

1 ENGROSSED SENATE  
2 BILL NO. 1161

By: Aldridge of the Senate

and

Nelson of the House

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6  
7 An Act relating to motor vehicles; defining terms;  
8 amending 47 O.S. 2001, Section 7-202, which relates  
9 to security requirements; authorizing the Department  
10 of Public Safety to determine amount of security  
11 necessary for damage judgments from certain  
12 collisions; amending 47 O.S. 2001, Section 7-203,  
13 which relates to exceptions for security  
14 requirements; modifying exemptions; updating  
15 statutory language; amending 47 O.S. 2001, Section 7-  
16 204, as amended by Section 31, Chapter 519, O.S.L.  
17 2004 (47 O.S. Supp. 2008, Section 7-204), which  
18 relates to requirements for insurance policies;  
19 modifying certain requirements for minimum liability  
20 insurance limits; limiting certain exemption;  
21 amending 47 O.S. 2001, Section 7-205, which relates  
22 to forms and amounts of securities; authorizing  
23 Department to require security in certain amount;  
24 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  
certain time period; updating statutory language;  
amending 47 O.S. 2001, Section 7-215, which relates

1 to corrective actions; updating statutory language;  
2 amending 47 O.S. 7-309, which relates to  
3 nonresidents; clarifying statutory reference;  
4 amending 47 O.S. 2001, Section 7-310, which relates  
5 to suspensions; clarifying statutory references and  
6 language; amending 47 O.S. 2001, Section 7-312, which  
7 relates to modifying certain time period; updating  
8 statutory language; amending 47 O.S. 2001, Section 7-  
9 313, which relates to liability; modifying penalty  
10 for certain insurers; amending 47 O.S. 2001, Section  
11 7-314, which relates to suspensions; updating  
12 statutory language; amending 47 O.S. 2001, Section 7-  
13 316, as amended by Section 5, Chapter 394, O.S.L.  
14 2005 (47 O.S. Supp. 2008, Section 7-316), which  
15 relates to judgment payments; modifying satisfaction  
16 of certain judgments; amending 47 O.S. 2001, Section  
17 7-317, which relates to installment payments;  
18 updating statutory language; amending 47 O.S. 2001,  
19 Section 7-318, which relates to failure to pay  
20 judgments; clarifying statutory reference and  
21 updating statutory language; amending 47 O.S. 2001,  
22 Section 7-320, which relates to proof of financial  
23 responsibility; clarifying statutory reference;  
24 updating statutory language; amending 47 O.S. 2001,  
Section 7-335, which relates to proof; transferring  
certain duties to the Insurance Commissioner;  
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 and adding 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; clarifying statutory  
language; modifying certain time period; removing  
requirement for certain license plate designs;  
amending 47 O.S. 2001, Section 7-601, which relates  
to liability requirements; deleting obsolete

1 language; updating statutory language; amending 47  
2 O.S. 2001, Section 7-601.1, which relates to security  
3 verification forms; requiring consultation with  
4 Department of Public Safety; modifying certain  
5 requirements for security verification forms;  
6 amending 47 O.S. 2001, Section 7-602, as last amended  
7 by Section 2, Chapter 322, O.S.L. 2006 (47 O.S. Supp.  
8 2008, Section 7-602), which relates to online  
9 certification; modifying procedures relating to  
10 security verification forms; clarifying statutory  
11 references and language; amending 47 O.S. 2001,  
12 Section 7-602.1, which relates to possession of forms  
13 while driving; clarifying statutory language;  
14 amending 47 O.S. 2001, Section 7-603, which relates  
15 to verification of security; modifying procedures for  
16 verification; amending 47 O.S. 2001, Section 7-605,  
17 as amended by Section 4, Chapter 322, O.S.L. 2006 (47  
18 O.S. Supp. 2008, Section 7-605), which relates to  
19 penalties; modifying certain penalties relating to  
20 driving without insurance; deleting certain fee;  
21 amending 47 O.S. 2001, Section 7-606, as amended by  
22 Section 6, Chapter 322, O.S.L. 2006 (47 O.S. Supp.  
23 2008, Section 7-606), which relates to failure to  
24 maintain insurance; updating statutory language;  
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, as amended by  
Section 4, Chapter 394, O.S.L. 2005, 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, as amended by Section 7, Chapter  
322, O.S.L. 2006 and 7-609, as amended by Section 8,  
Chapter 322, O.S.L. 2006 (47 O.S. Supp., 20008,  
Sections 7-302, 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:

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

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

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

18 2. "Minimum liability insurance limits" means:

19 a. for vehicle liability policies issued or renewed  
20 before April 1, 2005:

21 (1) a limit of not less than Ten Thousand Dollars  
22 (\$10,000.00) because of bodily injury to or death  
23 of one person in any one accident,  
24

