 of this title to insure
11 a commercial motor vehicle or to insure any vehicle under a
12 commercial policy that provides commercial auto coverage as defined
13 in Section 7-600 of this title.

14 C. Insurance carriers shall cooperate with the Department in
15 establishing and maintaining the insurance verification system and
16 shall provide access to motor vehicle insurance policy status
17 information as provided in the Department's rules.

18 ~~D. The Oklahoma Tourism and Recreation Department shall~~
19 ~~cooperate with the Department of Public Safety to assure any license~~
20 ~~plate designs which are created in consultation with their~~
21 ~~Department shall incorporate features which assist in the effective~~
22 ~~implementation of the on line verification system.~~

23 SECTION 31. AMENDATORY 47 O.S. 2001, Section 7-601, is
24 amended to read as follows:

1 Section 7-601. A. ~~Until January 1, 1983, every owner of a~~
2 ~~motor vehicle registered in this state, other than a licensed used~~
3 ~~motor vehicle dealer, shall, at all times, maintain in force with~~
4 ~~respect to such vehicle security for the payment of loss resulting~~
5 ~~from the liability imposed by law for bodily injury, death and~~
6 ~~property damage sustained by any person arising out of the~~
7 ~~ownership, maintenance, operation or use of the vehicle. As used~~
8 herein, "security" means:

9 1. ~~A policy or bond meeting the requirements of Section 7-204~~
10 ~~of this title;~~

11 2. ~~A deposit of cash or securities having the equivalency of~~
12 ~~limits required under Section 7-204 of this title as acceptable~~
13 ~~limits for a policy or bond; or~~

14 3. ~~Self insurance, pursuant to the provisions of Section 7-503~~
15 ~~of this title, having the equivalency of limits required under~~
16 ~~Section 7-204 of this title as acceptable limits for a policy or~~
17 ~~bond.~~

18 B. ~~On and after January 1, 1983, every~~ Every owner of a motor
19 vehicle registered in this state, other than a licensed used motor
20 vehicle dealer, shall, at all times, maintain in force with respect
21 to such vehicle security for the payment of loss resulting from the
22 liability imposed by law for bodily injury, death and property
23 damage sustained by any person arising out of the ownership,
24 maintenance, operation or use of the vehicle. Every person, while

1 operating or using a motor vehicle registered in this state which is
2 not owned by ~~such~~ the person, shall maintain in force security for
3 the payment of loss resulting from the liability imposed by law for
4 bodily injury, death or property damage sustained by any person
5 arising out of the operation or use of the vehicle, unless ~~such~~ the
6 security has been provided by the owner in accordance with this
7 section which does not exclude ~~said~~ the person from coverage.

8 C. B. 1. ~~On and after September 1, 1993, unless~~ Unless
9 otherwise provided by law, no motor vehicle shall be operated in
10 this state unless there is in effect with respect to ~~such~~ the
11 vehicle security for the payment of loss resulting from the
12 liability imposed by law for bodily injury, death and property
13 damage sustained by any person arising out of the ownership,
14 maintenance, operation or use of the vehicle. Every person, while
15 operating or using a motor vehicle in this state which is not owned
16 by ~~such~~ the person, shall maintain in force security for the payment
17 of loss resulting from the liability imposed by law for bodily
18 injury, death or property damage sustained by any person arising out
19 of the operation or use of the vehicle, unless ~~such~~ the security has
20 been provided by the owner in accordance with this section which
21 does not exclude ~~said~~ the person from coverage. Proof of ~~such~~
22 security shall be carried in the vehicle at all times and shall be
23 produced for inspection upon request by any law enforcement officer
24 or representative of the Department of Public Safety and, in case of

1 ~~collision~~ an accident, ~~such~~ the proof shall be shown upon request of
2 any person affected by the ~~collision~~ accident.

