

1 ENGROSSED SENATE  
BILL NO. 359

By: Brooks of the Senate

2  
3 and

4 Christian of the House

5  
6 [ motor vehicle insurance and security - failure to  
7 comply with Compulsory Insurance Law - storage fee -  
8 ~~emergency~~ ]

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

10 SECTION 1. AMENDATORY 47 O.S. 2011, Section 7-606, as  
11 last amended by Section 1, Chapter 29, O.S.L. 2014 (47 O.S. Supp.  
12 2014, Section 7-606), is amended to read as follows:

13 Section 7-606. A. 1. An owner or operator who fails to comply  
14 with the Compulsory Insurance Law, or who fails to produce for  
15 inspection a valid and current security verification form or  
16 equivalent form which has been issued by the Department of Public  
17 Safety upon request of any peace officer, representative of the  
18 Department of Public Safety or other authorized person, shall be  
19 guilty of a misdemeanor and upon conviction shall be subject to a  
20 fine of not more than Two Hundred Fifty Dollars (\$250.00), or  
21 imprisonment for not more than thirty (30) days, or by both such  
22 fine and imprisonment, and in addition thereto, shall be subject to  
23 suspension of the driving privilege of the person in accordance with  
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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)~~ Thirty Dollars  
15 (\$30.00) of the fee shall be distributed to  
16 the county sheriff's office to defray any  
17 expenses involved in the storage of the  
18 license plate,

19 (b) ~~Seventy Dollars (\$70.00)~~ Fifty Dollars  
20 (\$50.00) of the fee shall be transferred to  
21 the law enforcement agency which issued the  
22 citation and may be used for any lawful  
23 purpose,  
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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)~~ Twenty Dollars (\$20.00) of  
6 the fee, and

7 (e) If the citation is dismissed without cost,  
8 due to proof of insurance, the county  
9 sheriff's office shall be prohibited from  
10 collecting the full administrative fee of  
11 One Hundred Twenty-five Dollars (\$125.00),  
12 but shall charge the vehicle owner or  
13 operator a fee of Fifty Dollars (\$50.00) to  
14 be distributed by the Plan Administrator to  
15 defray any expenses involved in the storage  
16 of the license plate as follows:

17 i. Twenty Dollars (\$20.00) of the fee  
18 shall be distributed to the county  
19 sheriff's office to defray any expenses  
20 involved in the storage of the license  
21 plate,

22 ii. Twenty Dollars (\$20.00) of the fee  
23 shall be transferred to the law  
24 enforcement agency which issued the

1 citation and may be used for any lawful  
2 purpose,

3 iii. the Plan Administrator shall retain Ten  
4 Dollars (\$10.00) of the fee.

5 (3) The county sheriff's office may dispose of any  
6 unclaimed license plate after ninety (90) days  
7 according to applicable state law. After the  
8 license plate has been disposed of by the county  
9 sheriff's office, the operator or owner shall be  
10 required to obtain a new license plate pursuant  
11 to all existing requirements.

12 If the operator of the vehicle produces what appears to be a valid  
13 security verification form and the officer is unable to confirm  
14 compliance through the online verification system or noncompliance  
15 by a subsequent investigation, the officer shall be prohibited from  
16 seizing the license plate or seizing the vehicle and causing such  
17 vehicle to be towed and stored. Further, no vehicle shall be seized  
18 and towed under the provisions of this paragraph if ~~said~~ the vehicle  
19 is displaying a temporary license plate that has not expired  
20 pursuant to the provisions of Sections 1137.1 and 1137.3 of this  
21 title.

22 2. An owner other than an owner of an antique or a classic  
23 automobile as defined by the Oklahoma Tax Commission who files an  
24 affidavit that a vehicle shall not be driven upon the public

1 highways or public streets, pursuant to Section 7-607 of this title,  
2 who drives or permits the driving of the vehicle upon the public  
3 highways or public streets, shall be guilty of a misdemeanor and  
4 upon conviction thereof shall be subject to a fine of not more than  
5 Five Hundred Dollars (\$500.00), or imprisonment for not more than  
6 thirty (30) days, or by both such fine and imprisonment, and in  
7 addition thereto, shall be subject to suspension of the driving  
8 privilege of the person in accordance with Section 7-605 of this  
9 title.

10 B. A sentence imposed for any violation of the Compulsory  
11 Insurance Law may be suspended or deferred in whole or in part by  
12 the court.

13 C. Any person producing proof in court that a current security  
14 verification form or equivalent form which has been issued by the  
15 Department of Public Safety reflecting liability coverage for the  
16 person was in force at the time of the alleged offense shall be  
17 entitled to dismissal of the charge. If proof of security  
18 verification is presented to the court by no later than the business  
19 day preceding the first scheduled court appearance date, the  
20 dismissal shall be without payment of court costs. The court may  
21 access information from the online verification system to confirm  
22 liability coverage. The court shall not dismiss the fine unless  
23 proof that liability coverage for the person was in force at the  
24 time of the alleged offense is presented to the court.

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

4 E. For purposes of this section, "court" means any court in  
5 this state.

6 SECTION 2. AMENDATORY 47 O.S. 2011, Section 7-623, is  
7 amended to read as follows:

8 Section 7-623. A. There is hereby created the Temporary  
9 Insurance Premium Pool. Funds shall be deposited into the Temporary  
10 Insurance Premium Pool pursuant to subparagraph b of paragraph 1 of  
11 subsection A of Section 7-606 of Title 47 of the Oklahoma Statutes.

12 B. Any interest or earning accrued to the Plan Administrator  
13 accounts associated with the Oklahoma Temporary Motorist Liability  
14 Plan shall be deposited into the Temporary Insurance Premium Pool.

15 C. At the end of any state fiscal year, if the Temporary  
16 Insurance Premium Pool reserves exceed that year's three-month  
17 average total statewide premium, then the excess funds shall be  
18 distributed to the ~~Department of Public Safety's operations fund~~  
19 Plan Administrator.

20 D. The Temporary Insurance Premium Pool is subject to audit by  
21 the State Auditor and Inspector.

22 ~~SECTION 3. It being immediately necessary for the preservation~~  
23 ~~of the public peace, health and safety, an emergency is hereby~~  
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1 ~~declared to exist, by reason whereof this act shall take effect and~~  
2 ~~be in full force from and after its passage and approval.~~

3 Passed the Senate the 12th day of March, 2015.

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Presiding Officer of the Senate

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7 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,

8 2015.

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Presiding Officer of the House  
of Representatives

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