- 1 (2) subject to the limit for one person as prescribed  
2 in subparagraph a of this paragraph, a limit of  
3 not less than Twenty Thousand Dollars  
4 (\$20,000.00) because of bodily injury to or death  
5 of two or more persons in any one accident, and  
6 (3) if the accident has resulted in injury to or  
7 destruction of property, a limit of not less than  
8 Ten Thousand Dollars (\$10,000.00) because of  
9 injury to or destruction of property of others in  
10 any one accident, or

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

- 13 (1) a limit of not less than Twenty-five Thousand  
14 Dollars (\$25,000.000) because of bodily injury to  
15 or death of one person in any one accident,  
16 (2) subject to the limit for one person as prescribed  
17 in subparagraph a of this paragraph, a limit of  
18 not less than Fifty Thousand Dollars (\$50,000.00)  
19 because of bodily injury to or death of two or  
20 more persons in any one accident, and  
21 (3) if the accident has resulted in injury to or  
22 destruction of property to a limit of not less  
23 than Twenty-five Thousand Dollars (\$25,000.00)  
24

1 because of injury to or destruction of property  
2 of others in any one accident;

3 3. "Motor vehicle liability policy" means an owner's policy or  
4 operator's policy of liability, as defined in this chapter, issued  
5 by an insurance carrier duly authorized to transact business in this  
6 state, to or for the benefit of the person named therein as insured.  
7 With respect to a policy which grants coverage in excess of or in  
8 addition to minimum liability insurance limits, the term motor  
9 vehicle liability policy shall apply only to that part of the  
10 coverage which is required by minimum liability insurance limits;  
11 and

12 4. "Proof of financial responsibility" means proof of ability  
13 to respond in damages for liability at the minimum liability  
14 insurance limits:

15 a. resulting from accidents occurring subsequent to the  
16 effective date of the proof,

17 b. arising out of the ownership, maintenance or use of a  
18 vehicle subject to registration under the laws of this  
19 state.

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

22 Section 7-202. ~~(a)~~ A. The Department of Public Safety, not  
23 less than twenty (20) days after receipt of a report of an accident,  
24 as described in ~~the preceding section~~ Section 7-201 of this title,

1 shall determine the amount of security which shall be sufficient in  
2 its judgment to satisfy any judgment or judgments for damages  
3 resulting from ~~such~~ the accident, based on the reports or other  
4 information submitted to the Department, as may be recovered against  
5 each driver or owner. ~~Such~~ The determination shall not be made with  
6 respect to drivers or owners who are exempt under ~~succeeding~~  
7 ~~sections~~ Section 7-203 of this ~~chapter~~ title from the requirements  
8 as to security and suspension.

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

20 ~~(e)~~ B. The Department, not less than fifty (50) days after  
21 receipt of report of any accident referred to herein an accident as  
22 described in Section 7-201 of this title and upon determining the  
23 amount of security to be required of any person involved in ~~such~~ the  
24 accident or to be required of the owner of any vehicle involved in

1 ~~such~~ the accident shall give written notice pursuant to the  
2 provisions of Section 2-116 of this title to every ~~such~~ person of  
3 the amount of security required to be deposited by him or her and  
4 that an order of suspension will be made to become effective upon  
5 the expiration of ten (10) days after the sending of ~~such~~ the notice  
6 unless within ~~said~~ that time security be deposited as required by  
7 ~~said~~ the notice.

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

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

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

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

23  
24

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

4 4. To any person qualifying as a self-insurer under Section  
5 7-503 of this title or to any person operating a vehicle for ~~such~~  
6 the self-insurer;

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

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

16 7. To the owner of a vehicle if at the time of the accident the  
17 vehicle was being operated without ~~his~~ the permission of the owner,  
18 express or implied, or was parked by a person who had been operating  
19 ~~such~~ the vehicle without ~~such~~ permission of the owner, express or  
20 implied;

21 8. To the owner of a vehicle involved in an accident if at the  
22 time of the accident ~~such~~ the vehicle was owned by or leased to the  
23 United States, this state or any political subdivision of this state  
24

1 or a municipality thereof, or to the driver of ~~such~~ the vehicle if  
2 operating ~~such~~ the vehicle with permission; or

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

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

10 Section 7-204. A. No motor vehicle liability policy ~~or bond~~  
11 shall be considered effective to provide any exemption under Section  
12 7-203 of this title unless;

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

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

20 ~~1. For policies or bonds issued or renewed before April 1,~~  
21 ~~2005, Ten Thousand Dollars (\$10,000.00) because of bodily injury to~~  
22 ~~or death of one person in any one accident and, subject to said~~  
23 ~~limit for one person, to a limit of not less than Twenty Thousand~~  
24 ~~Dollars (\$20,000.00) because of bodily injury to or death of two or~~

