

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 359, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Brooks

Brooks-CP-FS-Req#1601
2/18/2016 4:58 PM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

FLOOR SUBSTITUTE
FOR

SENATE BILL NO. 359

By: Brooks of the Senate

and

Christian of the House

FLOOR SUBSTITUTE

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

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

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

Section 7-606. A. 1. An owner or operator who fails to comply
with the Compulsory Insurance Law, or who fails to produce for
inspection a valid and current security verification form or
equivalent form which has been issued by the Department of Public
Safety upon request of any peace officer, representative of the
Department of Public Safety or other authorized person, shall be
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 a. seize the vehicle being operated by the person and
7 cause the vehicle to be towed and stored as provided
8 by subsection B of Section 955 of this title, if the
9 officer has probable cause to believe that the vehicle
10 is not insured as required by the Compulsory Insurance
11 Law of this state, or

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

23 (1) After the issuance of the citation, the law
24 enforcement agency issuing the citation shall,

1 within three (3) days, deposit the license plate
2 and deliver a copy of the citation to the county
3 sheriff's office of the county where the
4 violation has occurred.

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

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

21 (b) ~~Seventy Dollars (\$70.00)~~ Fifty Dollars
22 (\$50.00) of the fee shall be transferred to
23 the law enforcement agency which issued the
24

1 citation and may be used for any lawful
2 purpose,

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

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

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

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

- 1 ii. Twenty Dollars (\$20.00) of the fee
2 shall be transferred to the law
3 enforcement agency which issued the
4 citation and may be used for any lawful
5 purpose,
6 iii. the Plan Administrator shall retain Ten
7 Dollars (\$10.00) of the fee.

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

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

1 2. An owner other than an owner of an antique or a classic
2 automobile as defined by the Oklahoma Tax Commission who files an
3 affidavit that a vehicle shall not be driven upon the public
4 highways or public streets, pursuant to Section 7-607 of this title,
5 who drives or permits the driving of the vehicle upon the public
6 highways or public streets, shall be guilty of a misdemeanor and
7 upon conviction thereof shall be subject to a fine of not more than
8 Five Hundred Dollars (\$500.00), or imprisonment for not more than
9 thirty (30) days, or by both such fine and imprisonment, and in
10 addition thereto, shall be subject to suspension of the driving
11 privilege of the person in accordance with Section 7-605 of this
12 title.

13 B. A sentence imposed for any violation of the Compulsory
14 Insurance Law may be suspended or deferred in whole or in part by
15 the court.

16 C. Any person producing proof in court that a current security
17 verification form or equivalent form which has been issued by the
18 Department of Public Safety reflecting liability coverage for the
19 person was in force at the time of the alleged offense shall be
20 entitled to dismissal of the charge. If proof of security
21 verification is presented to the court by no later than the business
22 day preceding the first scheduled court appearance date, the
23 dismissal shall be without payment of court costs. The court may
24 access information from the online verification system to confirm

1 liability coverage. The court shall not dismiss the fine unless
2 proof that liability coverage for the person was in force at the
3 time of the alleged offense is presented to the court.

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

7 E. For purposes of this section, "court" means any court in
8 this state.

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

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

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

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

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

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

5
6 55-1-1601 CP 2/18/2016 4:58:07 PM
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24