

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE BILL 876

By: Sykes

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5  
6 AS INTRODUCED

7 An Act relating to compulsory motor vehicle  
8 insurance; amending 47 O.S. 2001, Section 7-606, as  
9 last amended by Section 4, Chapter 440, O.S.L. 2010  
10 (47 O.S. Supp. 2010, Section 7-606), which relates to  
11 failure to maintain insurance; limiting recovery of  
12 damages in certain action; and providing an effective  
13 date.

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

15 SECTION 1. AMENDATORY 47 O.S. 2001, Section 7-606, as  
16 last amended by Section 4, Chapter 440, O.S.L. 2010 (47 O.S. Supp.  
17 2010, Section 7-606), is amended to read as follows:

18 Section 7-606. A. 1. An owner or operator who fails to comply  
19 with the Compulsory Insurance Law, or who fails to produce for  
20 inspection a valid and current security verification form or  
21 equivalent form which has been issued by the Department of Public  
22 Safety upon request of any peace officer, representative of the  
23 Department of Public Safety or other authorized person, shall be  
24 guilty of a misdemeanor and upon conviction shall be subject to a  
fine of not more than Two Hundred Fifty Dollars (\$250.00), or

1 imprisonment for not more than thirty (30) days, or by both such  
2 fine and imprisonment, and in addition thereto, shall be subject to  
3 suspension of the driving privilege of the person in accordance with  
4 Section 7-605 of this title. Upon issuing a citation under this  
5 paragraph, the law enforcement officer issuing the citation may  
6 seize the vehicle being operated by the person and cause the vehicle  
7 to be towed and stored as provided by subsection B of Section 955 of  
8 this title, if the officer has probable cause to believe that the  
9 vehicle is not insured as required by the Compulsory Insurance Law  
10 of this state. If the operator of the vehicle produces what appears  
11 to be a valid security verification form and the officer is unable  
12 to confirm compliance through the online verification system or  
13 noncompliance by a subsequent investigation, the officer shall be  
14 prohibited from seizing the vehicle and causing such vehicle to be  
15 towed and stored. Further, no vehicle shall be seized and towed  
16 under the provisions of this paragraph if said vehicle is displaying  
17 a temporary license plate that has not expired pursuant to the  
18 provisions of Sections 1137.1 and 1137.3 of this title.

19       2. An owner other than an owner of an antique or a classic  
20 automobile as defined by the Oklahoma Tax Commission who files an  
21 affidavit that a vehicle shall not be driven upon the public  
22 highways or public streets, pursuant to Section 7-607 of this title,  
23 who drives or permits the driving of the vehicle upon the public  
24 highways or public streets, shall be guilty of a misdemeanor and

1 upon conviction thereof shall be subject to a fine of not more than  
2 Five Hundred Dollars (\$500.00), or imprisonment for not more than  
3 thirty (30) days, or by both such fine and imprisonment, and in  
4 addition thereto, shall be subject to suspension of the driving  
5 privilege of the person in accordance with Section 7-605 of this  
6 title.

7 B. A sentence imposed for any violation of the Compulsory  
8 Insurance Law may be suspended or deferred in whole or in part by  
9 the court.

10 C. Any person producing proof in court that a current security  
11 verification form or equivalent form which has been issued by the  
12 Department of Public Safety reflecting liability coverage for the  
13 person was in force at the time of the alleged offense shall be  
14 entitled to dismissal of the charge upon payment of court costs;  
15 however, if proof of security verification is presented to the court  
16 by the assigned court appearance date, the court shall access  
17 information from the online verification system and, if compliance  
18 is confirmed, the charge shall be dismissed without payment of court  
19 costs.

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

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1        E. In addition to penalties imposed pursuant to this section,  
2 an owner or operator of a vehicle who fails to comply with the  
3 Compulsory Insurance Law of this state and who sustains damages in a  
4 motor vehicle accident may recover against the defendant only actual  
5 damages in an amount not to exceed the required minimum liability  
6 coverage.

7        SECTION 2. This act shall become effective November 1, 2011.

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