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

5 2. ~~For policies or bonds issued or renewed on or after April 1,~~  
6 ~~2005, Twenty five Thousand Dollars (\$25,000.000) because of bodily~~  
7 ~~injury to or death of one person in any one accident and, subject to~~  
8 ~~said limit for one person, to a limit of not less than Fifty~~  
9 ~~Thousand Dollars (\$50,000.00) because of bodily injury to or death~~  
10 ~~of two or more persons in any one accident, and if the accident has~~  
11 ~~resulted in injury to or destruction of property to a limit of not~~  
12 ~~less than Twenty five Thousand Dollars (\$25,000.00) because of~~  
13 ~~injury to or destruction of property of others in any one accident~~  
14 minimum liability insurance limits.

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

1 ~~notice or process in any action upon such policy or bond arising out~~  
2 ~~of such accident~~ in the state of registration.

3 C. The Department of Public Safety may rely upon the accuracy  
4 of the information in a required report of an accident as to the  
5 existence of ~~insurance or a bond~~ a motor vehicle liability policy  
6 unless and until the Department has reason to believe that the  
7 information is erroneous.

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

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

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

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

22 Section 7-206. In the event that any person required to deposit  
23 security and file proof of financial responsibility under this  
24 ~~chapter~~ article fails to deposit such security and file such proof

1 of financial responsibility within ten (10) days after the  
2 Department of Public Safety has sent the notice as hereinbefore  
3 provided, the Department shall thereupon suspend+

4 ~~1. The license and all registrations~~ the driving privilege of  
5 each driver in any manner involved in the accident+;

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

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

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

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

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

23 Section 7-207. (a) A. A person shall be relieved from the  
24 requirement for deposit of security for the benefit or protection of

1 another person injured or damaged in the accident, provided he or  
2 she has given proof of financial responsibility, in the event he or  
3 she is released from liability by ~~such~~ the other person.

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

6 ~~(e)~~ C. In the event the ~~department~~ Department of Public Safety  
7 has ~~evaluated~~ received medical evidence that the injuries or damage  
8 to any minor are in an amount not more than Two Hundred Dollars  
9 (\$200.00), the Department may accept, for the purposes of this  
10 article only, evidence of a release from liability executed by a  
11 ~~natural guardian~~ custodial parent or a legal guardian on behalf of  
12 ~~such~~ the minor without the approval of any court or judge.

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

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

23 ~~(b)~~ B. The Department, to the extent provided by ~~any~~ ~~such~~ the  
24 written agreement filed with it, shall not require the deposit of

1 security and shall terminate any prior order of suspension, provided  
2 that proof of financial responsibility has been filed, ~~or,;~~  
3 provided, if security has previously been deposited, the Department  
4 shall immediately return ~~such~~ the security to the depositor or ~~his~~  
5 to the personal representative of the depositor.

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

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

21 1. Security is deposited and proof of financial responsibility  
22 is filed as required under this chapter, the security to be in such  
23 amount as the Department may then determine, ~~or,;~~  
24

1        2. ~~When, following any such default and suspension, the~~ The  
2 person in default has paid the balance of the agreed amount,<sup>7</sup>; or

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

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

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

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

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

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

4        2. One (1) year shall have elapsed following the date of ~~such~~  
5 the suspension and evidence satisfactory to the Department has been  
6 filed with it that during ~~such~~ the one-year period no action for  
7 damages arising out of the accident resulting in ~~such~~ the suspension  
8 has been instituted, provided ~~that such,~~ the person has filed the  
9 required proof of financial responsibility.

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

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

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

1 had held a driver license ~~or been the owner of a vehicle registered~~  
2 in this state.

3 ~~(b)~~ B. When a nonresident's ~~operating~~ driving privilege is  
4 suspended pursuant to Section 7-206 of this title, the Department of  
5 Public Safety shall transmit a ~~certified~~ copy of the record of ~~such~~  
6 the action to the official in charge of the issuance of driver  
7 licenses ~~and registration certificates~~ in the state in which ~~such~~  
8 the nonresident resides, ~~if the law of such other state provides for~~  
9 ~~action in relation thereto similar to that provided for in~~  
10 ~~subsection (c) of this section.~~

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

1 evidence of his or her compliance with the law of ~~such~~ the other  
2 state relating to the deposit of such security or files proof of  
3 financial responsibility.

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

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

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

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

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

3 Section 7-309. If the defendant named in any certified copy of  
4 a judgment reported to the Department of Public Safety, as  
5 prescribed in Section 7-308 of this title, is a nonresident, then  
6 the Department shall transmit a certified copy of the judgment to  
7 the official in charge of the issuance of driver licenses and  
8 ~~registrations~~ of the state of which the defendant is a resident.