3 2. The nonresident owner of a motor vehicle not registered in
4 this state may give proof of financial responsibility by providing
5 proof of ~~compliance with the~~ financial responsibility which is in
6 compliance with the laws of the state in which the vehicle is
7 registered or by filing with the Department a certificate of an
8 insurance company authorized to transact insurance in the state in
9 which the vehicle is registered, or if ~~such~~ the nonresident does not
10 own a motor vehicle, then in the state in which the insured resides,
11 provided ~~such~~ the certificate otherwise conforms to the provisions
12 of this article, and the Department shall accept the ~~same~~
13 certificate upon condition that ~~said~~ the insurance company complies
14 with the following provisions with respect to the policy so
15 certified:

16 a. the insurance company shall execute a power of
17 attorney authorizing the Department to accept service
18 on its behalf or notice of process in any action
19 arising out of a motor vehicle accident in this state,
20 and

21 b. the insurance company shall agree in writing that ~~such~~
22 its policies shall be deemed to conform with the laws
23 of this state relating to the terms of motor vehicle
24 liability policies issued in this state.

1 3. The provisions of this subsection shall apply to nonresident
2 owners and operators of vehicles that are not registered in this
3 state only if the state in which the vehicle is registered requires
4 compulsory liability insurance. In ~~such~~ which cases, compliance
5 with the requirements of the law of the state of registration shall
6 be deemed compliance with the laws of this state.

7 SECTION 32. AMENDATORY 47 O.S. 2001, Section 7-601.1, is
8 amended to read as follows:

9 Section 7-601.1 A. Every carrier, upon issuing an owner's
10 policy, a renewal thereof, or a binder, shall supply a security
11 verification form in duplicate to an owner for each insured vehicle
12 on a form approved by the Insurance Commissioner.

13 1. The owner's security verification form shall contain the
14 following minimum information:

- 15 a. the name ~~and~~, address, and the five-digit National
16 Association of Insurance Commissioners (NAIC) company
17 code of the carrier,
18 b. the name, ~~and~~ address, and telephone number of the
19 agent or office where the existence of security may be
20 verified, if other than the carrier,
21 c. the name of the named insured; provided, the address
22 of the named insured shall not be included,

23
24

- 1 d. a notice that an owner's liability insurance policy
2 has been issued pursuant to the Compulsory Insurance
3 Law ~~of this state,~~
- 4 e. the year of manufacture, make, model, and ~~at least the~~
5 ~~last three (3) digits of~~ the vehicle identification
6 number of each insured motor vehicle,
- 7 f. the inclusive dates the motor vehicle liability
8 insurance is in effect, ~~and~~
- 9 g. the policy number, and
- 10 h. a warning to the owner that state law:
- 11 (1) requires a current copy of the owner's security
12 verification form must be surrendered to the
13 motor license agent or other registering agency
14 upon application or renewal for a motor vehicle
15 license plate,
- 16 (2) requires the other copy of the owner's security
17 verification form to be carried in the motor
18 vehicle at all times, and produced by any driver
19 of the vehicle upon request for inspection by any
20 peace officer or representative of the Department
21 of Public Safety. In case of ~~a collision~~ an
22 accident, the security verification form shall be
23 shown upon request of any person affected by the
24 ~~collision.~~ accident,

1 ~~The security verification form shall not include the~~
2 ~~address of the named insured.~~

3 ~~2. The owner's security verification form shall contain~~

4 ~~i.~~ the following statement: "Examine policy exclusions
5 carefully. This form does not constitute any part of
6 your insurance policy."

7 ~~3. 2.~~ When a carrier issues an owner's policy providing blanket
8 liability coverage for a fleet of motor vehicles, the requirement
9 for year of manufacture, make, model, and at least the last three
10 ~~(3) digits~~ of the vehicle identification number specified in
11 subparagraph e of paragraph 1 of this subsection may be ~~deleted.~~
12 ~~The; omitted provided,~~ the security verification form shall bear the
13 term "Fleet Coverage" and otherwise meet the provisions of ~~Section~~
14 ~~7-600 et seq. of this title~~ the Compulsory Insurance Law.

