

An Act

ENROLLED SENATE
BILL NO. 1161

By: Aldridge of the Senate

and

Nelson of the House

An Act relating to motor vehicles; defining terms; amending 47 O.S. 2001, Section 7-202, which relates to security requirements; authorizing the Department of Public Safety to determine amount of security necessary for damage judgments from certain collisions; amending 47 O.S. 2001, Section 7-203, which relates to exceptions for security requirements; modifying exemptions; updating statutory language; amending 47 O.S. 2001, Section 7-204, as amended by Section 31, Chapter 519, O.S.L. 2004 (47 O.S. Supp. 2008, Section 7-204), which relates to requirements for insurance policies; modifying certain requirements for minimum liability insurance limits; limiting certain exemption; amending 47 O.S. 2001, Section 7-205, which relates to forms and amounts of securities; authorizing Department to require security in certain amount; stating limitation; amending 47 O.S. 2001, Section 7-206, which relates to security deposits; modifying penalties for failure to deposit securities; amending 47 O.S. 2001, Section 7-207, which relates to release of liability; updating statutory language; amending 47 O.S. 2001, Section 7-209, which relates to payment of damages; modifying penalties for defaulting on certain payments; amending 47 O.S. 2001, Section 7-210, which relates to payment of judgments; updating statutory language; amending 47 O.S. 2001, Section 7-212, which relates to suspensions; providing for suspension of driving privileges; amending 47 O.S. 2001, Section 7-213, which relates to application of act to nonresidents; updating statutory language;

amending 47 O.S. 2001, Section 7-214, which relates to authority to decrease securities; modifying certain time period; updating statutory language; amending 47 O.S. 2001, Section 7-215, which relates to corrective actions; updating statutory language; amending 47 O.S. 7-309, which relates to nonresidents; clarifying statutory reference; amending 47 O.S. 2001, Section 7-310, which relates to suspensions; clarifying statutory references and language; amending 47 O.S. 2001, Section 7-312, which relates to modifying certain time period; updating statutory language; amending 47 O.S. 2001, Section 7-313, which relates to liability; modifying penalty for certain insurers; amending 47 O.S. 2001, Section 7-314, which relates to suspensions; updating statutory language; amending 47 O.S. 2001, Section 7-316, as amended by Section 5, Chapter 394, O.S.L. 2005 (47 O.S. Supp. 2008, Section 7-316), which relates to judgment payments; modifying satisfaction of certain judgments; amending 47 O.S. 2001, Section 7-317, which relates to installment payments; updating statutory language; amending 47 O.S. 2001, Section 7-318, which relates to failure to pay judgments; clarifying statutory reference and updating statutory language; amending 47 O.S. 2001, Section 7-320, which relates to proof of financial responsibility; clarifying statutory reference; updating statutory language; amending 47 O.S. 2001, Section 7-335, which relates to proof; transferring certain duties to the Insurance Commissioner; amending 47 O.S. 2001, Section 7-402, which relates to surrender of license; modifying certain penalties; amending 47 O.S. 2001, Section 7-502, which relates to exceptions; modifying certain exceptions; amending 47 O.S. 2001, Section 7-505, which relates to hardship cases; clarifying statutory references; updating statutory language; amending 47 O.S. 2001, Section 7-506, which relates to reinstatement fees; updating statutory language; amending 47 O.S. 2001, Section 7-600, which relates to compulsory liability insurance; modifying and adding definitions; amending 47 O.S. 2001, Section 7-600.1, which relates to

