

1 ENGROSSED SENATE
2 BILL NO. 359

By: Brooks of the Senate

and

Christian of the House

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6 [motor vehicle insurance and security - failure to
7 comply with Compulsory Insurance Law - storage fee -
8 ~~emergency~~]

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

10 SECTION 1. AMENDATORY 47 O.S. 2011, Section 7-606, as
11 last amended by Section 1, Chapter 29, O.S.L. 2014 (47 O.S. Supp.
12 2014, Section 7-606), is amended to read as follows:

13 Section 7-606. A. 1. An owner or operator who fails to comply
14 with the Compulsory Insurance Law, or who fails to produce for
15 inspection a valid and current security verification form or
16 equivalent form which has been issued by the Department of Public
17 Safety upon request of any peace officer, representative of the
18 Department of Public Safety or other authorized person, shall be
19 guilty of a misdemeanor and upon conviction shall be subject to a
20 fine of not more than Two Hundred Fifty Dollars (\$250.00), or
21 imprisonment for not more than thirty (30) days, or by both such
22 fine and imprisonment, and in addition thereto, shall be subject to
23 suspension of the driving privilege of the person in accordance with
24

1 Section 7-605 of this title. Upon issuing a citation under this
2 paragraph, the law enforcement officer issuing the citation may:

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

9 b. seize the license plate of the vehicle and issue the
10 citation to the vehicle operator, provided that the
11 vehicle is in a drivable condition at the time of
12 issuing the citation. A copy of the citation retained
13 by the owner or operator of the vehicle shall serve as
14 the temporary license plate of the vehicle for up to
15 ten (10) calendar days after the issuance of the
16 citation. After ten (10) calendar days, the vehicle
17 shall not be used until the vehicle operator or owner
18 completes the requirements to retrieve the license
19 plate.

20 (1) After the issuance of the citation, the law
21 enforcement agency issuing the citation shall,
22 within three (3) days, deposit the license plate
23 and deliver a copy of the citation to the county
24

1 sheriff's office of the county where the
2 violation has occurred.

3 (2) The vehicle owner or operator may retrieve the
4 license plate from the county sheriff's office
5 upon providing verification of compliance with
6 the Compulsory Insurance Law, payment in full of
7 an administrative fee of One Hundred Twenty-five
8 Dollars (\$125.00) to the county sheriff's office
9 and payment in full of the citation to the court
10 clerk. The county sheriff's office shall
11 transfer the administrative fee to the Plan
12 Administrator. The Plan Administrator shall
13 distribute the administrative fee as follows:

14 (a) ~~Twenty Dollars (\$20.00)~~ Thirty Dollars
15 (\$30.00) of the fee shall be distributed to
16 the county sheriff's office to defray any
17 expenses involved in the storage of the
18 license plate,

19 (b) ~~Seventy Dollars (\$70.00)~~ Fifty Dollars
20 (\$50.00) of the fee shall be transferred to
21 the law enforcement agency which issued the
22 citation and may be used for any lawful
23 purpose,
24

1 (c) Twenty-five Dollars (\$25.00) of the fee
2 shall be transferred to the Temporary
3 Insurance Premium Pool, ~~and~~

4 (d) the Plan Administrator shall retain ~~Ten~~
5 ~~Dollars (\$10.00)~~ Twenty Dollars (\$20.00) of
6 the fee, and

7 (e) If the citation is dismissed without cost,
8 due to proof of insurance, the county
9 sheriff's office shall be prohibited from
10 collecting the full administrative fee of
11 One Hundred Twenty-five Dollars (\$125.00),
12 but shall charge the vehicle owner or
13 operator a fee of Fifty Dollars (\$50.00) to
14 be distributed by the Plan Administrator to
15 defray any expenses involved in the storage
16 of the license plate as follows:

17 i. Twenty Dollars (\$20.00) of the fee
18 shall be distributed to the county
19 sheriff's office to defray any expenses
20 involved in the storage of the license
21 plate,

22 ii. Twenty Dollars (\$20.00) of the fee
23 shall be transferred to the law
24 enforcement agency which issued the

citation and may be used for any lawful
purpose,

iii. the Plan Administrator shall retain Ten Dollars (\$10.00) of the fee.