15 ~~4. 3.~~ In the event the effective dates within an owner's policy
16 exceed one (1) year, the carrier shall furnish the owner a copy of
17 the owner's security verification form at least annually in addition
18 to the time of issuance or renewal in order for the owner to submit
19 ~~such~~ the copy for motor vehicle registration purposes.

20 ~~5. 4.~~ In the event an owner's policy also provides liability
21 coverage which meets the requirements of an operator's policy, the
22 carrier may also issue to each person entitled thereto an operator's
23 security verification form as provided in this section.

1 B. Every carrier, upon issuing an operator's policy, a renewal
2 thereof, or a binder, may issue to the insured person a written
3 operator's security verification form of a size which may
4 conveniently be carried upon the person, containing the following
5 minimum information:

6 1. The name, ~~and~~ address of the carrier, and the five-digit
7 National Association of Insurance Commissioners (NAIC) company code;

8 2. The name, ~~and~~ address, and telephone number of the person or
9 office where an inquiry may be made to verify the existence of
10 security;

11 3. The name of the named insured; provided, the address of the
12 named insured shall not be included;

13 4. A notice that in accordance with the Compulsory Insurance
14 Law ~~of this state~~, liability coverage has been issued for the named
15 insured;

16 5. A statement reflecting the form may be carried in lieu of an
17 owner's form pursuant to the Compulsory Insurance Law while
18 operating a motor vehicle. ~~Such~~ The form shall be produced upon
19 request of any peace officer or representative of the Department of
20 Public Safety. In case of ~~a collision~~ an accident, the form shall
21 be shown upon request of a person affected by ~~a collision~~ an
22 accident with a vehicle operated by the insured; ~~and~~

23 6. The inclusive dates of liability coverage; and

24 7. The policy number.

1 C. A carrier may provide any additional information consistent
2 with the Compulsory Insurance Law of this state in an owner's or
3 operator's security verification form, but shall not be required to
4 list the actual amounts of liability coverage thereon. The security
5 verification form shall not constitute nor be construed as any part
6 of an insurance policy, renewal or binder.

7 D. A carrier shall designate on the security verification form
8 whether the policy is a commercial auto policy.

9 SECTION 33. AMENDATORY 47 O.S. 2001, Section 7-602, as
10 last amended by Section 2, Chapter 322, O.S.L. 2006 (47 O.S. Supp.
11 2008, Section 7-602), is amended to read as follows:

12 Section 7-602. A. 1. The owner of a motor vehicle registered
13 in this state shall carry in ~~such~~ the vehicle at all times a current
14 owner's security verification form listing the vehicle or an
15 equivalent form which has been issued by the Department of Public
16 Safety and shall produce ~~such~~ the form upon request for inspection
17 by any law enforcement officer or representative of the Department
18 and, in case of a ~~collision~~ an accident, the form shall be shown
19 upon request to any person affected by the ~~collision~~ accident.

20 2. a. Every person registering a motor vehicle in this
21 state, except a motor vehicle which is not being used
22 upon the public highways or public streets, or a
23 manufactured home while on a permanent foundation, at
24 the time of registration of ~~such~~ the vehicle, shall

1 certify the existence of security with respect to ~~such~~
2 the vehicle by surrendering to a motor license agent
3 or other registering agency a current owner's security
4 verification form from an insurance carrier authorized
5 to do business in this state or an equivalent form
6 issued by the Department of Public Safety. A motor
7 license agent or other registering agency shall
8 require the surrender of ~~such~~ the form prior to
9 processing an application for registration or renewal.

10 b. Effective upon implementation of the online
11 verification system for motor vehicle insurance ~~or~~
12 ~~bond~~ provided for in Section ~~4~~ 7-600.2 of this ~~act~~
13 title, online verification shall replace the procedure
14 provided for in subparagraph a of this paragraph and
15 every motor license agent or other registering agency
16 shall use the online verification system to certify
17 the existence of security with respect to the vehicle
18 from an insurance carrier authorized to do business in
19 this state unless the online verification system is
20 not online or the required information is otherwise
21 not available. In such a case, the license agent or
22 other registering agency may accept verification as
23 provided in subparagraph a of this paragraph to
24 certify the existence of the required insurance ~~or~~

1 ~~bond~~ prior to processing any application for motor
2 vehicle registration.