insurance policies; modifying requirements for liability insurance; amending 47 O.S. 2001, Section 1, Chapter 322, O.S.L. 2006, as last amended by Section 2, Chapter 335, O.S.L. 2008 (47 O.S. Supp. 2008, Section 7-600.2), which relates to online verification; clarifying statutory language; modifying certain time period; removing requirement for certain license plate designs; amending 47 O.S. 2001, Section 7-601, which relates to liability requirements; deleting obsolete language; updating statutory language; amending 47 O.S. 2001, Section 7-601.1, which relates to security verification forms; requiring consultation with Department of Public Safety; modifying certain requirements for security verification forms; amending 47 O.S. 2001, Section 7-602, as last amended by Section 2, Chapter 322, O.S.L. 2006 (47 O.S. Supp. 2008, Section 7-602), which relates to online certification; modifying procedures relating to security verification forms; clarifying statutory references and language; amending 47 O.S. 2001, Section 7-602.1, which relates to possession of forms while driving; clarifying statutory language; amending 47 O.S. 2001, Section 7-603, which relates to verification of security; modifying procedures for verification; amending 47 O.S. 2001, Section 7-605, as amended by Section 4, Chapter 322, O.S.L. 2006 (47 O.S. Supp. 2008, Section 7-605), which relates to penalties; modifying certain penalties relating to driving without insurance; deleting certain fee; amending 47 O.S. 2001, Section 7-606, as amended by Section 6, Chapter 322, O.S.L. 2006 (47 O.S. Supp. 2008, Section 7-606), which relates to failure to maintain insurance; updating statutory language; amending 47 O.S. 2001, Section 7-607, which relates to exemptions; clarifying statutory reference; amending Section 5, Chapter 322, O.S.L. 2006, as amended by Section 15, Chapter 326, O.S.L. 2007 (47 O.S. Supp. 2008, Section 7-612), which relates to security verification forms; modifying certain penalties; providing for recodification; repealing 47 O.S. 2001, Sections 7-301, 7-302, as amended by Section 4, Chapter 394,

O.S.L. 2005, 7-303, 7-304, 7-305, 7-306, 7-307, 7-321, 7-322, 7-323, 7-325, 7-326, 7-332, 7-334, 7-608, as amended by Section 7, Chapter 322, O.S.L. 2006 and 7-609, as last amended by Section 8, Chapter 322, O.S.L. 2006 (47 O.S. Supp. 2008, Sections 7-302, 7-608 and 7-609), which relate to motor vehicle liability insurance and verification; providing for codification; and providing an effective date.

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 7-103 of Title 47, unless there is created a duplication in numbering, reads as follows:

The following words and phrases when used in Title 47 of the Oklahoma Statutes shall have the meanings respectively ascribed to them in this section:

1. "Judgment" means any judgment which shall have become final by expiration without appeal in the time within which an appeal might have been perfected, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action arising out of the ownership, maintenance or use of any vehicle subject to registration under the laws of this state, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an agreement of settlement for the damages;

2. "Minimum liability insurance limits" means:

a. for vehicle liability policies issued or renewed before April 1, 2005:

(1) a limit of not less than Ten Thousand Dollars (\$10,000.00) because of bodily injury to or death of one person in any one accident,

(2) subject to the limit for one person as prescribed in subparagraph a of this paragraph, a limit of not less than Twenty Thousand Dollars (\$20,000.00) because of bodily injury to or death of two or more persons in any one accident, and

(3) if the accident has resulted in injury to or destruction of property, a limit of not less than Ten Thousand Dollars (\$10,000.00) because of injury to or destruction of property of others in any one accident, or

b. for vehicle liability policies issued or renewed on or after April 1, 2005:

(1) a limit of not less than Twenty-five Thousand Dollars (\$25,000.000) because of bodily injury to or death of one person in any one accident,

(2) subject to the limit for one person as prescribed in subparagraph a of this paragraph, a limit of not less than Fifty Thousand Dollars (\$50,000.00) because of bodily injury to or death of two or more persons in any one accident, and

(3) if the accident has resulted in injury to or destruction of property to a limit of not less than Twenty-five Thousand Dollars (\$25,000.00) because of injury to or destruction of property of others in any one accident;

3. "Motor vehicle liability policy" means an owner's policy or operator's policy of liability, as defined in this chapter, issued by an insurance carrier duly authorized to transact business in this state, to or for the benefit of the person named therein as insured. With respect to a policy which grants coverage in excess of or in addition to minimum liability insurance limits, the term motor vehicle liability policy shall apply only to that part of the coverage which is required by minimum liability insurance limits; and

4. "Proof of financial responsibility" means proof of ability to respond in damages for liability at the minimum liability insurance limits:

- a. resulting from accidents occurring subsequent to the effective date of the proof,
- b. arising out of the ownership, maintenance or use of a vehicle subject to registration under the laws of this state.

