

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 2960

By: Christian

5
6 COMMITTEE SUBSTITUTE

7
8 An Act relating to motor vehicles; amending 47 O.S.
9 2011, Section 7-606, which relates to failure to
10 comply with the Compulsory Insurance Law; authorizing
11 law enforcement officers to seize license plates and
12 issue citations in certain circumstances; specifying
13 requirements; authorizing the use of citation as a
14 temporary plate; directing law enforcement agency to
15 deposit license plate with court clerk; requiring
16 certain fee; specifying use of fee proceeds; and
17 providing an effective date.

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

19 SECTION 1. AMENDATORY 47 O.S. 2011, Section 7-606, is
20 amended to read as follows:

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

1 fine of not more than Two Hundred Fifty Dollars (\$250.00), or
2 imprisonment for not more than thirty (30) days, or by both such
3 fine and imprisonment, and in addition thereto, shall be subject to
4 suspension of the driving privilege of the person in accordance with
5 Section 7-605 of this title. Upon issuing a citation under this
6 paragraph, the law enforcement officer issuing the citation may:

7 a. seize the vehicle being operated by the person and
8 cause the vehicle to be towed and stored as provided
9 by subsection B of Section 955 of this title, if the
10 officer has probable cause to believe that the vehicle
11 is not insured as required by the Compulsory Insurance
12 Law of this state, or

13 b. seize the license plate of the vehicle and issue the
14 citation to the vehicle operator. The citation shall
15 serve as the license plate of the vehicle for up to
16 three (3) working days after the issuance of the
17 citation. After three (3) working days, the vehicle
18 shall not be used until the vehicle operator or owner
19 provides verification of compliance with the
20 Compulsory Insurance Law and pays in full a fee of One
21 Hundred Dollars (\$100.00). After the issuance of the
22 citation, the law enforcement agency issuing the
23 citation shall, within three (3) working days, deposit
24 the license plate with the court clerk of the county

1 where the violation has occurred. The vehicle owner
2 or operator may retrieve the license plate from the
3 court clerk upon providing verification of compliance
4 with the Compulsory Insurance Law and the payment of
5 the fee. The clerk shall retain Ten Dollars (\$10.00)
6 of the fee to defray any expenses involved in the
7 storage of the license plates. Ninety Dollars
8 (\$90.00) of the fee shall be transferred to the law
9 enforcement agency which issued the citation and may
10 be used for any lawful purpose. The court clerk may
11 dispose of unclaimed license plates after ninety (90)
12 days. After the license plate has been disposed of by
13 the court clerk, the operator or owner shall be
14 required to obtain a new license plate pursuant to all
15 existing requirements.

16 If the operator of the vehicle produces what appears to be a
17 valid security verification form and the officer is unable to
18 confirm compliance through the online verification system or
19 noncompliance by a subsequent investigation, the officer shall be
20 prohibited from seizing the license plate or seizing the vehicle and
21 causing such vehicle to be towed and stored. Further, no vehicle
22 shall be seized and towed under the provisions of this paragraph if
23 said vehicle is displaying a temporary license plate that has not
24

1 expired pursuant to the provisions of Sections 1137.1 and 1137.3 of
2 this title.

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

15 B. A sentence imposed for any violation of the Compulsory
16 Insurance Law may be suspended or deferred in whole or in part by
17 the court.

18 C. Any person producing proof in court that a current security
19 verification form or equivalent form which has been issued by the
20 Department of Public Safety reflecting liability coverage for the
21 person was in force at the time of the alleged offense shall be
22 entitled to dismissal of the charge. If proof of security
23 verification is presented to the court by no later than the business
24 day preceding the first scheduled court appearance date, the

1 dismissal shall be without payment of court costs. The court may
2 access information from the online verification system to confirm
3 liability coverage. The court shall not dismiss the fine unless
4 proof that liability coverage for the person was in force at the
5 time of the alleged offense is presented to the court.

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

10 E. For purposes of this section, "court" means any court in
11 this state.

12 SECTION 2. This act shall become effective November 1, 2012.

13

14 53-2-9966 SDR 03/02/12

15

16

17

18

19

20

21

22

23

24