3 3. Fleet vehicles operating under the authority of the
4 Corporation Commission, the Federal Highway Administration, or
5 vehicles registered pursuant to the provisions of Section 1120 of
6 this title, shall certify the existence of security with respect to
7 ~~such~~ each vehicle at the time of registration by submitting one of
8 the following:

- 9 a. a current owner's security verification form verifying
10 the existence of security as required by ~~Section 7-600~~
11 ~~et seq. of this title~~ the Compulsory Insurance Law, or
12 b. a permit number verified by the Corporation Commission
13 indicating the existence of a current liability
14 insurance policy. Provided, in the event the
15 Corporation Commission is unable to verify the
16 existence of ~~such~~ insurance as provided herein in a
17 prompt and timely fashion, the Corporation Commission
18 may accept a current single state registration form
19 issued by the Corporation Commission or any other
20 regulating entity with which the Corporation
21 Commission has entered into a reciprocal compact or
22 agreement regarding the regulation of motor vehicles
23 engaged in interstate or foreign commerce upon and
24 over the public highways.

1 4. The following shall not be required to carry an owner's or
2 operator's security verification form or an equivalent form from the
3 Department of Public Safety during operation of the vehicle and
4 shall not be required to surrender ~~such~~ a security verification form
5 for vehicle registration purposes:

6 a. any vehicle owned or leased by the federal or state
7 government, or any agency or political subdivision
8 thereof,

9 b. any vehicle bearing the name, symbol, or logo of a
10 business, corporation or utility on the exterior and
11 which is in compliance with the provisions of ~~Sections~~
12 ~~7-600 through 7-610 of this title~~ the Compulsory
13 Insurance Law according to records of the ~~Department~~
14 ~~of Public Safety~~ Corporation Commission which reflect
15 a deposit, ~~bond, self-insurance,~~ or fleet policy,

16 c. fleet vehicles maintaining current vehicle liability
17 insurance as required by the Corporation Commission or
18 any other regulating entity,

19 d. any licensed taxicab, and

20 e. any vehicle owned by a licensed used motor vehicle
21 dealer.

22 5. Any person who knowingly issues or promulgates false or
23 fraudulent information in connection with either an owner's or
24 operator's security verification form or an equivalent form which

1 has been issued by the Department of Public Safety shall be guilty
2 of a misdemeanor and upon conviction shall be subject to a fine not
3 exceeding Five Hundred Dollars (\$500.00), or imprisonment for not
4 more than six (6) months, or by both such fine and imprisonment.

5 B. Each motor license agent is authorized to charge a fee of
6 One Dollar and fifty cents (\$1.50) to each person to whom the agent
7 issues a certificate of registration and who is required to
8 surrender proof of financial responsibility, or for whom the motor
9 license agent certifies the existence of financial responsibility
10 through an authorized online certification system, pursuant to the
11 provisions of ~~Sections 7-600 through 7-609 of this title~~ the
12 Compulsory Insurance Law. The fee may be retained by the agent as
13 compensation for ~~his~~ services in processing the proof of financial
14 responsibility and for processing the ~~driver's~~ driver license
15 information, insurance verification information, and other
16 additional information furnished to the agent pursuant to Section
17 1112 of this title, if such agent does not receive the maximum
18 compensation as authorized by law.

19 SECTION 34. AMENDATORY 47 O.S. 2001, Section 7-602.1, is
20 amended to read as follows:

21 Section 7-602.1 Every operator of a motor vehicle registered in
22 this state shall, while operating or using such vehicle, carry
23 either an operator's or an owner's security verification form issued
24 by a an insurance carrier or an equivalent form issued by the

1 Department of Public Safety, reflecting liability coverage. An
2 owner's security verification form issued to the owner of a motor
3 vehicle may be used as an operator's security verification form by
4 an operator who is not the owner of the motor vehicle, if ~~said~~ the
5 operator is not excluded from coverage on the motor vehicle
6 liability ~~insurance~~ policy for the vehicle. Any ~~such~~ exclusions
7 from ~~said~~ the policy shall be included on the owner's security
8 verification form.