SECTION 2. AMENDATORY 47 O.S. 2001, Section 7-202, is amended to read as follows:

Section 7-202. ~~(a)~~ A. The Department of Public Safety, not less than twenty (20) days after receipt of a report of an accident, as described in ~~the preceding section~~ Section 7-201 of this title, shall determine the amount of security which shall be sufficient in its judgment to satisfy any judgment or judgments for damages resulting from ~~such the accident~~, based on the reports or other information submitted to the Department, as may be recovered against each driver or owner. ~~Such~~ The determination shall not be made with respect to drivers or owners who are exempt under ~~succeeding sections~~ Section 7-203 of this chapter title from the requirements as to security and suspension.

~~(b) The Department shall determine the amount of security deposit required of any person upon the basis of the reports or other information submitted. In the event a person involved in an accident as described in this chapter fails to make a report or submit information indicating the extent of his injuries or the damage to his property within fifty (50) days after the accident and the Department does not have sufficient information on which to base an evaluation of such injuries or damage, then the Department after reasonable notice to such person, if it is possible to give such notice, otherwise without such notice, shall not require any deposit of security for the benefit or protection of such person.~~

~~(c)~~ B. The Department, not less than fifty (50) days after receipt of report of any accident ~~referred to herein~~ an accident as described in Section 7-201 of this title and upon determining the amount of security to be required of any person involved in ~~such the~~ the

accident or to be required of the owner of any vehicle involved in ~~such~~ the accident shall give written notice pursuant to the provisions of Section 2-116 of this title to every ~~such~~ person of the amount of security required to be deposited by him or her and that an order of suspension will be made to become effective upon the expiration of ten (10) days after the sending of ~~such~~ the notice unless within ~~said~~ that time security be deposited as required by ~~said~~ the notice.

SECTION 3. AMENDATORY 47 O.S. 2001, Section 7-203, is amended to read as follows:

Section 7-203. The ~~requirements as to~~ provisions in this chapter requiring security, proof of financial responsibility, and suspension in this article shall not apply:

1. To the driver or owner if the owner had in effect at the time of the accident ~~an automobile~~ a motor vehicle liability policy ~~or bond~~ with respect to the vehicle involved in the accident, ~~except that;~~ provided, a driver shall not be exempt under this paragraph if at the time of the accident the vehicle was being operated without the ~~owner's~~ permission, express or implied, of the owner;

2. To the driver, if not the owner of the vehicle involved in the accident, if there was in effect at the time of the accident ~~an automobile~~ a motor vehicle liability policy ~~or bond~~ with respect to ~~his driving~~ the operation of vehicles not owned by ~~him~~ the driver;

3. To a driver or owner whose liability for damages resulting from the accident is, in the judgment of the Department, covered by any other form of motor vehicle liability insurance policy ~~or bond~~;

4. To any person qualifying as a self-insurer under Section 7-503 of this title or to any person operating a vehicle for ~~such~~ the self-insurer;

5. To the driver or the owner of a vehicle involved in an accident wherein no injury or damage was caused to the person or property of anyone other than ~~such~~ the driver or owner, unless the vehicle is being operated without the permission of the owner, express or implied;

6. To the driver or owner of a vehicle which at the time of the accident was parked, unless ~~such~~ the vehicle was parked at a place where parking was at the time of the accident prohibited under any applicable law or ordinance;

7. To the owner of a vehicle if at the time of the accident the vehicle was being operated without ~~his~~ the permission of the owner, express or implied, or was parked by a person who had been operating ~~such~~ the vehicle without ~~such~~ permission of the owner, express or implied;

8. To the owner of a vehicle involved in an accident if at the time of the accident ~~such~~ the vehicle was owned by or leased to the United States, this state or any political subdivision of this state or a municipality thereof, or to the driver of ~~such~~ the vehicle if operating ~~such~~ the vehicle with permission; or

9. To the driver or the owner of a vehicle ~~in the event~~ if at the time of the accident the vehicle was being operated by or under the direction of a ~~police~~ peace officer who, in the performance of his or her duties, shall have assumed custody of ~~such~~ the vehicle.