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

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

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

20 Section 7-312. If the judgment creditor consents in writing, in  
21 ~~such form~~ a manner as the Department of Public Safety may prescribe,  
22 that the judgment debtor be allowed ~~license and registration or~~  
23 ~~nonresident's operating~~ to continue his or her driving privilege,  
24 the same may be allowed by the Department, in its discretion, for at

1 least six (6) months from the date of ~~such~~ the consent and  
2 thereafter until ~~such~~ the consent is revoked in writing,  
3 notwithstanding default in the payment of ~~such~~ the judgment, or of  
4 any installments thereof, as prescribed in Section 7-317 of this  
5 title, provided the judgment debtor furnishes proof of financial  
6 responsibility.

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

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

1 whom ~~such~~ the judgment was rendered, as provided in Section 7-310 of  
2 this title.

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

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

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

14 2. Until the ~~said~~ person gives proof of financial  
15 responsibility subject to the exemptions stated in Sections 7-312,  
16 7-313 and 7-317 of this title.

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

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

22 1. ~~When at least Twenty five Thousand Dollars (\$25,000.00) has~~  
23 ~~been credited upon any judgment or judgments rendered in excess of~~

24

1 ~~that amount because of bodily injury to or death of one person as~~  
2 ~~the result of any one collision;~~

3 ~~2. When, subject to the minimum limit of Twenty five Thousand~~  
4 ~~Dollars (\$25,000.00) because of bodily injury to or death of one~~  
5 ~~person, the sum of at least Fifty Thousand Dollars (\$50,000.00) has~~  
6 ~~been credited upon any judgment or judgments rendered in excess of~~  
7 ~~that amount because of bodily injury to or death of two or more~~  
8 ~~persons as the result of any one collision; or~~

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

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

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

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

3 Section 7-317. ~~(a)~~ A. A judgment debtor, upon due notice to  
4 the judgment creditor, may apply to the court in which ~~such~~ the  
5 judgment was rendered for the privilege of paying ~~such~~ the judgment  
6 in installments, and the court, in its discretion and without  
7 prejudice to any other legal remedies which the judgment creditor  
8 may have, may so order and fix the amounts and times of payment of  
9 the installments.

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

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

21 Section 7-318. In the event the judgment debtor fails to pay  
22 any installment as specified by ~~such~~ an order described in Section  
23 7-317 of this title, then, upon notice by the court of ~~such~~ the  
24 default, the Department of Public Safety shall forthwith suspend the

1 ~~license, registration or nonresident's operating~~ driving privilege  
2 of the person who is the judgment debtor until ~~such~~ the judgment is  
3 satisfied, as provided in this ~~chapter~~ article.

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

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

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

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

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

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

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

1 Section 7-335. ~~(a)~~ A. The Department of Public Safety shall  
2 upon request consent to the immediate cancellation of any ~~bond~~  
3 certificate of insurance or the Department shall direct and the  
4 State Treasurer shall return to the person entitled thereto any  
5 money or securities deposited pursuant to this article or Article II  
6 of this chapter as proof of financial responsibility, or the  
7 Department shall waive the requirement of filing proof of financial  
8 responsibility, in any of the following events:

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

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

15 ~~(b)~~ B. Provided, however, that the Department shall not consent  
16 to the cancellation of any ~~bond or~~ certificate of insurance and the  
17 Department shall not consent to the return of any money or  
18 securities in the event any action for damages upon a liability  
19 covered by such proof of financial responsibility is then pending or  
20 any judgment upon any such liability is then unsatisfied, or in the  
21 event the person who has filed such bond or deposited such money or  
22 securities has within one (1) year immediately preceding such  
23 request been involved as a driver or owner in any ~~motor vehicle~~  
24 accident resulting in injury or damage to the person or property of

1 others. An affidavit of the ~~applicant~~ person as to the nonexistence  
2 of such facts, or that ~~he~~ the person has been released from all ~~of~~  
3 ~~his~~ liability, or has been finally adjudicated not to be liable, for  
4 ~~such~~ any injury or damage, shall be sufficient evidence thereof in  
5 the absence of evidence to the contrary in the records of the  
6 Department.

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

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

20 ~~(b)~~ B. Any person willfully failing to return his or her driver  
21 license ~~or registration~~ as required in paragraph ~~(a)~~ subsection A of  
22 this section shall be ~~finned not more than Five Hundred Dollars~~  
23 ~~(\$500.00) or imprisoned not to exceed thirty (30) days, or both~~  
24 punished as provided in Section 17-101 of this title.

