

**SENATE FLOOR VERSION**

February 15, 2024

**AS AMENDED**

SENATE BILL NO. 1392

By: Dahm

An Act relating to uninsured vehicles; amending 47 O.S. 2021, Section 7-606.2, which relates to the Uninsured Vehicle Enforcement Diversion Program; requiring certain notice; modifying elements of report; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2021, Section 7-606.2, is amended to read as follows:

Section 7-606.2. A. Each district attorney may create within the district attorney's office an Uninsured Vehicle Enforcement Diversion Program and assign sufficient staff and resources for the efficient operation of the program. The purpose of the Uninsured Vehicle Enforcement Diversion Program is to authorize the district attorney to divert complaints involving the failure to comply with mandatory vehicle liability insurance coverage from criminal court to the Uninsured Vehicle Enforcement Diversion Program and to enhance public safety and security through increased compliance with mandatory vehicle liability insurance coverage.

1       B. 1. Referral of a criminal complaint to the Uninsured  
2 Vehicle Enforcement Diversion Program shall be at the discretion of  
3 the district attorney. This act shall not limit the power of the  
4 district attorney to prosecute Compulsory Insurance Law complaints.

5       2. Upon receipt of a complaint for failure to comply with the  
6 Compulsory Insurance Law, the district attorney shall determine if  
7 the complaint is one which is appropriate for deferred prosecution.

8       3. In determining whether to defer prosecution and refer a case  
9 to the Uninsured Vehicle Enforcement Diversion Program, the district  
10 attorney shall consider the following factors:

11           a. whether the criminal complaint alleges an offense  
12               involving the failure to maintain required vehicle  
13               liability insurance coverage,

14           b. whether it is in the best interest of the accused for  
15               the accused person to be processed through deferred  
16               prosecution in the Uninsured Vehicle Enforcement  
17               Diversion Program,

18           c. the prospects for adequate protection of the public if  
19               the accused person is processed through deferred  
20               prosecution in the Uninsured Vehicle Enforcement  
21               Diversion Program,

22           d. the number of criminal complaints against the  
23               defendant previously received by the district  
24               attorney,

- 1           e.    whether or not there are other criminal complaints  
2                currently pending against the defendant, and  
3           f.    the strength of the evidence of the particular  
4                criminal complaint.

5       C.   Upon referral of a complaint to the Uninsured Vehicle  
6 Enforcement Diversion Program, a notice of the complaint shall be  
7 forwarded by mail to the last known address of the record owner of  
8 the vehicle. The notice shall contain:

9       1.   The date the act which is the subject of the complaint  
10 occurred;

11       2.   A statement of the penalty for the violation of the  
12 Compulsory Insurance Law which is the subject of the complaint;

13       3.   A statement that the records of the State of Oklahoma  
14 indicate that the owner of the vehicle is not in compliance with the  
15 provisions of the Compulsory Vehicle Insurance Law and that the  
16 complaint against the owner has been referred to the Uninsured  
17 Vehicle Enforcement Diversion Program; and

18       4.   The date before which the owner must contact the office of  
19 the district attorney concerning the complaint.

20       D.   If the owner fails to comply with the letter, the district  
21 attorney may file the information and proceed with the prosecution  
22 of the owner as provided by law.

23       E.   The district attorney may enter into a written agreement  
24 with the owner pursuant to the provisions of Sections 305.1 through

1 305.6 of Title 22 of the Oklahoma Statutes to defer prosecution on  
2 the complaint for a period to be determined by the district  
3 attorney, not to exceed two (2) years. The conditions of an  
4 agreement to defer prosecution shall include:

5 1. The owner shall provide verification of current insurance  
6 upon request of the district attorney;

7 2. The owner shall comply with the provisions of the Compulsory  
8 Insurance Law for the full term of the agreement; and

9 3. The owner shall not own or operate any vehicle in violation  
10 of the Compulsory Insurance Law during the full term of the  
11 agreement.

12 F. Each diversion agreement shall include a provision requiring  
13 the owner to pay to the district attorney's office or District  
14 Attorneys Council a fee equal to the amount which would have been  
15 assessed as court costs upon the filing of the case in district  
16 court pursuant to the provisions of Section 153 of Title 28 of the  
17 Oklahoma Statutes. This fee shall be deposited in a special  
18 district attorney fund with the county treasurer to be known as the  
19 "Uninsured Vehicle Enforcement Diversion Program Fund". Diversion  
20 fees paid to the District Attorneys Council shall be deposited in a  
21 special fund to be known as the "Uninsured Vehicle Enforcement  
22 Diversion Program Fund".