SECTION 4. AMENDATORY 47 O.S. 2001, Section 7-204, as amended by Section 31, Chapter 519, O.S.L. 2004 (47 O.S. Supp. 2008, Section 7-204), is amended to read as follows:

Section 7-204. A. No motor vehicle liability policy or bond shall be considered effective to provide any exemption under Section 7-203 of this title unless;

1. The policy is issued by an insurance company or surety company authorized to do business in this state, except as provided in subsection B of this section, ~~nor unless such~~; and

2. The policy or bond is subject provides, if the accident has resulted in bodily injury or death or property injury or destruction, to a limit, exclusive of interest and costs, of not less than ~~the following~~:

1. ~~For policies or bonds issued or renewed before April 1, 2005, Ten Thousand Dollars (\$10,000.00) because of bodily injury to or death of one person in any one accident and, subject to said~~

~~limit for one person, to a limit of not less than Twenty Thousand Dollars (\$20,000.00) because of bodily injury to or death of two or more persons in any one accident, and if the accident has resulted in injury to or destruction of property to a limit of not less than Ten Thousand Dollars (\$10,000.00) because of injury to or destruction of property of others in any one accident;~~

~~2. For policies or bonds issued or renewed on or after April 1, 2005, Twenty five Thousand Dollars (\$25,000.00) because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than Fifty Thousand Dollars (\$50,000.00) because of bodily injury to or death of two or more persons in any one accident, and if the accident has resulted in injury to or destruction of property to a limit of not less than Twenty five Thousand Dollars (\$25,000.00) because of injury to or destruction of property of others in any one accident~~
minimum liability insurance limits.

B. No motor vehicle liability policy or bond shall be considered effective to provide any exemption under Section 7-203 of this title with respect to any vehicle which was not registered in this state or was a vehicle which was registered elsewhere than in this state at the effective date of the policy or bond or the most recent renewal thereof, unless the insurance company or surety company issuing such the policy or bond is authorized to do business in this state, or if said company is not authorized to do business in this state, unless it shall execute a power of attorney authorizing the Commissioner to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such accident in the state of registration.

C. The Department of Public Safety may rely upon the accuracy of the information in a required report of an accident as to the existence of ~~insurance or a bond~~ a motor vehicle liability policy unless and until the Department has reason to believe that the information is erroneous.

SECTION 5. AMENDATORY 47 O.S. 2001, Section 7-205, is amended to read as follows:

Section 7-205. ~~(a)~~ A. The security required under this chapter shall be in ~~such~~ the form and in ~~such~~ the amount as the Department

~~may require of Public Safety requires, but in no case in excess of the minimum liability insurance limits specified in section 7-204 in reference to the acceptable limits of a policy or bond.~~

~~(b) B. Every depositor of security shall designate in writing every person in whose name such the deposit is made and may at any time change such the designation, but any single deposit of security shall be applicable only on behalf of persons required to furnish security because of the same accident.~~

SECTION 6. AMENDATORY 47 O.S. 2001, Section 7-206, is amended to read as follows:

Section 7-206. In the event that any person required to deposit security and file proof of financial responsibility under this ~~chapter~~ article fails to deposit such security and file such proof of financial responsibility within ten (10) days after the Department of Public Safety has sent the notice as hereinbefore provided, the Department shall thereupon suspend:

~~1. The license and all registrations the driving privilege of each driver in any manner involved in the accident;~~

~~2. The license and all registrations of all vehicles owned by the owner on or after the effective date of the suspension order of each vehicle involved in such accident, and any other vehicles thereafter acquired and registered in the name of the owner thereof, of a type subject to registration under the laws of this state;~~

~~3. If the driver is a nonresident, the driving privilege of operating a vehicle within this state;~~

~~4. If such owner is a nonresident, the privilege of operating any vehicle owned by him on or after the effective date of the suspension order.~~

~~Such suspensions~~ The suspension shall be made in respect to ~~persons~~ each person required by the Department to deposit security who ~~fail~~ fails to deposit such security, except as otherwise provided under ~~succeeding sections~~ in Section 7-207, 7-208, 7-209, or 7-210 of this chapter title.

SECTION 7. AMENDATORY 47 O.S. 2001, Section 7-207, is amended to read as follows:

Section 7-207. ~~(a)~~ A. A person shall be relieved from the requirement for deposit of security for the benefit or protection of another person injured or damaged in the accident, provided he or she has given proof of financial responsibility, in the event he or she is released from liability by ~~such~~ the other person.

~~(b)~~ B. A covenant not to sue shall relieve the parties thereto as to each other from the security requirements of this chapter.