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

3 Section 7-502. ~~Except for sections 10-108 and 7-322, the~~ The  
4 provisions of this chapter shall not apply with respect to any  
5 vehicle which is subject to regulation by the ~~Oklahoma~~ Corporation  
6 Commission or to regulation by any other federal or state agency  
7 under provisions of any laws requiring insurance or other security.

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

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

20 The application shall contain the following:

- 21 1. The name and address of the applicant-;
- 22 2. The date and location of the accident, names of any fatality  
23 or fatalities, names of persons injured, and/or names of persons  
24 whose real or personal property was damaged in ~~said~~ the accident-;

1        3. ~~That~~ A statement that the applicant has failed to comply  
2 with the provisions of the Financial Responsibility Act Article II  
3 or Article III of this chapter by either failing to post security or  
4 to satisfy a judgment-;

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

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

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

11 and

12       7. A verification by the applicant.

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

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

21       ~~(d)~~ D. Persons required to be notified of the hearing may  
22 appear and resist the application of Article II or Article III of  
23 this chapter. At ~~said~~ the hearing the court shall take testimony  
24 concerning the hardship of the applicant, testimony of any

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

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

22 ~~(f)~~ F. It shall be the duty of the district attorney in the  
23 county where ~~said~~ the application is filed to represent the  
24

1 Department of Public Safety in the proceedings under the statute  
2 upon request from the Department of Public Safety.

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

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

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

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

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

- 20 a. shall designate by explicit description or by  
21 appropriate reference all vehicles with respect to  
22 which coverage is thereby to be granted,  
23 b. shall insure the person named therein and insure any  
24 other person, except as provided in subparagraph c of

1 this paragraph, using an insured vehicle with the  
2 express or implied permission of the named insured,  
3 against loss from the liability imposed by law for  
4 damages arising out of the ownership, maintenance,  
5 operation or use of ~~such~~ the vehicle,

6 c. may provide for exclusions from coverage in accordance  
7 with existing laws, and

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

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

17 3. "Security".—~~Security~~ means:

18 a. a policy ~~or bond~~ meeting the ~~requirements of Section~~  
19 ~~7-204 of this title~~ minimum vehicle liability limits,

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

1 c. self-insurance, pursuant to the provisions of Section  
2 7-503 of this title, having the equivalency of the  
3 minimum vehicle liability limits ~~required under~~  
4 ~~Section 7-204 of this title as acceptable limits for a~~  
5 ~~policy or bond~~, or

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

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

22 5. "Security verification form".—~~A security verification form~~  
23 ~~is~~ means a form, approved by the Insurance Commissioner, verifying  
24

1 the existence of security required by the Compulsory Insurance Law  
2 of the State of Oklahoma.

3 6. "Commercial auto coverage" means coverage provided to an  
4 insured, regardless of the number of vehicles or entity covered,  
5 under a commercial auto, garage or truckers coverage form or rated  
6 from either a commercial manual or rating rule as filed and approved  
7 by the Insurance Department. Vehicle type and ownership are not  
8 necessarily the primary factors in either underwriting the coverage  
9 or rating the coverage.

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

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

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

24

1 C. ~~Binders.~~ Any binder issued pending the issuance of a policy  
2 shall be deemed to fulfill the requirements for such a policy except  
3 as provided for in paragraph 2 of subsection A of Section 7-605 of  
4 this title.

5 SECTION 30. AMENDATORY 47 O.S. 2001, Section 7-600.2, as  
6 last amended by Section 2, Chapter 335, O.S.L. 2008 (47 O.S. Supp.  
7 2008, Section 7-600.2), 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 ~~insurance~~  
11 ~~or bond~~ liability policies as required by the Compulsory Insurance  
12 Law, subject to the 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  
19 ~~Oklahoma~~ Tax Commission, the courts, law enforcement personnel, and  
20 any other 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  
24

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 ~~July 1~~ December 31, 2008, following an appropriate  
12 testing period and after December 31, 2009, the verification system  
13 shall be installed and operational through the Internet as a web-  
14 based portal 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 carriers shall cooperate with the Department in  
18 establishing and maintaining the insurance verification system and  
19 shall provide access to motor vehicle insurance policy status  
20 information as provided in the Department's rules.