9 SECTION 35. AMENDATORY 47 O.S. 2001, Section 7-603, is
10 amended to read as follows:

11 Section 7-603. A. From its own records, the Department of
12 Public Safety may verify the existence of security made in the form
13 of a deposit or of self-insurance for which a certification has been
14 made to the Department.

15 B. The Department may, ~~either at the~~ at any time ~~of~~
16 ~~registration or at other intervals thereafter as it may determine,~~
17 ~~forward copies of certifications to insurance companies and surety~~
18 ~~companies, as the case may be, for verification of the~~ verify, using
19 the online verification system provided for in Section 7-600.2 of
20 this title, the existence of security certified to in policies or
21 bonds issued by such insurance companies. The companies thereafter
22 ~~and not later than thirty (30) days following receipt of such copies~~
23 ~~shall cause to be filed with the Department a written record of~~

24

1 ~~those certifications as respects which no policy or bond is~~
2 ~~applicable.~~

3 ~~C. Until July 1, 1991, the Department shall randomly verify the~~
4 ~~existence of security pursuant to the provisions of Section 7-603.1~~
5 ~~of this title.~~

6 SECTION 36. AMENDATORY 47 O.S. 2001, Section 7-605, as
7 amended by Section 4, Chapter 322, O.S.L. 2006 (47 O.S. Supp. 2008,
8 Section 7-605), is amended to read as follows:

9 Section 7-605. A. 1. ~~Every owner of a motor vehicle who~~
10 ~~permits the operation of the motor vehicle in this state, and every~~
11 ~~person who operates a motor vehicle in this state without the~~
12 ~~security required by this title, and~~ Whenever any person who
13 ~~receives a deferred sentence, forfeits a bond, fails to appear, or~~
14 ~~is convicted in any state or municipal court for~~ permitting the
15 operation in this state of a motor vehicle owned by the person
16 without the security required by this title, for operating a motor
17 vehicle in this state without the security required by this title,
18 or for failure to carry a security verification form, the Department
19 of Public Safety shall have his or her suspend the driving privilege
20 ~~suspended and the registration of any motor vehicle not covered by~~
21 ~~security shall also be suspended~~ of the person.

22 2. The suspension of the driving privilege shall remain in
23 effect until payment is made of the fees provided for in Section 6-
24 212 of this title and proof of security is furnished to the

1 Department of Public Safety which complies with the requirements of
2 the Compulsory Insurance Law; provided, for purposes of this
3 section, proof of security shall not mean a binder policy but shall
4 mean an owner's policy or an operator's policy, as defined in
5 Section 7-600 of this title; provided further, a suspension for
6 failure to appear shall remain in effect until proof of appearance
7 is received by the Department from the reporting court. Suspension
8 under this section shall be effective when notice thereof is given
9 pursuant to Section 2-116 of this title.

10 3. Any person whose driving privilege ~~or registration~~ has been
11 suspended pursuant to the provisions of this subsection shall
12 surrender to the Department his or her driver license ~~and the~~
13 ~~license plate of any motor vehicle registered in his or her name and~~
14 ~~not covered by security~~. Any person failing to voluntarily
15 relinquish his or her driver license ~~or license plate or plates~~ to
16 the Department within thirty (30) days of receipt of the notice
17 specified in paragraph 2 of this subsection shall pay a fee of Fifty
18 Dollars (\$50.00) in addition to the fees provided for in Section 6-
19 212 of this title.

20 4. If a person furnishes proof to the satisfaction of the
21 Department that security was in effect at the time of the alleged
22 offense, the Department shall vacate the suspension order and shall
23 not require the filing of a certificate of insurance nor payment of
24 either of the above fees.