~~(c)~~ C. In the event the ~~department~~ Department of Public Safety has ~~evaluated~~ received medical evidence that the injuries or damage to any minor are in an amount not more than Two Hundred Dollars (\$200.00), the Department may accept, for the purposes of this article only, evidence of a release from liability executed by a ~~natural guardian~~ custodial parent or a legal guardian on behalf of ~~such~~ the minor without the approval of any court or judge.

SECTION 8. AMENDATORY 47 O.S. 2001, Section 7-209, is amended to read as follows:

Section 7-209. ~~(a)~~ A. Any two or more of the persons involved in or affected by an accident, as described in Section 7-201 of this title, may at any time enter into a written agreement for the payment of an agreed amount with respect to all claims of any of ~~such~~ the persons because of bodily injury to or death or property damage arising from ~~such~~ the accident, which agreement may provide for payment in installments, and may file a signed copy thereof with the Department of Public Safety.

~~(b)~~ B. The Department, to the extent provided by ~~any~~ such the written agreement filed with it, shall not require the deposit of security and shall terminate any prior order of suspension, provided that proof of financial responsibility has been filed, ~~or~~; provided, if security has previously been deposited, the Department shall immediately return ~~such~~ the security to the depositor or his to the personal representative of the depositor.

~~(c)~~ ~~In the event~~ C. Upon notice to the Department of a default in any payment under ~~such~~ the agreement ~~and upon notice of such~~

default, the Department shall take action suspending the ~~license and registration~~ driving privilege of ~~such the~~ person in default as ~~would be appropriate in the event of~~ in the same manner as for failure of such the person to deposit security when required under this chapter. When reporting a default, the amount already paid and the outstanding balance shall be provided to the Department. Provided, this subsection shall not be deemed to require any party to the agreement to make notice to the Department of a default of any payment.

~~(d) Such D.~~ The suspension provided for in subsection C of this section shall remain in effect and ~~such license and registration~~ the driving privilege of the person shall not be restored unless and until:

1. Security is deposited and proof of financial responsibility is filed as required under this chapter, the security to be in such amount as the Department may then determine, ~~or;~~

2. ~~When, following any such default and suspension, the~~ The person in default has paid the balance of the agreed amount, ~~or;~~

3. One (1) year has elapsed following the effective date of ~~such the~~ suspension and evidence satisfactory to the Department has been filed with it that during ~~such the~~ one-year period no action at law upon ~~such the~~ agreement has been instituted and is pending.

SECTION 9. AMENDATORY 47 O.S. 2001, Section 7-210, is amended to read as follows:

Section 7-210. The payment of a judgment arising out of an accident or the payment upon ~~such the~~ judgment of an amount equal to the maximum amount which could be required for deposit under this ~~article chapter~~ shall, for the purposes of this ~~article chapter~~, release the judgment debtor from the liability evidenced by ~~such the~~ judgment, provided that he ~~the person~~ has filed proof of financial responsibility.

SECTION 10. AMENDATORY 47 O.S. 2001, Section 7-212, is amended to read as follows:

Section 7-212. Unless a suspension is terminated under other provisions of this chapter, any order of suspension by the Department of Public Safety under this chapter shall remain in effect and no license shall be renewed for or issued to any person whose license driving privilege is ~~so~~ suspended and ~~no registration shall be renewed for or issued to any person whose vehicle registration is so~~ suspended until:

1. ~~Such~~ The person shall deposit and file or there shall be deposited and filed on his behalf of the person the security and proof of financial responsibility required under this chapter, or

2. One (1) year shall have elapsed following the date of ~~such~~ the suspension and evidence satisfactory to the Department has been filed with it that during ~~such~~ the one-year period no action for damages arising out of the accident resulting in ~~such~~ the suspension has been instituted, provided ~~that such~~, the person has filed the required proof of financial responsibility.

An affidavit of the applicant that no action at law for damages arising out of the accident has been filed against him or her or, if filed, that it is not still pending shall be prima facie evidence of that fact. The Department may take whatever steps are necessary to verify the statement set forth in ~~any said~~ the affidavit.

SECTION 11. AMENDATORY 47 O.S. 2001, Section 7-213, is amended to read as follows:

Section 7-213. ~~(a)~~ A. In case the driver or the owner of a vehicle ~~of a type~~ subject to registration under the laws of this state involved in an accident within this state has no driver license ~~or registration~~ in this state, then ~~such~~ the driver shall ~~not be allowed~~ denied a driver license, ~~nor shall such owner be allowed to register any vehicle in this state,~~ until he or she has complied with the requirements of this chapter to the same extent that would be necessary if, at the time of the accident, he or she had held a driver license ~~or been the owner of a vehicle registered~~ in this state.

