

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

SENATE BILL 1376

By: Bice

AS INTRODUCED

An Act relating to motor license agents; amending 47 O.S. 2011, Section 7-602, as last amended by Section 3, Chapter 74, O.S.L. 2017 and 1141.1, as amended by Section 4, Chapter 158, O.S.L. 2012 (47 O.S. Supp. 2019, Sections 7-602 and 1141.1), which relate to verification of financial responsibility; eliminating authority for fee by motor license agent for certain online transaction where financial responsibility is verified; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2011, Section 7-602, as last amended by Section 3, Chapter 74, O.S.L. 2017 (47 O.S. Supp. 2019, Section 7-602), is amended to read as follows:

Section 7-602. A. 1. The owner of a motor vehicle registered in this state shall carry in the vehicle at all times a current owner's security verification form listing the vehicle or an equivalent form which has been issued by the Department of Public Safety, and the operator of the vehicle shall produce the form upon request for inspection by any law enforcement officer or representative of the Department and, in case of an accident, the

1 form shall be shown upon request to any person affected by the
2 accident.

- 3 2. a. Every person registering a motor vehicle in this
4 state, except a motor vehicle which is not being used
5 upon the public highways or public streets, or a
6 manufactured home while on a permanent foundation, at
7 the time of registration of the vehicle, shall certify
8 the existence of security with respect to the vehicle
9 by providing to a motor license agent or other
10 registering agency necessary information from the
11 current owner's security verification in a manner that
12 allows verification of coverage through the online
13 verification system. The information shall include
14 the name or number issued by the National Association
15 of Insurance Commissioners of the current insurance
16 carrier authorized to do business in this state and
17 the policy number applicable to the vehicle being
18 registered. A motor license agent or other
19 registering agency shall require the submission of the
20 form or other verifying information prior to
21 processing an application for registration or renewal.
- 22 b. Every motor license agent or other registering agency
23 shall use the online verification system to certify
24 the existence of security with respect to the vehicle

1 from an insurance carrier authorized to do business in
2 this state unless the online verification system is
3 not online or the required information is otherwise
4 not available. In such a case, the license agent or
5 other registering agency may accept verification as
6 provided in subparagraph a of this paragraph or from a
7 licensed insurance producer or customer service
8 representative to certify the existence of the
9 required insurance prior to processing any application
10 for motor vehicle registration. Every motor license
11 agent or other registering agent shall allow
12 submission of proof from a licensed insurance producer
13 or customer service representative pursuant to this
14 subparagraph via electronic mail at no additional cost
15 to the person registering the vehicle.

16 3. Fleet vehicles operating under the authority of the
17 Corporation Commission, the Federal Highway Administration, or
18 vehicles registered pursuant to the provisions of Section 1120 of
19 this title, shall certify the existence of security with respect to
20 each vehicle at the time of registration by submitting one of the
21 following:

- 22 a. a current owner's security verification form verifying
23 the existence of security as required by the
24 Compulsory Insurance Law, or
25

1 b. a permit number verified by the Corporation Commission
2 indicating the existence of a current liability
3 insurance policy. Provided, in the event the
4 Corporation Commission is unable to verify the
5 existence of insurance as provided herein in a prompt
6 and timely fashion, the Corporation Commission may
7 accept a current single state registration form issued
8 by the Corporation Commission or any other regulating
9 entity with which the Corporation Commission has
10 entered into a reciprocal compact or agreement
11 regarding the regulation of motor vehicles engaged in
12 interstate or foreign commerce upon and over the
13 public highways.

14 4. The following shall not be required to carry an owner's or
15 operator's security verification form or an equivalent form from the
16 Department of Public Safety during operation of the vehicle and
17 shall not be required to surrender a security verification form for
18 vehicle registration purposes:

- 19 a. any vehicle owned or leased by the federal or state
20 government, or any agency or political subdivision
21 thereof,
- 22 b. any vehicle bearing the name, symbol, or logo of a
23 business, corporation or utility on the exterior and
24 which is in compliance with the provisions of the

1 Compulsory Insurance Law according to records of the
2 Corporation Commission which reflect a deposit or
3 fleet policy,

4 c. fleet vehicles maintaining current vehicle liability
5 insurance as required by the Corporation Commission or
6 any other regulating entity,

7 d. any licensed taxicab, and

8 e. any vehicle owned by a licensed used motor vehicle
9 dealer.

10 5. Any person who knowingly issues or promulgates false or
11 fraudulent information in connection with either an owner's or
12 operator's security verification form or an equivalent form which
13 has been issued by the Department of Public Safety shall be guilty
14 of a misdemeanor and upon conviction shall be subject to a fine not
15 exceeding Five Hundred Dollars (\$500.00), or imprisonment for not
16 more than six (6) months, or by both such fine and imprisonment.

17 B. Each Except for registration renewal transactions completed
18 through an online system dealing with the Oklahoma Vehicle License
19 and Registration Act, each motor license agent is authorized to
20 charge a fee of One Dollar and fifty cents (\$1.50) to each person to
21 whom the agent issues a certificate of registration and who is
22 required to surrender proof of financial responsibility, or for whom
23 the motor license agent certifies the existence of financial
24 responsibility through an authorized online certification system,

1 pursuant to the provisions of the Compulsory Insurance Law. The fee
2 may be retained by the agent as compensation for services in
3 processing the proof of financial responsibility and for processing
4 the driver license information, insurance verification information,
5 and other additional information furnished to the agent pursuant to
6 Section 1112 of this title, if such agent does not receive the
7 maximum compensation as authorized by law.

