

1 STATE OF OKLAHOMA

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

3 2ND CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 2013

By: Wright (John), Liebmann,
Peters and Roan of the
House

7 and

8 Aldridge of the Senate

9
10 2ND CONFERENCE COMMITTEE SUBSTITUTE

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

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

24 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 Effective December 31, 2009, as a condition for
18 writing motor vehicle liability policies in this state, insurance
19 carriers shall cooperate with the Department in establishing and
20 maintaining the insurance verification system and shall provide
21 access to motor vehicle insurance policy status information as
22 provided in the Department's 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 A. 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.

8 B. For purposes of this section, "accident response fee" means
9 a fee imposed for the response or investigation of a motor vehicle
10 accident and does not mean any fee otherwise specifically authorized
11 by law.

12 SECTION 4. It being immediately necessary for the preservation
13 of the public peace, health and safety, an emergency is hereby
14 declared to exist, by reason whereof this act shall take effect and
15 be in full force from and after its passage and approval.

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