~~(b)~~ B. When a nonresident's ~~operating~~ driving privilege is suspended pursuant to Section 7-206 of this title, the Department of Public Safety shall transmit a certified copy of the record of ~~such~~

the action to the official in charge of the issuance of driver licenses and registration certificates in the state in which ~~such the~~ nonresident resides, ~~if the law of such other state provides for action in relation thereto similar to that provided for in subsection (c) of this section.~~

~~(e) C. Upon receipt of such certification a copy of a record from another state that the operating driving privilege of a resident of this state has been suspended or revoked in any such the other state pursuant to a law providing for its suspension or revocation for failure to deposit security for the payment of judgments arising out of a motor vehicle accident, or for failure to give and maintain proof of financial responsibility, under circumstances which would require the Department to suspend a nonresident's operating the driving privilege of the person had the accident occurred in this state, the Department shall suspend the license driving privilege of such the resident if he or she was the driver, and all of his registrations if he was the owner of a motor vehicle involved determined to be at fault in such the accident. Such The suspension shall continue until such the resident furnishes evidence of his or her compliance with the law of such the other state relating to the deposit of such security or files proof of financial responsibility.~~

SECTION 12. AMENDATORY 47 O.S. 2001, Section 7-214, is amended to read as follows:

Section 7-214. The Department of Public Safety may reduce the amount of security ordered in any case within ~~six (6) months~~ one (1) year after the date of the accident if in its judgment the amount ordered is excessive. In case the security originally ordered has been deposited, the excess deposit over the reduced amount ordered shall be returned forthwith to the depositor or ~~his~~ the personal representative ~~forthwith~~ of the depositor.

SECTION 13. AMENDATORY 47 O.S. 2001, Section 7-215, is amended to read as follows:

Section 7-215. Whenever the Department of Public Safety has taken any action or has failed to take any action under this ~~chapter~~ article by reason of having received erroneous information or ~~by reason of having received~~ no information, then, upon receiving

~~correct~~ further information within one (1) year after the date of an accident, the Department shall take appropriate action to carry out the purposes and effect of this ~~chapter~~ article. ~~The foregoing~~ Provided, this section shall not, however, be deemed to require the Department to reevaluate the amount of any deposit required under this article.

SECTION 14. AMENDATORY 47 O.S. 2001, Section 7-309, is amended to read as follows:

Section 7-309. If the defendant named in any certified copy of a judgment reported to the Department of Public Safety, as prescribed in Section 7-308 of this title, is a nonresident, then the Department shall transmit a certified copy of the judgment to the official in charge of the issuance of driver licenses and registrations of the state of which the defendant is a resident.

SECTION 15. AMENDATORY 47 O.S. 2001, Section 7-310, is amended to read as follows:

Section 7-310. The Department of Public Safety, upon receipt of a certified copy of a judgment as prescribed in Section 7-308 of this title and a certificate of facts relative to such judgment, on a form provided by the Department, shall forthwith suspend the ~~license and registration and any nonresident's operating driving~~ privilege of any person against whom ~~such~~ the judgment was rendered, except as hereinafter otherwise provided in this chapter.

SECTION 16. AMENDATORY 47 O.S. 2001, Section 7-312, is amended to read as follows:

Section 7-312. If the judgment creditor consents in writing, in ~~such form~~ a manner as the Department of Public Safety may prescribe, that the judgment debtor be allowed ~~license and registration or nonresident's operating~~ to continue his or her driving privilege, the same may be allowed by the Department, in its discretion, for at least six (6) months from the date of ~~such the~~ consent and thereafter until ~~such the~~ consent is revoked in writing, notwithstanding default in the payment of ~~such the~~ judgment, or of any installments thereof, as prescribed in Section 7-317 of this title, provided the judgment debtor furnishes proof of financial responsibility.

