

1 STATE OF OKLAHOMA

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

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 2013

By: Miller, Liebmann, Peters
and Roan of the House

7 and

Aldridge of the Senate

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9 CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to motor vehicles; directing insurers
11 to comply with certain requirements; amending Section
12 1, Chapter 322, O.S.L. 2006 (47 O.S. Supp. 2008,
13 Section 7-600.2), as last amended by Section 30 of
14 Enrolled Senate Bill No. 1161 of the 1st Session of
15 the 52nd Oklahoma Legislature, which relates to
16 compulsory liability insurance requirements;
17 requiring insurance carriers to perform certain
18 functions as a condition for writing motor vehicle
19 liability policies; prohibiting persons or entities
20 from imposing certain fee; prohibiting limitations on
21 services billed by a certain provider; providing for
22 codification; providing an effective date; and
23 declaring an emergency.

24 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 619.3 of Title 36, unless there
is created a duplication in numbering, reads as follows:

1 All insurers, as a condition of writing motor vehicle liability
2 policies in this state, shall comply with the requirements of
3 Section 7-600.2 of Title 47 of the Oklahoma Statutes.

4 SECTION 2. AMENDATORY Section 1, Chapter 322, O.S.L.
5 2006 (47 O.S. Supp. 2008, Section 7-600.2), as last amended by
6 Section 30 of Enrolled Senate Bill No. 1161 of the 1st Session of
7 the 52nd Oklahoma Legislature, is amended to read as follows:

8 Section 7-600.2 A. The Department of Public Safety shall
9 promulgate and adopt, pursuant to the Administrative Procedures Act,
10 rules for an online verification system for motor vehicle liability
11 policies as required by the Compulsory Insurance Law, subject to the
12 following:

13 1. The Oklahoma Tax Commission and the Insurance Department
14 shall cooperate with the Department of Public Safety in the
15 development of the verification system;

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

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

3 4. The verification system shall be available twenty-four (24)
4 hours a day to verify the insurance status of any vehicle registered
5 in this state through the vehicle's identification number, policy
6 number, registered owner's name or other identifying characteristic
7 or marker as prescribed by the Department in its rules;

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

10 6. The verification system shall be installed and operational
11 no later than December 31, 2008, following an appropriate testing
12 period and after December 31, 2009, the verification system shall be
13 installed and operational through the Internet as a web-based portal
14 system;

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

17 8. The verification system shall include appropriate
18 provisions, consistent with industry standards, to secure its data
19 against unauthorized access and to maintain a record of all
20 information requests;

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

23 10. Any law enforcement officer, during a traffic stop or
24 accident investigation, may access information from the online

1 verification system to establish compliance with the Compulsory
2 Insurance Law and to verify the current validity of the policy
3 described on a security verification form and produced by the
4 operator of a motor vehicle during the traffic stop or accident
5 investigation; and

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

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

17 C. Insurance As a condition for writing motor vehicle liability
18 policies in this state, insurance carriers shall cooperate with the
19 Department in establishing and maintaining the insurance
20 verification system and shall provide access to motor vehicle
21 insurance policy status information as provided in the Department's
22 rules.

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1 SECTION 3. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 10-118 of Title 47, unless there
3 is created a duplication in numbering, reads as follows:

4 Notwithstanding any other section of law to the contrary, no
5 person or entity shall impose an accident response fee for the
6 response or investigation of a motor vehicle accident by law
7 enforcement or other first responder. Nothing in this section shall
8 limit the billing of ambulance services provided in response to or
9 in conjunction with an emergency response to a motor vehicle
10 accident to an insurance company, the driver or owner of a motor
11 vehicle, or any other person.

12 SECTION 4. Sections 1 and 2 of this act shall become effective
13 December 31, 2010.

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

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