

1 **SENATE FLOOR VERSION**

2 February 13, 2017

3 **AS AMENDED**

4 SENATE BILL NO. 3

5 By: Sharp

6 [motor vehicle insurance - The Bob Barry, Jr.
7 Oklahoma Responsible Driver Act - noncodification -
8 codification - effective date]
9

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

11 SECTION 1. NEW LAW A new section of law not to be
12 codified in the Oklahoma Statutes reads as follows: This law shall
13 be referred to and may be cited as "The Bob Barry, Jr. Oklahoma
14 Responsible Driver Act".

15 SECTION 2. AMENDATORY 47 O.S. 2011, Section 7-605, is
16 amended to read as follows:

17 Section 7-605. A. 1. Whenever any person forfeits a bond,
18 fails to appear, or is convicted in any state or municipal court for
19 permitting the operation in this state of a motor vehicle owned by
20 the person without the security required by this title, for
21 operating a motor vehicle in this state without the security
22 required by this title, or for failure to carry a security
23 verification form, the Department of Public Safety shall suspend the
24 driving privilege of the person.

1 2. The suspension of the driving privilege shall remain in
2 effect until payment is made of the fees provided for in Section 6-
3 212 of this title and proof of security is furnished to the
4 Department of Public Safety ~~which complies with the requirements of~~
5 ~~the Compulsory Insurance Law; provided, for purposes of this~~
6 ~~section, proof of security shall not mean a binder policy but shall~~
7 ~~mean an owner's policy or an operator's policy, as defined in~~
8 ~~Section 7-600 of this title~~ in compliance with Section 3 of this
9 act; provided further, a suspension for failure to appear shall
10 remain in effect until proof of appearance is received by the
11 Department from the reporting court. Suspension under this section
12 shall be effective when notice thereof is given pursuant to Section
13 2-116 of this title.

14 3. Any person whose driving privilege has been suspended
15 pursuant to the provisions of this subsection shall surrender to the
16 Department his or her driver license. Any person failing to
17 voluntarily relinquish his or her driver license to the Department
18 within thirty (30) days of receipt of the notice specified in
19 paragraph 2 of this subsection shall pay a fee of Fifty Dollars
20 (\$50.00) in addition to the fees provided for in Section 6-212 of
21 this title.

22 4. If a person furnishes proof to the satisfaction of the
23 Department that security was in effect at the time of the alleged
24 offense, the Department shall vacate the suspension order and shall

1 not require the filing of a certificate of insurance nor payment of
2 either of the above fees.

3 B. 1. When suspending the driving privilege for violation of
4 the Compulsory Insurance Law, or for violation of a municipal
5 ordinance requiring security or the carrying of a security
6 verification form, the Department may rely upon court records which
7 indicate that a person was either convicted or failed to appear upon
8 the charge when the record is obtained from any court of competent
9 jurisdiction which indicates one of the following:

10 a. a conviction, or

11 b. a notice of bond forfeiture.

12 2. A court record is sufficient under paragraph 1 of this
13 subsection which includes a statement such as "No Security Form",
14 "No Insurance" or other term indicating lack of security.

15 3. The Department may continue to rely on such records until
16 proof is submitted from the issuing court clerk which indicates that
17 the record either:

18 a. was issued in error, or

19 b. was not related to a violation of:

20 (1) the Compulsory Insurance Law,

21 (2) a security verification form as required by this
22 article, or

23 (3) a municipal ordinance requiring security or the
24 carrying of a security verification form.

1 C. If a nonresident's driving privilege is suspended pursuant
2 to subsection A of this section, the Department shall transmit
3 notice of the suspension to the licensing agency in the state in
4 which the nonresident resides.

5 D. Whenever any person's driving privilege has been suspended
6 pursuant to this section or Section 7-612 of this title, the
7 Department may notify any law enforcement officer of the suspension.
8 Any law enforcement officer who has been notified that the driving
9 privilege of a person has been suspended, upon observing the person
10 or motor vehicle anywhere upon a public street, highway, roadway,
11 turnpike, or public parking lot, shall stop the person or motor
12 vehicle, seize the driver license of the person, seize the vehicle
13 being operated by the person and cause the vehicle to be towed and
14 stored as provided in subsection B of Section 955 of this title, if
15 the officer has probable cause to believe that the vehicle is not
16 insured as required by the Compulsory Insurance Law of this state.

