SENATE FLOOR VERSION
February 19, 2015

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 260 By: Sharp of the Senate

and

Moore of the House

[motor vehicle insurance - filing of certain insurance - applicable convictions - maintenance of certain records - procedures for suspension or revocation - reinstatement - penalty for false certification - codification - 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:

A. 1. In addition to any other requirements of this act, the Commissioner of the Department of Public Safety shall require a person to acquire insurance and for such person's insurance company to maintain on file with the Department evidence of such insurance for a period of one year when a person has been convicted in this or another state of any of the violations enumerated in paragraph 2 of subsection A of Section 6-205 of Title 47 to begin from the date a

verdict of guilty, a plea of guilty or a plea of nolo contendere was entered unless the driving privileges of such person were suspended or revoked, then the time begins from the date the driving privileges are reinstated or modified.

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

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

4. No cancellation notice shall be sent to the Department if the insured adds or deletes a vehicle, adds or deletes a driver, renews a policy or is issued a new policy by the same company. No cancellation notice shall be sent to the Department prior to the date the policy is terminated if the company allows a grace period for payment until such grace period has expired and the policy is actually terminated.

5. For the purposes of this act, the term "conviction" includes pleading guilty or nolo contendere, being convicted or being found

guilty of any violation enumerated in this subsection without regard to whether sentence was suspended or deferred granted. A forfeiture of bail, bond or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction.

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

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

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

2. Such owner shall mail a written request which is postmarked within ten (10) days after the notice is mailed requesting a hearing with the Department. Upon receipt of a timely request for a

hearing, the Department shall afford such person an opportunity for hearing. If, within the ten-day period or at the hearing, such owner is unable to demonstrate proof of continuous financial security covering the motor vehicle in question, the Department shall revoke the registration of such motor vehicle and suspend the driving privileges of the owner of the vehicle.

C. Whenever the registration of a motor vehicle or the driving privileges of the owner of the vehicle are suspended or revoked for failure of the owner to maintain continuous financial security, such suspension or revocation shall remain in effect until satisfactory proof of insurance has been filed with the Department as required by subsection A of this section and a reinstatement fee in the amount herein prescribed is paid to the Department. Such reinstatement fee shall be in the amount of One Hundred Dollars ($100.00), except that if the registration of a motor vehicle of any owner is revoked within one year following a prior revocation of the registration of a motor vehicle of such owner under the provisions of this act, such fee shall be in the amount of Three Hundred Dollars ($300.00).

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

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

F. Any owner of a motor vehicle registered or required to be registered in this state who shall make a false certification concerning financial security for the operation of such motor vehicle, as required by this act, shall be guilty of a misdemeanor. Any person, firm or corporation giving false information to the Department concerning another's financial security for the operation of a motor vehicle registered or required to be registered in this state, knowing or having reason to believe that such information is false, shall be guilty of a misdemeanor.

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

COMMITTEE REPORT BY: COMMITTEE ON INSURANCE
February 19, 2015 - DO PASS AS AMENDED