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

- 9 a. ~~a charge and the imposition of a deferred sentence,~~
- 10 ~~b.~~ a conviction, or
- 11 ~~c.~~
- 12 b. a notice of bond forfeiture.;

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

16 3. The Department may continue to rely on such records until
17 proof is submitted from the issuing court clerk which indicates that
18 the record either:

- 19 a. was issued in error, or
- 20 b. was not related to a violation of:
 - 21 (1) the Compulsory Insurance Law,
 - 22 (2) a security verification form as required by
 - 23 ~~Chapter 7 of this title~~ article, or
 - 24 (3) a municipal ordinance requiring security or the

1 carrying of a security verification form.

2 C. If a nonresident's driving privilege ~~or registration~~ is
3 suspended pursuant to subsection A of this section, the Department
4 shall transmit ~~a certified copy of the record of such action~~ notice
5 of the suspension to the ~~official or officials in charge of the~~
6 ~~issuance of licenses~~ licensing agency and ~~registration certificates~~
7 in the state in which the nonresident resides.

8 D. Whenever any person's driving privilege and ~~vehicle~~
9 ~~registration~~ has been suspended pursuant to this section or Section
10 7-612 of this title, the Department may notify any law enforcement
11 officer of the suspension. Any law enforcement officer who has been
12 notified that a person's driving privilege and ~~vehicle registration~~
13 ~~have~~ has been suspended, upon observing the person or motor vehicle
14 anywhere upon a public street, highway, roadway, turnpike, or public
15 parking lot, shall stop the person or motor vehicle and seize the
16 person's driver license and ~~license plate~~.

17 E. No person shall have a property interest in a driver
18 license, ~~vehicle registration, or vehicle license plate~~ issued
19 pursuant to the laws of this state and it shall be the duty of every
20 person whose driving privilege ~~or motor vehicle registration~~ has
21 been suspended to forthwith surrender ~~such~~ his or her driver license
22 ~~or license plate or both~~ upon the request of any law enforcement
23 officer or representative of the Department.

1 F. Any person upon a public street, highway, roadway, turnpike,
2 or public parking lot, within this state, who willfully refuses to
3 surrender possession of a driver license ~~or license plate~~ after
4 being informed by a peace officer or representative of the
5 Department that his or her driving privilege ~~or motor vehicle~~
6 ~~registration~~ is currently under suspension according to the records
7 of the Department, shall be guilty of a misdemeanor, punishable ~~by~~
8 ~~imprisonment in the county jail for not more than ten (10) days or a~~
9 ~~fine not to exceed Five Hundred Dollars (\$500.00) or by both such~~
10 ~~fine and imprisonment~~ as provided in Section 17-101 of this title.

11 G. Any driver license ~~or license plate~~ surrendered to or seized
12 by a law enforcement officer pursuant to the Compulsory Insurance
13 Law shall be submitted to a representative of the Department in a
14 manner and with a form or method approved by the Department.

15 H. The Department shall deposit fees collected pursuant to
16 paragraph 3 of subsection A of this section or pursuant to
17 subsection E of Section 7-612 of this title in a special account of
18 the Department maintained with the office of the State Treasurer.
19 The State Treasurer shall credit these fees to this special account
20 to be distributed as hereinafter provided.

21 I. The Department shall identify the name of the employing law
22 enforcement agency from which a suspended driver license ~~or license~~
23 ~~plate~~ has been received pursuant to this section, and determine that
24 the fee required by paragraph 3 of subsection A of this section has

1 | been paid. The Department shall reimburse the law enforcement
2 | agency so identified the sum of Twenty-five Dollars (\$25.00) for
3 | each driver license ~~and the sum of Twenty-five Dollars (\$25.00) for~~
4 | ~~each vehicle license plate~~ from the special account.

5 | J. Any unencumbered monies remaining in the special account at
6 | the close of each calendar month shall be transferred by the
7 | Department to the General Revenue Fund of the State Treasury.