21 ~~D. The Oklahoma Tourism and Recreation Department shall~~  
22 ~~cooperate with the Department of Public Safety to assure any license~~  
23 ~~plate designs which are created in consultation with their~~

24

1 ~~Department shall incorporate features which assist in the effective~~  
2 ~~implementation of the on line verification system.~~

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

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

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

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

18 3. ~~Self insurance, pursuant to the provisions of Section 7-503~~  
19 ~~of this title, having the equivalency of limits required under~~  
20 ~~Section 7-204 of this title as acceptable limits for a policy or~~  
21 ~~bond.~~

22 B. ~~On and after January 1, 1983, every Every owner of a motor~~  
23 ~~vehicle registered in this state, other than a licensed used motor~~  
24 ~~vehicle dealer, shall, at all times, maintain in force with respect~~

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

12 ~~C. B. 1. On and after September 1, 1993, unless~~ Unless  
13 otherwise provided by law, no motor vehicle shall be operated in  
14 this state unless there is in effect with respect to ~~such~~ the  
15 vehicle security for the payment of loss resulting from the  
16 liability imposed by law for bodily injury, death and property  
17 damage sustained by any person arising out of the ownership,  
18 maintenance, operation or use of the vehicle. Every person, while  
19 operating or using a motor vehicle in this state which is not owned  
20 by ~~such~~ the person, shall maintain in force security for the payment  
21 of loss resulting from the liability imposed by law for bodily  
22 injury, death or property damage sustained by any person arising out  
23 of the operation or use of the vehicle, unless ~~such~~ the security has  
24 been provided by the owner in accordance with this section which

1 does not exclude ~~said~~ the person from coverage. Proof of ~~such~~  
2 security shall be carried in the vehicle at all times and shall be  
3 produced for inspection upon request by any law enforcement officer  
4 or representative of the Department of Public Safety and, in case of  
5 ~~collision~~ an accident, ~~such~~ the proof shall be shown upon request of  
6 any person affected by the ~~collision~~ accident.

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

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

1           b.    the insurance company shall agree in writing that ~~such~~  
2                its policies shall be deemed to conform with the laws  
3                of this state relating to the terms of motor vehicle  
4                liability policies issued in this state.

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

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

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

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

19           a.    the name ~~and~~, address, and the five-digit National  
20                Association of Insurance Commissioners (NAIC) company  
21                code of the carrier,

22           b.    the name, ~~and~~ address, and telephone number of the  
23                agent or office where the existence of security may be  
24                verified, if other than the carrier,

- 1 c. the name of the named insured; provided, the address  
2 of the named insured shall not be included,
- 3 d. a notice that an owner's liability insurance policy  
4 has been issued pursuant to the Compulsory Insurance  
5 Law ~~of this state,~~
- 6 e. the year of manufacture, make, model, and ~~at least the~~  
7 ~~last three (3) digits of~~ the vehicle identification  
8 number of each insured motor vehicle,
- 9 f. the inclusive dates the motor vehicle liability  
10 insurance is in effect, ~~and~~
- 11 g. the policy number, and
- 12 h. a warning to the owner that state law:
- 13 (1) requires a current copy of the owner's security  
14 verification form must be surrendered to the  
15 motor license agent or other registering agency  
16 upon application or renewal for a motor vehicle  
17 license plate,
- 18 (2) requires the other copy of the owner's security  
19 verification form to be carried in the motor  
20 vehicle at all times, and produced by any driver  
21 of the vehicle upon request for inspection by any  
22 peace officer or representative of the Department  
23 of Public Safety. In case of ~~a collision~~ an  
24 accident, the security verification form shall be

1 shown upon request of any person affected by the  
2 collision. accident,

3 ~~The security verification form shall not include the~~  
4 ~~address of the named insured.~~

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

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

9 ~~3. 2.~~ When a carrier issues an owner's policy providing blanket  
10 liability coverage for a fleet of motor vehicles, the requirement  
11 for year of manufacture, make, model, and ~~at least the last three~~  
12 ~~(3) digits of~~ the vehicle identification number specified in  
13 subparagraph e of paragraph 1 of this subsection may be ~~deleted.~~  
14 ~~The;~~ omitted provided, the security verification form shall bear the  
15 term "Fleet Coverage" and otherwise meet the provisions of ~~Section~~  
16 ~~7-600 et seq. of this title~~ the Compulsory Insurance Law.

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

22 ~~5. 4.~~ In the event an owner's policy also provides liability  
23 coverage which meets the requirements of an operator's policy, the  
24

1 carrier may also issue to each person entitled thereto an operator's  
2 security verification form as provided in this section.

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

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

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

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

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

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

1 6. The inclusive dates of liability coverage; and

2 7. The policy number.

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

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

11 SECTION 33. AMENDATORY 47 O.S. 2001, Section 7-602, as  
12 last amended by Section 2, Chapter 322, O.S.L. 2006 (47 O.S. Supp.  
13 2008, Section 7-602), is amended to read as follows:

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

22 2. a. Every person registering a motor vehicle in this  
23 state, except a motor vehicle which is not being used  
24 upon the public highways or public streets, or a

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

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

1 provided in subparagraph a of this paragraph to  
2 certify the existence of the required insurance ~~or~~  
3 ~~and~~ prior to processing any application for motor  
4 vehicle registration.

