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February 12, 2015

AS AMENDED

SENATE BILL NO. 359

By: Brooks

[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 imprisonment for not more than thirty (30) days, or by both such fine and imprisonment, and in addition thereto, shall be subject to suspension of the driving privilege of the person in accordance with

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) of the fee shall be
15 distributed to the county sheriff's office
16 to defray any expenses involved in the
17 storage of the license plate,

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

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

1 (d) the Plan Administrator shall retain Ten
2 Dollars (\$10.00) of the fee, and

3 (e) If the citation is dismissed without cost,
4 the county sheriff's office shall be
5 prohibited from collecting the full
6 administrative fee of One Hundred Twenty-
7 five Dollars (\$125.00), but may charge the
8 vehicle owner or operator a fee of Twenty
9 Dollars (\$20.00) to defray any expenses
10 involved in the storage of the license
11 plate.

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

19 If the operator of the vehicle produces what appears to be a valid
20 security verification form and the officer is unable to confirm
21 compliance through the online verification system or noncompliance
22 by a subsequent investigation, the officer shall be prohibited from
23 seizing the license plate or seizing the vehicle and causing such
24 vehicle to be towed and stored. Further, no vehicle shall be seized

1 and towed under the provisions of this paragraph if ~~said~~ the vehicle
2 is displaying a temporary license plate that has not expired
3 pursuant to the provisions of Sections 1137.1 and 1137.3 of this
4 title.

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

17 B. A sentence imposed for any violation of the Compulsory
18 Insurance Law may be suspended or deferred in whole or in part by
19 the court.

20 C. Any person producing proof in court that a current security
21 verification form or equivalent form which has been issued by the
22 Department of Public Safety reflecting liability coverage for the
23 person was in force at the time of the alleged offense shall be
24 entitled to dismissal of the charge. If proof of security

1 verification is presented to the court by no later than the business
2 day preceding the first scheduled court appearance date, the
3 dismissal shall be without payment of court costs. The court may
4 access information from the online verification system to confirm
5 liability coverage. The court shall not dismiss the fine unless
6 proof that liability coverage for the person was in force at the
7 time of the alleged offense is presented to the court.

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

11 E. For purposes of this section, "court" means any court in
12 this state.

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

17 COMMITTEE REPORT BY: COMMITTEE ON INSURANCE
February 12, 2015 - DO PASS AS AMENDED
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