8 | K. The State of Oklahoma, the departments and agencies thereof,
9 | including the Department of Public Safety, all political
10 | subdivisions, and the officers and employees of each, shall not be
11 | held legally liable in any suit in law or in equity for any
12 | erroneous entry of a suspension upon the records of the Department,
13 | nor for the enforcement of the provisions of the Compulsory
14 | Insurance Law performed in good faith.

15 | SECTION 37. AMENDATORY 47 O.S. 2001, Section 7-606, as
16 | amended by Section 6, Chapter 322, O.S.L. 2006 (47 O.S. Supp. 2008,
17 | Section 7-606), is amended to read as follows:

18 | Section 7-606. A. 1. An owner or operator who fails to comply
19 | with the Compulsory Insurance Law ~~of this state~~, or who fails to
20 | produce for inspection a valid and current security verification
21 | form or equivalent form which has been issued by the Department of
22 | Public Safety upon request of any peace officer, representative of
23 | the Department of Public Safety or other authorized person, shall be
24 | guilty of a misdemeanor and upon conviction shall be subject to a

1 fine of not more than Two Hundred Fifty Dollars (\$250.00), or
2 imprisonment for not more than thirty (30) days, or by both such
3 fine and imprisonment, and in addition thereto, shall be subject to
4 suspension of ~~license and registration~~ the driving privilege of the
5 person in accordance with Section 7-605 of this title.

6 2. An owner other than an owner of an antique or a classic
7 automobile as defined by the Oklahoma Tax Commission who files an
8 affidavit that a vehicle shall not be driven upon the public
9 highways or public streets, pursuant to Section 7-607 of this title,
10 who drives or permits the driving of the vehicle upon the public
11 highways or public streets, shall be guilty of a misdemeanor and
12 upon conviction thereof shall be subject to a fine of not more than
13 Five Hundred Dollars (\$500.00), or imprisonment for not more than
14 thirty (30) days, or by both such fine and imprisonment, and in
15 addition thereto, shall be subject to suspension of ~~license and~~
16 ~~registration~~ the driving privilege of the person in accordance with
17 Section 7-605 of this title.

18 B. A sentence imposed for any violation of ~~Section 7-600 et~~
19 ~~seq. of this title~~ the Compulsory Insurance Law may be suspended or
20 deferred in whole or in part by the court.

21 C. Any person producing proof in court that a current security
22 verification form or equivalent form which has been issued by the
23 Department of Public Safety reflecting liability coverage for such
24 the person was in force at the time of the alleged offense shall be

1 entitled to dismissal of ~~such~~ the charge upon payment of court
2 costs; however, if proof of security verification is presented to
3 the court by the assigned court appearance date, the charge shall be
4 dismissed without payment of court costs.

5 D. Upon conviction, bond forfeiture or deferral of sentence,
6 the court clerk shall forward an abstract to the Department of
7 Public Safety within ten (10) days reflecting the action taken by
8 the court.

9 SECTION 38. AMENDATORY 47 O.S. 2001, Section 7-607, is
10 amended to read as follows:

11 Section 7-607. A. Every owner of a motor vehicle which is not
12 used upon the public highways or public streets shall be exempt from
13 the provisions of ~~Sections 7-600 through 7-606 of this title~~ the
14 Compulsory Insurance Law if the owner of ~~such~~ the vehicle has filed
15 an affidavit with the appropriate motor license agent which states
16 that the vehicle shall not be driven upon the public highways or
17 public streets during the uninsured period.

18 The form of the affidavit shall be prescribed by the Oklahoma
19 Tax Commission and shall contain blanks for the owner to specify the
20 length of time the vehicle shall not be driven upon the public
21 highways or public streets, the reason the vehicle shall not be
22 driven, and any other information deemed necessary by the Tax
23 Commission.

24

1 B. The owner or transporter of a manufactured home, as defined
2 by Section 1102 of this title, who is moving or transporting such
3 manufactured home on state roads or federal highways shall comply
4 with the provisions of ~~Sections 7-600 through 7-606 of this title~~
5 the Compulsory Insurance Law.