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

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

1 engaged in interstate or foreign commerce upon and  
2 over the public highways.

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

- 8 a. any vehicle owned or leased by the federal or state  
9 government, or any agency or political subdivision  
10 thereof,
- 11 b. any vehicle bearing the name, symbol, or logo of a  
12 business, corporation or utility on the exterior and  
13 which is in compliance with the provisions of ~~Sections~~  
14 ~~7-600 through 7-610 of this title~~ the Compulsory  
15 Insurance Law according to records of the ~~Department~~  
16 ~~of Public Safety~~ Corporation Commission which reflect  
17 a deposit, ~~bond, self-insurance,~~ or fleet policy,
- 18 c. fleet vehicles maintaining current vehicle liability  
19 insurance as required by the Corporation Commission or  
20 any other regulating entity,
- 21 d. any licensed taxicab, and
- 22 e. any vehicle owned by a licensed used motor vehicle  
23 dealer.
- 24

1           5. Any person who knowingly issues or promulgates false or  
2 fraudulent information in connection with either an owner's or  
3 operator's security verification form or an equivalent form which  
4 has been issued by the Department of Public Safety shall be guilty  
5 of a misdemeanor and upon conviction shall be subject to a fine not  
6 exceeding Five Hundred Dollars (\$500.00), or imprisonment for not  
7 more than six (6) months, or by both such fine and imprisonment.

8           B. Each motor license agent is authorized to charge a fee of  
9 One Dollar and fifty cents (\$1.50) to each person to whom the agent  
10 issues a certificate of registration and who is required to  
11 surrender proof of financial responsibility, or for whom the motor  
12 license agent certifies the existence of financial responsibility  
13 through an authorized online certification system, pursuant to the  
14 provisions of ~~Sections 7-600 through 7-609 of this title~~ the  
15 Compulsory Insurance Law. The fee may be retained by the agent as  
16 compensation for ~~his~~ services in processing the proof of financial  
17 responsibility and for processing the ~~driver's~~ driver license  
18 information, insurance verification information, and other  
19 additional information furnished to the agent pursuant to Section  
20 1112 of this title, if such agent does not receive the maximum  
21 compensation as authorized by law.

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

24

1 Section 7-602.1 Every operator of a motor vehicle registered in  
2 this state shall, while operating or using such vehicle, carry  
3 either an operator's or an owner's security verification form issued  
4 by a an insurance carrier or an equivalent form issued by the  
5 Department of Public Safety, reflecting liability coverage. An  
6 owner's security verification form issued to the owner of a motor  
7 vehicle may be used as an operator's security verification form by  
8 an operator who is not the owner of the motor vehicle, if ~~said~~ the  
9 operator is not excluded from coverage on the motor vehicle  
10 liability ~~insurance~~ policy for the vehicle. Any ~~such~~ exclusions  
11 from ~~said~~ the policy shall be included on the owner's security  
12 verification form.

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

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

19 B. The Department may, ~~either at the~~ at any time ~~of~~  
20 ~~registration or at other intervals thereafter as it may determine,~~  
21 ~~forward copies of certifications to insurance companies and surety~~  
22 ~~companies, as the case may be, for verification of the~~ verify, using  
23 the online verification system provided for in Section 7-600.2 of  
24 this title, the existence of security certified to in policies or

1 ~~bonds issued by such insurance companies. The companies thereafter~~  
2 ~~and not later than thirty (30) days following receipt of such copies~~  
3 ~~shall cause to be filed with the Department a written record of~~  
4 ~~those certifications as respects which no policy or bond is~~  
5 ~~applicable.~~

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

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

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

1           2. The suspension of the driving privilege shall remain in  
2 effect until payment is made of the fees provided for in Section 6-  
3 212 of this title and proof of security is furnished to the  
4 Department of Public Safety which complies with the requirements of  
5 the Compulsory Insurance Law; provided, for purposes of this  
6 section, proof of security shall not mean a binder policy but shall  
7 mean an owner's policy or an operator's policy, as defined in  
8 Section 7-600 of this title; provided further, a suspension for  
9 failure to appear shall remain in effect until proof of appearance  
10 is received by the Department from the reporting court. Suspension  
11 under this section shall be effective when notice thereof is given  
12 pursuant to Section 2-116 of this title.

13           3. Any person whose driving privilege ~~or registration~~ has been  
14 suspended pursuant to the provisions of this subsection shall  
15 surrender to the Department his or her driver license ~~and the~~  
16 ~~license plate of any motor vehicle registered in his or her name and~~  
17 ~~not covered by security.~~ Any person failing to voluntarily  
18 relinquish his or her driver license ~~or license plate or plates~~ to  
19 the Department within thirty (30) days of receipt of the notice  
20 specified in paragraph 2 of this subsection shall pay a fee of Fifty  
21 Dollars (\$50.00) in addition to the fees provided for in Section 6-  
22 212 of this title.