8 SECTION 2. AMENDATORY 47 O.S. 2011, Section 1141.1, as
9 amended by Section 4, Chapter 158, O.S.L. 2012 (47 O.S. Supp. 2019,
10 Section 1141.1), is amended to read as follows:

11 Section 1141.1. A. Each motor license agent shall be entitled
12 to retain the following amounts from the taxes and fees collected by
13 such agent to be used to fund the operation of the office of such
14 motor license agent subject to the provisions of Sections 1140
15 through 1147 of this title:

16 1. Beginning July 1, 2005, Two Dollars and eighty-one cents
17 (\$2.81) for each vehicle registered and for each special license
18 plate issued pursuant to the Oklahoma Vehicle License and
19 Registration Act. Beginning July 1, 2006, and thereafter, Three
20 Dollars and fifty-six cents (\$3.56) for each vehicle registered and
21 for each special license plate issued pursuant to the Oklahoma
22 Vehicle License and Registration Act;

1 2. One Dollar and twenty-five cents (\$1.25) for each
2 certificate of title issued for boats and motors pursuant to the
3 Oklahoma Statutes;

4 3. For each certificate of registration issued for boats and
5 motors pursuant to the Oklahoma Statutes, an amount determined
6 pursuant to the provisions of subsection B of this section;

7 4. Two Dollars and twenty-five cents (\$2.25) for each
8 certificate of title issued pursuant to the Oklahoma Vehicle License
9 and Registration Act. Provided, the fee retention amount for
10 certificates of title issued pursuant to the provisions of
11 subsection H of Section 1105 of this title, in which an insurer pays
12 the optional twenty-two-dollar-fee amount, is Four Dollars and fifty
13 cents (\$4.50);

14 5. Beginning October 1, 2000, three percent (3%) of the vehicle
15 excise tax collected pursuant to Section 2103 of Title 68 of the
16 Oklahoma Statutes. Beginning July 1, 2001, each motor license agent
17 shall be entitled to retain three and one hundred twenty-five one-
18 thousandths percent (3.125%) of the vehicle excise tax collected
19 pursuant to Section 2103 of Title 68 of the Oklahoma Statutes.
20 Beginning July 1, 2002, and for all subsequent years, each motor
21 license agent shall be entitled to retain three and twenty-five one-
22 hundredths percent (3.25%) of the vehicle excise tax collected
23 pursuant to Section 2103 of Title 68 of the Oklahoma Statutes.
24 However, beginning July 1, 2003, the Legislature shall annually

1 review the percentage to be retained by the motor license agents
2 pursuant to this paragraph to determine whether such percentage
3 should be adjusted;

4 6. Four percent (4%) of the excise tax collected on the
5 transfer of boats and motors pursuant to the Oklahoma Statutes;

6 7. Two Dollars (\$2.00) for each driver license, endorsement,
7 identification license, or renewal or duplicate issued pursuant to
8 Section 6-101 et seq. of this title;

9 8. Two Dollars (\$2.00) for the recording of security interests
10 as provided in Section 1110 of this title;

11 9. Two Dollars (\$2.00) for each inspection conducted pursuant
12 to subsection L of Section 1105 of this title;

13 10. Three Dollars (\$3.00) for each inspection conducted
14 pursuant to subsection M of Section 1105 of this title;

15 11. One Dollar (\$1.00) for each certificate of ownership filed
16 pursuant to subsection R of Section 1105 of this title;

17 12. One Dollar (\$1.00) for each temporary permit issued
18 pursuant to Section 1124 of this title;

19 13. Except for registration renewal transactions completed
20 through an online system dealing with the Oklahoma Vehicle License
21 and Registration Act, One Dollar and fifty cents (\$1.50) for
22 processing each proof of financial responsibility, driver license
23 information, insurance verification information, and other
24 additional information as provided in Section 7-602 of this title;

1 14. The mailing fees and registration fees provided in Sections
2 1131 and 1140 of this title;

3 15. The notary fee provided in Section 1143 of this title;

4 16. Three Dollars (\$3.00) for each lien entry form completed
5 and recorded on a certificate of title pursuant to subsection G of
6 Section 1105 of this title;

7 17. Seven Dollars (\$7.00) for each notice of transfer as
8 provided by subsection B of Section 1107.4 of this title;

9 18. Seven Dollars (\$7.00) for each certificate of title or each
10 certificate of registration issued for repossessed vehicles pursuant
11 to Section 1126 of this title;

12 19. Any amount specifically authorized by law to be retained by
13 the motor license agent for the furnishing of a summary of a traffic
14 record; and

15 20. Beginning July 1, 2009, each motor license agent shall also
16 be entitled to a portion of the penalties for delinquent
17 registration or payment of excise tax as provided for in subsection
18 C of Section 1115, subsection F of Section 1132 and subsection C of
19 Section 1151 of this title and of subsection A of Section 2103 of
20 Title 68 of the Oklahoma Statutes.

21 The balance of the funds collected shall be remitted to the
22 Oklahoma Tax Commission as provided in Section 1142 of this title to
23 be apportioned pursuant to Section 1104 of this title.
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1 B. For each certificate of registration issued for boats and
2 motors, each motor license agent shall be entitled to retain the
3 greater of One Dollar and twenty-five cents (\$1.25) or an amount to
4 be determined by the Tax Commission according to the provisions of
5 this subsection. At the end of fiscal year 1997 and each fiscal
6 year thereafter, the Tax Commission shall compute the average amount
7 of registration fees for all boats and motors registered in this
8 state during the fiscal year and shall multiply the result by six
9 and twenty-two one-hundredths percent (6.22%). The resulting
10 product shall be the amount which may be retained by each motor
11 license agent for each certificate of registration for boats and
12 motors issued during the following calendar year.

13 SECTION 3. This act shall become effective November 1, 2020.
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