SECTION 17. AMENDATORY 47 O.S. 2001, Section 7-313, is amended to read as follows:

Section 7-313. ~~No license, registration or nonresident's operating driving privilege~~ of any person shall be suspended under the provisions of this chapter if the Department of Public Safety shall find that an insurer was obligated to pay the judgment, at least to the extent and for the amounts required in this chapter, upon which ~~the suspension is based, at least to the extent and for the amounts required in this chapter,~~ but has not paid ~~such the~~ judgment for any reason. A finding by the Department that an insurer is obligated to pay a judgment shall not be binding upon ~~such the~~ insurer and shall have no legal effect whatever except for the purpose of administering this section. Whenever in any judicial proceedings it shall be determined by any final judgment, decree or order that an insurer is not obligated to pay ~~any such the~~ judgment, the Department, notwithstanding any contrary finding theretofore made by it, shall forthwith suspend the ~~license and registration and any nonresident's operating driving~~ privilege of any person against whom ~~such the~~ judgment was rendered, as provided in Section 7-310 of this title.

SECTION 18. AMENDATORY 47 O.S. 2001, Section 7-314, is amended to read as follows:

Section 7-314. ~~Such license, registration and nonresident's operating~~ The driving privilege of any person which has been suspended under the provisions of Section 7-313 of this title shall remain ~~se~~ suspended and shall not be ~~renewed~~ reinstated, nor shall any ~~such driver~~ license ~~or registration~~ be thereafter issued in the name of ~~such the~~ person, including any ~~such~~ person not previously licensed, unless:

1. Unless and until every ~~such~~ judgment is stayed, or satisfied in full or to the extent hereinafter provided; and until

2. Until the said person gives proof of financial responsibility subject to the exemptions stated in Sections 7-312, 7-313 and 7-317 of this title.

SECTION 19. AMENDATORY 47 O.S. 2001, Section 7-316, as amended by Section 5, Chapter 394, O.S.L. 2005 (47 O.S. Supp. 2008, Section 7-316), is amended to read as follows:

Section 7-316. A. Judgments herein referred to shall, for the purpose of this chapter only, be deemed satisfied:

1. ~~When at least Twenty five Thousand Dollars (\$25,000.00) has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one collision;~~

2. ~~When, subject to the minimum limit of Twenty five Thousand Dollars (\$25,000.00) because of bodily injury to or death of one person, the sum of at least Fifty Thousand Dollars (\$50,000.00) has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one collision; or~~

3. ~~When at least Twenty five Thousand Dollars (\$25,000.00) has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one collision the minimum liability insurance limits are met; or~~

2. When any combination of amounts as prescribed by the minimum liability insurance limits and as appropriate to the consequences of the accident, has been credited upon any judgment or judgments rendered in excess of that amount because of a combination of bodily injury to or death of any number of persons and because of injury to or destruction of property of others as a result of any one accident.

B. Provided, however, payments made in settlements of any claims because of bodily injury, death or property damage arising from the ~~collision~~ accident shall be credited in reduction of the amounts provided for in this section.

SECTION 20. AMENDATORY 47 O.S. 2001, Section 7-317, is amended to read as follows:

Section 7-317. ~~(a)~~ A. A judgment debtor, upon due notice to the judgment creditor, may apply to the court in which ~~such~~ the judgment was rendered for the privilege of paying ~~such~~ the judgment in installments, and the court, in its discretion and without prejudice to any other legal remedies which the judgment creditor may have, may so order and fix the amounts and times of payment of the installments.

~~(b)~~ B. The Department of Public Safety shall not suspend a license, ~~registration or nonresident's operating~~ the driving privilege of any person and shall restore any license, ~~registration or nonresident's operating~~ the driving privilege of any person, if otherwise eligible, which was suspended following nonpayment of a judgment when the judgment debtor gives proof of financial responsibility and obtains such an order permitting the payment of such the judgment in installments, and while the payment of any said installments is not in default.

SECTION 21. AMENDATORY 47 O.S. 2001, Section 7-318, is amended to read as follows:

Section 7-318. In the event the judgment debtor fails to pay any installment as specified by ~~such~~ an order described in Section 7-317 of this title, then, upon notice by the court of ~~such~~ the default, the Department of Public Safety shall forthwith suspend the ~~license, registration or nonresident's operating~~ driving privilege of the person who is the judgment debtor until such the judgment is satisfied, as provided in this chapter article.