(3) The county sheriff's office may dispose of any unclaimed license plate after ninety (90) days according to applicable state law. After the license plate has been disposed of by the county sheriff's office, the operator or owner shall be required to obtain a new license plate pursuant to all existing requirements.

If the operator of the vehicle produces what appears to be a valid security verification form and the officer is unable to confirm compliance through the online verification system or noncompliance by a subsequent investigation, the officer shall be prohibited from seizing the license plate or seizing the vehicle and causing such vehicle to be towed and stored. Further, no vehicle shall be seized and towed under the provisions of this paragraph if ~~said~~ the vehicle is displaying a temporary license plate that has not expired pursuant to the provisions of Sections 1137.1 and 1137.3 of this title.

2. An owner other than an owner of an antique or a classic automobile as defined by the Oklahoma Tax Commission who files an affidavit that a vehicle shall not be driven upon the public

1 highways or public streets, pursuant to Section 7-607 of this title,
2 who drives or permits the driving of the vehicle upon the public
3 highways or public streets, shall be guilty of a misdemeanor and
4 upon conviction thereof shall be subject to a fine of not more than
5 Five Hundred Dollars (\$500.00), or imprisonment for not more than
6 thirty (30) days, or by both such fine and imprisonment, and in
7 addition thereto, shall be subject to suspension of the driving
8 privilege of the person in accordance with Section 7-605 of this
9 title.

10 B. A sentence imposed for any violation of the Compulsory
11 Insurance Law may be suspended or deferred in whole or in part by
12 the court.

13 C. Any person producing proof in court that a current security
14 verification form or equivalent form which has been issued by the
15 Department of Public Safety reflecting liability coverage for the
16 person was in force at the time of the alleged offense shall be
17 entitled to dismissal of the charge. If proof of security
18 verification is presented to the court by no later than the business
19 day preceding the first scheduled court appearance date, the
20 dismissal shall be without payment of court costs. The court may
21 access information from the online verification system to confirm
22 liability coverage. The court shall not dismiss the fine unless
23 proof that liability coverage for the person was in force at the
24 time of the alleged offense is presented to the court.

1 D. Upon conviction or bond forfeiture, the court clerk shall
2 forward an abstract to the Department of Public Safety within five
3 (5) days reflecting the action taken by the court.

4 E. For purposes of this section, "court" means any court in
5 this state.

6 SECTION 2. AMENDATORY 47 O.S. 2011, Section 7-623, is
7 amended to read as follows:

8 Section 7-623. A. There is hereby created the Temporary
9 Insurance Premium Pool. Funds shall be deposited into the Temporary
10 Insurance Premium Pool pursuant to subparagraph b of paragraph 1 of
11 subsection A of Section 7-606 of Title 47 of the Oklahoma Statutes.

12 B. Any interest or earning accrued to the Plan Administrator
13 accounts associated with the Oklahoma Temporary Motorist Liability
14 Plan shall be deposited into the Temporary Insurance Premium Pool.

15 C. At the end of any state fiscal year, if the Temporary
16 Insurance Premium Pool reserves exceed that year's three-month
17 average total statewide premium, then the excess funds shall be
18 distributed to the ~~Department of Public Safety's operations fund~~
19 Plan Administrator.

20 D. The Temporary Insurance Premium Pool is subject to audit by
21 the State Auditor and Inspector.

22 ~~SECTION 3. It being immediately necessary for the preservation~~
23 ~~of the public peace, health and safety, an emergency is hereby~~
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~~declared to exist, by reason whereof this act shall take effect and
be in full force from and after its passage and approval.~~

Passed the Senate the 12th day of March, 2015.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2015.

Presiding Officer of the House
of Representatives