An Act

ENROLLED HOUSE
BILL NO. 2013

By: Wright (John), Liebmann, Peters, Roan and Duncan of the House

and

Aldridge of the Senate

An Act relating to motor vehicles; directing insurers to comply with certain requirements; amending Section 1, Chapter 322, O.S.L. 2006 (47 O.S. Supp. 2008, Section 7-600.2), as last amended by Section 30 of Enrolled Senate Bill No. 1161 of the 1st Session of the 52nd Oklahoma Legislature, which relates to compulsory liability insurance requirements; requiring insurance carriers to perform certain functions as a condition for writing motor vehicle liability policies; prohibiting persons or entities from imposing certain fee; defining phrase; providing for codification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 619.3 of Title 36, unless there is created a duplication in numbering, reads as follows:

All insurers, as a condition of writing motor vehicle liability policies in this state, shall comply with the requirements of Section 7-600.2 of Title 47 of the Oklahoma Statutes.

SECTION 2. AMENDATORY Section 1, Chapter 322, O.S.L. 2006 (47 O.S. Supp. 2008, Section 7-600.2), as last amended by Section 30 of Enrolled Senate Bill No. 1161 of the 1st Session of the 52nd Oklahoma Legislature, is amended to read as follows:

Section 7-600.2 A. The Department of Public Safety shall promulgate and adopt, pursuant to the Administrative Procedures Act, rules for an online verification system for motor vehicle liability policies as required by the Compulsory Insurance Law, subject to the following:

1. The Oklahoma Tax Commission and the Insurance Department shall cooperate with the Department of Public Safety in the development of the verification system;

2. The verification system shall be accessible through the Internet, World Wide Web or a similar proprietary or common carrier electronic system by authorized personnel of the Department, the Tax Commission, the courts, law enforcement personnel, and any other entities authorized by the Department;

3. The verification system shall provide for direct inquiry and response between the Department and insurance carriers, or such other method of inquiry and response as agreed to by the Department and individual insurance carriers, and direct access to insurers' records by personnel authorized by the Department;

4. The verification system shall be available twenty-four (24) hours a day to verify the insurance status of any vehicle registered in this state through the vehicle's identification number, policy number, registered owner's name or other identifying characteristic or marker as prescribed by the Department in its rules;

5. The Department shall conduct a pilot project to test the system prior to statewide use;

6. The verification system shall be installed and operational no later than December 31, 2008, following an appropriate testing period and after December 31, 2009, the verification system shall be installed and operational through the Internet as a web-based portal system;

7. The Department may contract with a private vendor to assist in establishing and maintaining the verification system;

8. The verification system shall include appropriate provisions, consistent with industry standards, to secure its data against unauthorized access and to maintain a record of all information requests;

9. Information contained in the verification system shall not be considered a public record;

10. Any law enforcement officer, during a traffic stop or accident investigation, may access information from the online verification system to establish compliance with the Compulsory Insurance Law and to verify the current validity of the policy described on a security verification form and produced by the operator of a motor vehicle during the traffic stop or accident investigation; and

11. All information exchanged between the Department and insurance companies, any database created, and all reports, responses, or other information generated for the purposes of the verification system shall not be subject to the Oklahoma Open Records Act.

B. This section shall not apply to a policy issued pursuant to paragraph 3 of subsection A of Section 7-601.1 of this title or paragraph 3 of subsection A of Section 7-602 of this title to insure a commercial motor vehicle or to insure any vehicle under a commercial policy that provides commercial auto coverage as defined in Section 7-600 of this title.

C. ~~Insurance~~ Effective December 31, 2009, as a condition for writing motor vehicle liability policies in this state, insurance carriers shall cooperate with the Department in establishing and maintaining the insurance verification system and shall provide access to motor vehicle insurance policy status information as provided in the Department's rules.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 10-118 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. Notwithstanding any other section of law to the contrary, no person or entity shall impose an accident response fee for the response or investigation of a motor vehicle accident by law enforcement.

B. For purposes of this section, "accident response fee" means a fee imposed for the response or investigation of a motor vehicle accident and does not mean any fee otherwise specifically authorized by law.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 19th day of May, 2009.

Presiding Officer of the House of Representatives

Passed the Senate the 20th day of May, 2009.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Governor this 21st

day of May, **20**09,

at 2:00 **o'clock** P **M.**

By:

Approved by the Governor of the State of Oklahoma the 27 **day of** May, **20**09 **at** 6:40 **o'clock** P **M.**

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this 28th **day of** May, **20**09

at 9:36 **o'clock** A **M.**

By: