

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 359 By: Brooks of the Senate  
3 and  
4 Christian of the House  
5

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

9  
10  
11 AUTHOR: Remove Christian as principal House author and substitute  
Walker as principal House author  
12

13 AMENDMENT NO. 1. Strike the stricken title, enacting clause and  
entire bill and insert  
14

15 "[ uninsured motorists - Uninsured Vehicle  
16 Enforcement Program - district attorneys -  
17 automatic license plate reader systems - central  
18 database - Oklahoma Open Records Act - District  
19 Attorneys Council - Uninsured Vehicle Enforcement  
20 Diversion Program - Uninsured Vehicle Enforcement  
21 Diversion Program Fund - annual report - effective  
22 date ]

23 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:  
24

1 SECTION 1. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 7-606.1 of Title 47, unless  
3 there is created a duplication in numbering, reads as follows:

4 A. There is hereby created the Uninsured Vehicle Enforcement  
5 Program.

6 B. The Uninsured Vehicle Enforcement Program shall be  
7 implemented and administered by the district attorneys of the State  
8 of Oklahoma. To implement this program, the use of technology and  
9 software to aid in detection of offenses involving uninsured  
10 motorists is necessary and district attorneys and participating law  
11 enforcement agencies shall have the authority to enter into  
12 contractual agreements with other entities to provide necessary  
13 technology, equipment and maintenance thereof.

14 C. 1. Participating law enforcement agencies may use automatic  
15 license plate reader systems utilizing individual automatic license  
16 plate reader system units to access and collect data for the  
17 investigation, detection, analysis or enforcement of Oklahoma's  
18 Compulsory Insurance Law.

19 2. Contracted entities may use automatic license plate reader  
20 systems utilizing individual automatic license plate reader system  
21 units for the collection and storage of data to assist the  
22 participating law enforcement agency in developing, utilizing and  
23 managing the program.

24

1 D. A central database for the collection, storage and  
2 dissemination of data captured by an automatic license plate reader  
3 system shall be established and operated by participating law  
4 enforcement agencies or other entities. The central database shall  
5 be located in a secure area. The central database shall fully  
6 comply with all National Law Enforcement Telecommunications System  
7 (NLETS) and Federal Bureau of Investigation hosting and security  
8 standards. Access to the database shall be restricted to authorized  
9 law enforcement agency users in the program and to any entities with  
10 which the participating law enforcement agencies contract to  
11 establish and operate the program and maintain the equipment.

12 E. To accomplish the purposes of the program, the Department of  
13 Public Safety shall allow law enforcement agencies access to the  
14 online verification system as provided for in Section 7-600.2 of  
15 Title 47 of the Oklahoma Statutes to be used only in connection with  
16 the automatic license plate reader system and in accordance with a  
17 memorandum of understanding to be executed between the district  
18 attorneys, Department of Public Safety, sheriffs and chiefs of  
19 police in the state.

20 F. The automatic license plate reader system may be used by a  
21 law enforcement officer or other authorized user employed by a  
22 participating law enforcement agency in the jurisdictions of the  
23 program as follows:  
24

1           1. If a law enforcement officer, by using this system, is able  
2 to determine that the owner or operator of a motor vehicle is in  
3 violation of the Compulsory Insurance Law, through the process of  
4 accessing information from the central database described in  
5 subsection D of this section, that determination shall constitute  
6 probable cause to arrest the operator of the motor vehicle or to  
7 issue a citation to the owner or operator of the motor vehicle for  
8 the violation of the Compulsory Insurance Law; and

9           2. A law enforcement officer may verify by sworn affidavit that  
10 a photograph generated by an automatic license plate reader system  
11 unit identifies a particular vehicle operating on or having been  
12 operated on a public road, highway, street, turnpike, other public  
13 place or upon any private road, street, alley or lane which provides  
14 access to one or more single-family or multifamily dwellings and  
15 that the central database shows that the vehicle was uninsured at  
16 the time such vehicle was being operated. The affidavit shall  
17 constitute probable cause for prosecution under applicable state  
18 law.

19           G. Data collected or retained through the use of an automated  
20 license plate reader system pursuant to the program shall be  
21 retained by a law enforcement agency or other entity when the data  
22 is being used as evidence of a violation of the Compulsory Insurance  
23 Law or for the purpose of Amber Alerts and Silver Alerts.

24

1 H. 1. Data collected or retained through the use of an  
2 automated license plate reader system shall not be used by any  
3 individual or agency for purposes other than enforcement of  
4 Oklahoma's Compulsory Insurance Law, Amber Alerts, Silver Alerts or  
5 as otherwise permitted by law.

6 2. No law enforcement agency or other entity authorized to  
7 operate under this program shall sell captured license plate data  
8 for any purpose or share it for any purpose not expressly authorized  
9 by this section.

10 3. A participating law enforcement agency may provide data to  
11 another law enforcement agency upon written request of the other law  
12 enforcement agency for the purpose of Amber Alerts and Silver  
13 Alerts.

14 4. Any and all data collected, retained or shared through the  
15 use of an automated license plate reader system, except data  
16 retained as evidence of a violation of the Compulsory Insurance Law  
17 or for the purpose of Amber Alerts and Silver Alerts, shall be  
18 exempt from the Oklahoma Open Records Act.

19 I. The provisions of the Uninsured Vehicle Enforcement Program  
20 shall apply only to law enforcement agencies and other entities and  
21 shall not apply to, or be construed or interpreted in a manner to  
22 prohibit the use of, any other automated license plate reader system  
23 by an individual or private legal entity for purposes not otherwise  
24 prohibited by law.

1 J. By September 15, 2017, and by September 1 of each year  
2 thereafter, the District Attorneys Council shall publish an annual  
3 report for the previous fiscal year of the Uninsured Vehicle  
4 Enforcement Program. A copy of the report shall be distributed to  
5 the President Pro Tempore of the Senate and the Speaker of the House  
6 of Representatives and the chairs of the House and Senate  
7 Appropriations Committees. The report shall comprise an evaluation  
8 of program operations, and may include any information and  
9 recommendations for improvement of the program deemed appropriate by  
10 the entity submitting the report.

11 K. For purposes of this section:

12 1. "Automatic license plate reader system" means a system of  
13 one or more mobile or law-enforcement-controlled cameras combined  
14 with computer algorithms to convert images of registration plates  
15 into computer-readable data;

16 2. "Law enforcement agency" includes the district attorney's  
17 office of any county, the Department of Public Safety, the sheriff's  
18 office of any county, and the chiefs of police of any city or town  
19 having a population of more than one hundred thousand (100,000)  
20 residents;

21 3. "Other entity" means any entity with which a district  
22 attorney or participating law enforcement agency contracts to  
23 implement and administer the program; and

24 4. "Program" means the Uninsured Vehicle Enforcement Program.

1 SECTION 2. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 7-606.2 of Title 47, unless  
3 there is created a duplication in numbering, reads as follows:

4 A. Each district attorney may create within the district  
5 attorney's office an Uninsured Vehicle Enforcement Diversion Program  
6 and assign sufficient staff and resources for the efficient  
7 operation of the program. The purpose of the Uninsured Vehicle  
8 Enforcement Diversion Program is to allow the district attorney the  
9 discretion to divert criminal complaints involving the failure to  
10 comply with mandatory vehicle liability insurance coverage from  
11 criminal court and to enhance public safety and security through  
12 increased compliance with mandatory vehicle liability insurance  
13 coverage.

14 B. 1. Referral of a criminal complaint to the Uninsured  
15 Vehicle Enforcement Diversion Program shall be at the discretion of  
16 the district attorney. This act shall not limit the power of the  
17 district attorney to prosecute criminal complaints.

18 2. Upon receipt of a criminal complaint for failure to comply  
19 with the Compulsory Insurance Law, the district attorney shall  
20 determine if the complaint is one which is appropriate for deferred  
21 prosecution.

