

1 **SENATE FLOOR VERSION**

2 April 2, 2012

3 As Amended

4 ENGROSSED HOUSE

5 BILL NO. 2525

6 By: Martin (Steve) of the House

7 and

8 Barrington of the Senate

9 An Act relating to motor vehicles; amending 47 O.S.  
10 2011, Section 7-600.2, which relates to online  
11 verification of compulsory insurance compliance;  
12 authorizing certain traffic stops; and providing an  
13 effective date.

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

15 SECTION 1. AMENDATORY 47 O.S. 2011, Section 7-600.2, is  
16 amended to read as follows:

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

22 1. The Oklahoma Tax Commission and the Insurance Department  
23 shall cooperate with the Department of Public Safety in the  
24 development of the verification system;

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

6           3. The verification system shall provide for direct inquiry and  
7 response between the Department and insurance carriers, or such  
8 other method of inquiry and response as agreed to by the Department  
9 and individual insurance carriers, and direct access to insurers'  
10 records by personnel authorized by the Department;

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

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

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

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

24

1 8. Any law enforcement officer, to establish compliance with  
2 the Compulsory Insurance Law:

3 a. during a traffic stop or accident investigation, shall  
4 access information from the online verification system  
5 to verify the current validity of the policy described  
6 on a security verification form produced by the  
7 operator of each motor vehicle during the traffic stop  
8 or accident investigation, or

9 b. at any other time, may access information from the  
10 online verification system and, if compliance is not  
11 confirmed, stop the operator of the motor vehicle and  
12 verify the current validity of the policy described on  
13 a security verification form produced by the operator.

14 ~~If compliance is not confirmed for the policy described on the~~  
15 ~~security verification form produced by the operator and a subsequent~~  
16 ~~investigation conducted by the officer verifies that the operator is~~  
17 ~~not in compliance or if no current security verification form is~~  
18 ~~produced, the officer shall issue a citation to the operator for~~  
19 ~~failure to comply with the Compulsory Insurance Law. ~~Establishing~~~~  
20 ~~compliance with the Compulsory Insurance Law through the online~~  
21 ~~verification system shall not be the primary cause for law~~  
22 ~~enforcement to stop a motor vehicle If the operator produces a~~  
23 ~~security verification form which appears to be valid but is not~~  
24 ~~confirmed by the online verification system, the law enforcement~~

1 officer shall issue a citation only after a subsequent  
2 investigation. If a citation is not issued and a law enforcement  
3 officer determines after a subsequent investigation that the  
4 operator was not in compliance with the Compulsory Insurance Law  
5 requirements at the time of the stop, the officer may issue a  
6 citation to the operator by first class mail and upon the operator's  
7 failure to appear, request and a court shall issue a bench warrant  
8 for the operator; and

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

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

20 C. As a condition for writing motor vehicle liability policies  
21 in this state, insurance carriers shall cooperate with the  
22 Department in establishing and maintaining the insurance  
23 verification system and shall provide access to motor vehicle  
24

1 insurance policy status information as provided in the rules of the  
2 Department.

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

4 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 3-29-12 - DO  
5 PASS, As Amended.

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