23 1. Each diversion agreement shall also include a provision  
24 requiring the owner to pay an additional fee of Twenty Dollars

1 (\$20.00) to the District Attorneys Council, of which Five Dollars  
2 (\$5.00) will be used in processing the payment, Ten Dollars (\$10.00)  
3 will be used in operating and maintaining the Compulsory Insurance  
4 Verification System and Five Dollars (\$5.00) will be deposited in  
5 the Oklahoma Pension Improvement Revolving Fund created by section 2  
6 of Enrolled Senate Bill No. 1128 of the 2nd Session of the 55th  
7 Oklahoma Legislature.

8       2. The monies deposited in the Uninsured Vehicle Enforcement  
9 Diversion Program Fund of a district attorney or the District  
10 Attorneys Council shall be used by the district attorney and  
11 District Attorneys Council to pay for all expenses and costs of  
12 equipping, operating and monitoring the vehicle insurance program,  
13 including but not limited to, contractual payments to third-party  
14 entities providing essential services and/or equipment for detection  
15 of violations of Compulsory Insurance Law, and payment of reasonable  
16 compensation to authorized and participating law enforcement  
17 agencies as may be agreed between such entities, law enforcement  
18 agencies and the district attorney or District Attorneys Council.

19       3. Proceeds from the Uninsured Vehicle Enforcement Diversion  
20 Program administered by the District Attorneys Council **may be used**  
21 **to pay for any lawful expenditures associated with the operation of**  
22 **the diversion program by the District Attorneys Council. The net**  
23 **proceeds shall be allocated and distributed to the district**  
24 **attorneys by the District Attorneys Council. District attorneys may**

1 use proceeds from this diversion program to pay for any lawful  
2 expenditure associated with the operation of the district attorney's  
3 office.

4 4. The district attorney and District Attorneys Council shall  
5 keep records of all monies deposited to and disbursed from the  
6 Uninsured Vehicle Enforcement Diversion Program Fund. The records  
7 of these funds shall be audited at the same time the records of the  
8 district attorney and District Attorneys Council, respectively, are  
9 audited.

10 5. If the owner furnishes proof to the satisfaction of the  
11 district attorney's office or District Attorneys Council that the  
12 required vehicle liability insurance coverage was in effect at the  
13 time of the alleged violation, no fee shall be required. Within ten  
14 (10) business days of the owner furnishing proof of the required  
15 coverage, the district attorney's office or District Attorneys  
16 Council shall provide written notice to the owner that the proof was  
17 satisfactory and that no fee is required.

18 G. Members of the district attorney's staff shall perform  
19 duties in connection with the Uninsured Vehicle Enforcement  
20 Diversion Program in addition to any other duties which may be  
21 assigned by the district attorney.

22 H. District attorneys shall prepare and submit an annual report  
23 to the District Attorneys Council showing total deposits and total  
24 expenditures in the Uninsured Vehicle Enforcement Diversion Program.

1 Each district attorney shall submit information requested by the  
2 District Attorneys Council regarding the Uninsured Vehicle  
3 Enforcement Diversion Program.

4 By September 15 of each year following the implementation of the  
5 Uninsured Vehicle Enforcement Program, the District Attorneys  
6 Council shall publish an annual report for the previous fiscal year  
7 of the Uninsured Vehicle Enforcement Diversion Program. An  
8 electronic copy of the report shall be distributed to the Governor,  
9 President Pro Tempore of the Senate, Speaker of the House of  
10 Representatives and the chairs of the House and Senate  
11 Appropriations Committees. The report required by this paragraph  
12 shall include the number of cases processed, the number of  
13 complaints dismissed pursuant to paragraph 5 of subsection F of this  
14 section, the total amount of initial notices sent out, the total  
15 amount of subsequent notices sent out, the total amount of fees  
16 collected, the total cost of the program, and such other information  
17 as required by the District Attorneys Council.

18 SECTION 2. This act shall become effective November 1, 2024.

19 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY  
20 February 15, 2024 - DO PASS AS AMENDED  
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