23           4. If a person furnishes proof to the satisfaction of the  
24 Department that security was in effect at the time of the alleged

1 offense, the Department shall vacate the suspension order and shall  
2 not require the filing of a certificate of insurance nor payment of  
3 either of the above fees.

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

- 12 a. ~~a charge and the imposition of a deferred sentence,~~
- 13 ~~b.~~ a conviction, or
- 14 ~~c.~~
- 15 b. a notice of bond forfeiture;

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

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

- 22 a. was issued in error, or
- 23 b. was not related to a violation of:
  - 24 (1) the Compulsory Insurance Law,

1 (2) a security verification form as required by  
2 ~~Chapter 7 of this title~~ article, or

3 (3) a municipal ordinance requiring security or the  
4 carrying of a security verification form.

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

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

20 E. No person shall have a property interest in a driver  
21 license, ~~vehicle registration, or vehicle license plate~~ issued  
22 pursuant to the laws of this state and it shall be the duty of every  
23 person whose driving privilege ~~or motor vehicle registration~~ has  
24 been suspended to forthwith surrender ~~such~~ his or her driver license

1 ~~or license plate or both~~ upon the request of any law enforcement  
2 officer or representative of the Department.

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

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

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

23 I. The Department shall identify the name of the employing law  
24 enforcement agency from which a suspended driver license ~~or license~~

1 ~~plate~~ has been received pursuant to this section, and determine that  
2 the fee required by paragraph 3 of subsection A of this section has  
3 been paid. The Department shall reimburse the law enforcement  
4 agency so identified the sum of Twenty-five Dollars (\$25.00) for  
5 each driver license ~~and the sum of Twenty-five Dollars (\$25.00) for~~  
6 ~~each vehicle license plate~~ from the special account.

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

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

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

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

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

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

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

23 C. Any person producing proof in court that a current security  
24 verification form or equivalent form which has been issued by the

1 Department of Public Safety reflecting liability coverage for ~~such~~  
2 the person was in force at the time of the alleged offense shall be  
3 entitled to dismissal of ~~such~~ the charge upon payment of court  
4 costs; however, if proof of security verification is presented to  
5 the court by the assigned court appearance date, the charge shall be  
6 dismissed without payment of court costs.

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

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

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

20 The form of the affidavit shall be prescribed by the Oklahoma  
21 Tax Commission and shall contain blanks for the owner to specify the  
22 length of time the vehicle shall not be driven upon the public  
23 highways or public streets, the reason the vehicle shall not be  
24

1 driven, and any other information deemed necessary by the Tax  
2 Commission.

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

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

13 SECTION 39. AMENDATORY Section 5, Chapter 322, O.S.L.  
14 2006, as amended by Section 15, Chapter 326, O.S.L. 2007 (47 O.S.  
15 Supp. 2008, Section 7-612), is amended to read as follows:

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

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

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

24

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

3 B. It is a felony for anyone, other than an ~~insurance carrier~~  
4 insurer or insurance producer as defined by Section 1435.2 of Title  
5 36 of the Oklahoma Statutes, to:

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

10 2. Issue or sell security verification forms.

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

- 16 a. two (2) months, for a first offense,
- 17 b. six (6) months, for a second offense, or
- 18 c. one (1) year, for a third or subsequent offense.

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

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

1 D. The suspension required in subsection C of this section  
2 shall remain in effect until payment is made of the fees provided  
3 for in Section 6-212 of this title and proof of security is  
4 furnished to the Department of Public Safety which complies with the  
5 requirements of Section 7-601 of this title. Suspension under this  
6 section shall be effective when notice is given pursuant to Section  
7 2-116 of this title.

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

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

20 SECTION 41. REPEALER 47 O.S. 2001, Sections 7-301, 7-  
21 302, as amended by Section 4, Chapter 394, O.S.L. 2005, 7-303, 7-  
22 304, 7-305, 7-306, 7-307, 7-321, 7-322, 7-323, 7-325, 7-326, 7-332,  
23 7-334, 7-608, as amended by Section 7, Chapter 322, O.S.L. 2006 and  
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1 7-609, as amended by Section 8, Chapter 322, O.S.L. 2006 (47 O.S.  
2 Supp., 2008, Sections 7-302, 7-608 and 7-609) are hereby repealed.

3 SECTION 42. This act shall become effective November 1, 2009.  
4 Passed the Senate the 9th day of March, 2009.

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\_\_\_\_\_  
Presiding Officer of the Senate

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8 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
9 2009.

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Presiding Officer of the House  
of Representatives

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