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

- a. whether the criminal complaint alleges an offense involving the failure to maintain required vehicle liability insurance coverage,
- b. whether it is in the best interest of the accused if the accused person is processed through deferred prosecution in the Uninsured Vehicle Enforcement Diversion Program,
- c. the prospects for adequate protection of the public if the accused person is processed through deferred prosecution in the Uninsured Vehicle Enforcement Diversion Program,
- d. the number of criminal complaints against the defendant previously received by the district attorney,
- e. whether or not there are other criminal complaints currently pending against the defendant, and
- f. the strength of the evidence of the particular criminal complaint.

C. Upon referral of a complaint to the Uninsured Vehicle Enforcement Diversion Program, a notice of the complaint shall be forwarded by mail to the accused person. The notice shall contain:

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



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

3           3. A statement that the complaint against the accused person  
4 has been referred to the Uninsured Vehicle Enforcement Diversion  
5 Program; and

6           4. The date before which the accused person must contact the  
7 office of the district attorney concerning the complaint.

8           D. The district attorney may enter into a written agreement  
9 with the accused person to defer prosecution on the complaint for a  
10 period to be determined by the district attorney, not to exceed two  
11 (2) years. The conditions of an agreement to defer prosecution  
12 shall include:

13           1. The accused shall provide verification of current insurance  
14 upon request of the district attorney;

15           2. The accused shall comply with the provisions of the Oklahoma  
16 Compulsory Insurance Law for the full term of the agreement; and

17           3. The accused shall not own or operate any vehicle in  
18 violation of the Oklahoma Compulsory Insurance Law during the full  
19 term of the agreement.

20           E. Each diversion agreement shall include a provision requiring  
21 the accused person to pay to the district attorney's office a fee  
22 equal to the amount which would have been assessed as court costs  
23 upon the filing of the case in district court. This fee shall be  
24 deposited in a special fund with the county treasurer to be known as

1 the "Uninsured Vehicle Enforcement Diversion Program Fund". The  
2 monies deposited in the Uninsured Vehicle Enforcement Diversion  
3 Program Fund shall be used by the district attorney to pay for all  
4 expenses and costs of equipping, operating and monitoring the  
5 vehicle insurance program, including but not limited to contractual  
6 payments to third-party entities providing essential services and/or  
7 equipment for detection of violations of Oklahoma's Compulsory  
8 Insurance Law, and payment of reasonable compensation to authorized  
9 and participating law enforcement agencies as may be agreed between  
10 such entities and law enforcement agencies and the district  
11 attorney. District attorneys may use proceeds from this diversion  
12 program to pay for any lawful expenditure associated with the  
13 operation of the district attorney's office. The district attorney  
14 shall keep records of all monies deposited to and disbursed from the  
15 Uninsured Vehicle Enforcement Diversion Program Fund. The records  
16 of these funds shall be audited at the same time the records of  
17 county funds are audited.

18 F. 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 G. 1. District attorneys shall prepare and submit an annual  
23 report to the District Attorneys Council showing total deposits and  
24 total expenditures in the Uninsured Vehicle Enforcement Diversion

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

4 2. By September 15 of each year, the District Attorneys Council  
5 shall publish an annual report for the previous fiscal year of the  
6 Uninsured Vehicle Enforcement Diversion Program. A copy of the  
7 report shall be distributed to the Governor, President Pro Tempore  
8 of the Senate, Speaker of the House of Representatives and the  
9 chairs of the House and Senate Appropriations Committees. The  
10 report required by this paragraph shall include the number of cases  
11 processed, the total amount of fees collected, the total cost of the  
12 program and such other information as required by the District  
13 Attorneys Council.

14 SECTION 3. This act shall become effective November 1, 2016."

15 Passed the House of Representatives the 18th day of April, 2016.

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18 \_\_\_\_\_  
19 Presiding Officer of the House of  
Representatives

20 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2016.

21

22

23 \_\_\_\_\_  
24 Presiding Officer of the Senate

1 ENGROSSED SENATE  
2 BILL NO. 359

By: Brooks of the Senate

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 4. 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  
24

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,  
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)~~ 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 5. 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 6. It being immediately necessary for the preservation~~  
23 ~~of the public peace, health and safety, an emergency is hereby~~  
24

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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