

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 260

By: Sharp of the Senate

and

Moore of the House

COMMITTEE SUBSTITUTE

An Act relating to motor vehicle insurance; requiring filing of certain insurance with the Department of Public Safety for certain period of time; stating applicable convictions; requiring maintenance of certain records for suspension of driving privileges for certain noncompliance; providing certain notice; clarifying conditions when notice is required; defining term; clarifying applicability to certain persons; providing procedures for suspension or revocation of certain registration and privileges; providing method of reinstatement; prohibiting certain registration of motor vehicles under certain circumstances; stating requirements for certain evidence; providing penalty for false certification; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-615 of Title 47, unless there is created a duplication in numbering, reads as follows:

1 A. 1. In addition to any other requirements of this act, the
2 Commissioner of the Department of Public Safety shall require a
3 person to acquire insurance and for such person's insurance company
4 to maintain on file with the Department evidence of such insurance
5 for a period of one year when a person has been convicted in this or
6 another state of any of the violations enumerated in paragraph 2 of
7 subsection A of Section 6-205 of Title 47 to begin from the date a
8 verdict of guilty, a plea of guilty or a plea of nolo contendere was
9 entered unless the driving privileges of such person were suspended
10 or revoked, then the time begins from the date the driving
11 privileges are reinstated or modified.

12 2. The Department shall also require any driver whose driving
13 privileges have been suspended pursuant to this section to maintain
14 such evidence of insurance as required above for a period of one
15 year beginning from the date the driving privileges are reinstated.

16 3. The company of the insured shall immediately send by regular
17 mail or electronic mail notice to the Department whenever any policy
18 required by this subsection to be on file with the Department is
19 terminated by the insured or the insurer for any reason. The
20 receipt by the Department of such termination shall be prima facie
21 evidence that no financial security exists with regard to the person
22 concerned.

23 4. No cancellation notice shall be sent to the Department if
24 the insured adds or deletes a vehicle, adds or deletes a driver,

1 renews a policy or is issued a new policy by the same company. No
2 cancellation notice shall be sent to the Department prior to the
3 date the policy is terminated if the company allows a grace period
4 for payment until such grace period has expired and the policy is
5 actually terminated.

6 5. For the purposes of this act, the term "conviction" includes
7 pleading guilty or nolo contendere, being convicted or being found
8 guilty of any violation enumerated in this subsection without regard
9 to whether sentence was suspended or deferred granted. A forfeiture
10 of bail, bond or collateral deposited to secure a defendant's
11 appearance in court, which forfeiture has not been vacated, shall be
12 equivalent to a conviction.

13 6. The requirements of this subsection shall apply whether or
14 not such person owns a motor vehicle.

15 B. Whenever the Department shall receive prima facie evidence,
16 as prescribed by this section, that continuous financial security
17 covering any motor vehicle registered in this state is not in
18 effect, the Department shall notify the owner by registered or
19 certified mail or United States post office certificate of mailing
20 that, at the end of thirty (30) days after the notice is mailed, the
21 registration for such motor vehicle and the driving privileges of
22 the owner of the vehicle shall be suspended or revoked, unless
23 within ten (10) days after the notice is mailed:
24

1 1. Such owner shall demonstrate proof of continuous financial
2 security covering such vehicle to the satisfaction of the
3 Department. Such proof of continuous financial security may be
4 provided by the owner by displaying such proof on a cellular phone
5 or other portable electronic device; or

6 2. Such owner shall mail a written request which is postmarked
7 within ten (10) days after the notice is mailed requesting a hearing
8 with the Department. Upon receipt of a timely request for a
9 hearing, the Department shall afford such person an opportunity for
10 hearing. If, within the ten-day period or at the hearing, such
11 owner is unable to demonstrate proof of continuous financial
12 security covering the motor vehicle in question, the Department
13 shall revoke the registration of such motor vehicle and suspend the
14 driving privileges of the owner of the vehicle.

15 C. Whenever the registration of a motor vehicle or the driving
16 privileges of the owner of the vehicle are suspended or revoked for
17 failure of the owner to maintain continuous financial security, such
18 suspension or revocation shall remain in effect until satisfactory
19 proof of insurance has been filed with the Department as required by
20 subsection A of this section and a reinstatement fee in the amount
21 herein prescribed is paid to the Department. Such reinstatement fee
22 shall be in the amount of One Hundred Dollars (\$100.00), except that
23 if the registration of a motor vehicle of any owner is revoked
24 within one year following a prior revocation of the registration of

1 a motor vehicle of such owner under the provisions of this act, such
2 fee shall be in the amount of Three Hundred Dollars (\$300.00).

3 D. In no case shall any motor vehicle, the registration of
4 which has been revoked for failure to have continuous financial
5 security, be reregistered in the name of the owner thereof, the
6 owner's spouse, parent or child or any member of the same household
7 until the owner complies with subsection C of this section.

8 E. Evidence that an owner of a motor vehicle, registered or
9 required to be registered in this state, has operated or permitted
10 such motor vehicle to be operated in this state without having in
11 force and effect the financial security required by this act for
12 such vehicle, together with proof of records of the Department
13 indicating that the owner did not have such financial security,
14 shall be prima facie evidence that the owner did at the time and
15 place alleged, operate or permit such motor vehicle to be operated
16 without having in full force and effect financial security required
17 by the provisions of this act.

18 F. Any owner of a motor vehicle registered or required to be
19 registered in this state who shall make a false certification
20 concerning financial security for the operation of such motor
21 vehicle, as required by this act, shall be guilty of a misdemeanor.
22 Any person, firm or corporation giving false information to the
23 Department concerning another's financial security for the operation
24 of a motor vehicle registered or required to be registered in this

1 state, knowing or having reason to believe that such information is
2 false, shall be guilty of a misdemeanor.

3 SECTION 2. This act shall become effective November 1, 2015.
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