

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

SENATE BILL 359

By: Brooks

AS INTRODUCED

An Act relating to motor vehicle insurance and security; 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), which relates to failure to comply with Compulsory Insurance Law; prohibiting Sheriff's Office from collecting certain fee under certain circumstance; allowing for a certain storage fee; and declaring an 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) of the fee shall be
17 distributed to the county sheriff's office
18 to defray any expenses involved in the
19 storage of the license plate,

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

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

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

22 If the operator of the vehicle produces what appears to be a valid
23 security verification form and the officer is unable to confirm
24 compliance through the online verification system or noncompliance

1 by a subsequent investigation, the officer shall be prohibited from
2 seizing the license plate or seizing the vehicle and causing such
3 vehicle to be towed and stored. Further, no vehicle shall be seized
4 and towed under the provisions of this paragraph if ~~said~~ the vehicle
5 is displaying a temporary license plate that has not expired
6 pursuant to the provisions of Sections 1137.1 and 1137.3 of this
7 title.

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

20 B. A sentence imposed for any violation of the Compulsory
21 Insurance Law may be suspended or deferred in whole or in part by
22 the court.

23 C. Any person producing proof in court that a current security
24 verification form or equivalent form which has been issued by the

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

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

14 E. For purposes of this section, "court" means any court in
15 this state.

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

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