17 E. No person shall have a property interest in a driver license
18 issued pursuant to the laws of this state and it shall be the duty
19 of every person whose driving privilege has been suspended to
20 forthwith surrender his or her driver license upon the request of
21 any law enforcement officer or representative of the Department.

22 F. Any person upon a public street, highway, roadway, turnpike,
23 or public parking lot, within this state, who willfully refuses to
24 surrender possession of a driver license after being informed by a

1 peace officer or representative of the Department that his or her
2 driving privilege is currently under suspension according to the
3 records of the Department, shall be guilty of a misdemeanor,
4 punishable as provided in Section 17-101 of this title.

5 G. Any driver license surrendered to or seized by a law
6 enforcement officer pursuant to the Compulsory Insurance Law shall
7 be submitted to a representative of the Department in a manner and
8 with a form or method approved by the Department.

9 H. The Department shall deposit fees collected pursuant to
10 paragraph 3 of subsection A of this section or pursuant to
11 subsection E of Section 7-612 of this title in a special account of
12 the Department maintained with the office of the State Treasurer.
13 The State Treasurer shall credit these fees to this special account
14 to be distributed as hereinafter provided.

15 I. The Department shall identify the name of the employing law
16 enforcement agency from which a suspended driver license has been
17 received pursuant to this section, and determine that the fee
18 required by paragraph 3 of subsection A of this section has been
19 paid. The Department shall reimburse the law enforcement agency so
20 identified the sum of Twenty-five Dollars (\$25.00) for each driver
21 license from the special account.

22 J. Any unencumbered monies remaining in the special account at
23 the close of each calendar month shall be transferred by the
24 Department to the General Revenue Fund of the State Treasury.

1 K. The State of Oklahoma, the departments and agencies thereof,
2 including the Department of Public Safety, all political
3 subdivisions, and the officers and employees of each, shall not be
4 held legally liable in any suit in law or in equity for any
5 erroneous entry of a suspension upon the records of the Department,
6 nor for the enforcement of the provisions of the Compulsory
7 Insurance Law performed in good faith.

8 SECTION 3. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 7-605.1 of Title 47, unless
10 there is created a duplication in numbering, reads as follows:

11 A. Proof of security required by paragraph 2 of subsection A of
12 Section 7-605 of Title 47 of the Oklahoma Statutes shall be
13 maintained with the Department of Public Safety for three (3) years
14 from the date it is required. If a person fails to maintain the
15 proof of security in accordance with this section, the Department
16 shall suspend the driving privilege of the person until such proof
17 is filed.

18 B. Such proof shall be furnished by filing with the Department
19 the written certificate of any insurer authorized to do business in
20 this state certifying that there is in effect an insurance policy in
21 compliance with the Compulsory Insurance Law for the benefit of the
22 person required to furnish proof of security. This certificate
23 shall be furnished to the Department in the form of an SR-22 issued
24 by the insurer. The certificate shall give the policy number and

1 effective date of the motor vehicle liability policy, which shall be
2 the same as the effective date of the certificate, and shall
3 designate by explicit description or by appropriate reference all
4 motor vehicles covered thereby unless the policy is issued to a
5 person who is not the owner of a motor vehicle. Certificates filed
6 under this paragraph continue in force until canceled under
7 subsection C of this section, or until the requirement for a
8 certificate is waived under subsection D of this section.

9 C. When an insurer has certified an insurance policy under this
10 section, the policy may not be terminated unless notice of
11 termination is filed with the Department no later than 10 days after
12 termination. However, a policy of this type which is subsequently
13 procured and certified shall, on the effective date of its
14 certificate, terminate the insurance previously certified.

15 D. The Department shall waive the requirement of filing proof
16 if:

17 1. The person on whose behalf the proof was filed dies or
18 becomes permanently incapacitated to operate a motor vehicle; or

19 2. The person who has given proof surrenders his or her vehicle
20 registration; except that if he or she applies for a vehicle
21 registration within three years from the date proof was originally
22 required, the person shall reestablish proof of security and
23 maintain the proof for the remainder of the three-year period.

24

1 E. The Department may promulgate any rules necessary to
2 implement the provisions of this section.

3 SECTION 4. This act shall become effective November 1, 2017.

4 COMMITTEE REPORT BY: COMMITTEE ON RETIREMENT AND INSURANCE
5 February 13, 2017 - DO PASS AS AMENDED
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24