6 C. Any person, firm or corporation engaged in the business of
7 operating a taxicab or taxicabs shall be exempt from the provisions
8 of ~~Sections 7-600 through 7-606 of this title~~ the Compulsory
9 Insurance Law if the person, firm or corporation has complied with
10 the provisions of Section 8-104 of this title.

11 SECTION 39. AMENDATORY Section 5, Chapter 322, O.S.L.
12 2006, as amended by Section 15, Chapter 326, O.S.L. 2007 (47 O.S.
13 Supp. 2008, Section 7-612), is amended to read as follows:

14 Section 7-612. A. It is a misdemeanor for any person:

15 1. To purchase a security verification form which bears altered
16 or fictitious information concerning the existence of security
17 required by the Compulsory Insurance Law;

18 2. To display or cause or permit to be displayed or to possess
19 a security verification form which the person knows bears altered or
20 fictitious information concerning the existence of security required
21 by the Compulsory Insurance Law; or

22 3. To display or cause or permit to be displayed or to possess
23 any security verification form that is counterfeit.

24

1 B. It is a felony for anyone, other than an ~~insurance carrier~~
2 insurer or insurance producer as defined by Section 1435.2 of Title
3 36 of the Oklahoma Statutes, to:

4 1. Create or otherwise manufacture a security verification form
5 or facsimile thereof, or to create, manufacture or possess an
6 engraved plate or other such device for the printing of security
7 verification forms; or

8 2. Issue or sell security verification forms.

9 C. 1. The violation of any of the provisions of subsection A
10 of this section shall constitute a misdemeanor punishable by a fine
11 of not less than Twenty-five Dollars (\$25.00), nor more than Two
12 Hundred Fifty Dollars (\$250.00) and by mandatory suspension of the
13 person's driving privilege and ~~vehicle registration~~ for:

14 a. two (2) months, for a first offense,

15 b. six (6) months, for a second offense, or

16 c. one (1) year, for a third or subsequent offense.

17 The suspension imposed under this subsection shall not be modified.

18 2. The violation of any of the provisions of subsection B of
19 this section shall constitute a felony punishable by a fine not
20 exceeding Ten Thousand Dollars (\$10,000.00) or a term of
21 imprisonment in the custody of the Department of Corrections not to
22 exceed seven (7) years, or by both such fine and imprisonment.

23 D. The suspension required in subsection C of this section
24 shall remain in effect until payment is made of the fees provided

1 for in Section 6-212 of this title and proof of security is
2 furnished to the Department of Public Safety which complies with the
3 requirements of Section 7-601 of this title. Suspension under this
4 section shall be effective when notice is given pursuant to Section
5 2-116 of this title.

6 E. Any person whose driving privilege ~~and registration have~~ has
7 been suspended pursuant to the provisions of subsection C of this
8 section shall surrender to the Department his or her driver license
9 ~~and the license plate of any motor vehicle registered in his or her~~
10 ~~name and not covered by security~~ within thirty (30) days from the
11 date of the suspension. Any owner failing to surrender his or her
12 driver license ~~or license plate or plates~~ to the Department within
13 such time shall pay a fee of Fifty Dollars (\$50.00) which shall be
14 in addition to the fees provided for in Section 6-212 of this title.

15 SECTION 40. RECODIFICATION 47 O.S. 2001, Section 7-501
16 shall be recodified as Section 996.1 of Title 36 of the Oklahoma
17 Statutes, unless there is created a duplication in numbering.

18 SECTION 41. REPEALER 47 O.S. 2001, Sections 7-301, 7-
19 302, 7-303, 7-304, 7-305, 7-306, 7-307, 7-321, 7-322, 7-323, 7-325,
20 7-326, 7-332, 7-334, 7-608 and 7-609, are hereby repealed.

21 SECTION 42. This act shall become effective November 1, 2009.

22

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