SECTION 22. AMENDATORY 47 O.S. 2001, Section 7-320, is amended to read as follows:

Section 7-320. Proof of financial responsibility when required under this article, with respect to ~~such~~ a vehicle or with respect to a person who is not the owner of ~~such~~ a vehicle, may be given by filing:

1. A ~~certificate of insurance security verification form as provided defined in Section 7-321 or Section 7-322~~ 7-600 of this title;
2. A ~~bond as provided in Section 7-327 of this title;~~

3. A certificate of deposit of money or securities as provided in Section 7-330 of this title; or

4. 3. A certificate of self-insurance, as provided in Section 7-503 of this title, supplemented by an agreement by the self-insurer that, with respect to accidents occurring while the certificate is in force, ~~he~~ the self-insurer will pay the same amounts that an insurer would have been obliged to pay under an ~~owner's~~ a motor vehicle liability policy if ~~it~~ the insurance carrier had issued such a policy to ~~said~~ the self-insurer.

SECTION 23. AMENDATORY 47 O.S. 2001, Section 7-335, is amended to read as follows:

Section 7-335. ~~(a)~~ A. The Department of Public Safety shall upon request consent to the immediate cancellation of any ~~bond~~ certificate of insurance or the Department shall direct and the State Treasurer shall return to the person entitled thereto any money or securities deposited pursuant to this article or Article II of this chapter as proof of financial responsibility, or the Department shall waive the requirement of filing proof of financial responsibility, in any of the following events:

1. In the event of the death of the person on whose behalf ~~such~~ the proof of financial responsibility was filed or the permanent incapacity of ~~such~~ the person to operate a motor vehicle; or

2. In the event the person who has given proof of financial responsibility surrenders his or her driver license and ~~registration~~ to the Department.

~~(b)~~ B. Provided, however, that the Department shall not consent to the cancellation of any ~~bond or~~ certificate of insurance and the Department shall not consent to the return of any money or securities in the event any action for damages upon a liability covered by such proof of financial responsibility is then pending or any judgment upon any such liability is then unsatisfied, or in the event the person who has filed such bond or deposited such money or securities has within one (1) year immediately preceding such request been involved as a driver or owner in any ~~motor vehicle~~ accident resulting in injury or damage to the person or property of

others. An affidavit of the ~~applicant~~ person as to the nonexistence of such facts, or that he the person has been released from all of his liability, or has been finally adjudicated not to be liable, for ~~such any~~ injury or damage, shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the Department.

SECTION 24. AMENDATORY 47 O.S. 2001, Section 7-402, is amended to read as follows:

Section 7-402. ~~(a)~~ A. Any person whose ~~license or registration~~ driving privilege shall have been suspended under any provision of this ~~act~~ chapter, or whose policy of insurance ~~or bond~~, when required under this ~~act~~ chapter, shall have been canceled or terminated, shall immediately return his or her driver license and registration to the Department of Public Safety. If any person shall fail to return to the Department the driver license or registration as provided herein, the Department shall forthwith direct any peace officer to secure possession thereof and to return the same to the Department in the same manner as prescribed in Section 7-605 of this title.

~~(b)~~ B. Any person willfully failing to return his or her driver license or registration as required in ~~paragraph (a)~~ subsection A of this section shall be ~~finned not more than Five Hundred Dollars (\$500.00) or imprisoned not to exceed thirty (30) days, or both~~ punished as provided in Section 17-101 of this title.

SECTION 25. AMENDATORY 47 O.S. 2001, Section 7-502, is amended to read as follows:

Section 7-502. ~~Except for sections 10-108 and 7-322, the~~ The provisions of this chapter shall not apply with respect to any vehicle which is subject to regulation by the Oklahoma Corporation Commission or to regulation by any other federal or state agency under provisions of any laws requiring insurance or other security.

SECTION 26. AMENDATORY 47 O.S. 2001, Section 7-505, is amended to read as follows:

Section 7-505. ~~(a)~~ A. In order to furnish a means of relief from extreme and unusually severe hardship in the application of

Article II or Article III of this chapter, it is hereby provided that any owner or operator whose ~~license or registration~~ driving privilege has been suspended by the Department of Public Safety under the provisions of Article II or Article III of this chapter for failure to furnish security or for failure to satisfy a judgment may make application for modification of the order of suspension to the district court of the county where such owner or operator resides.

The application shall contain the following:

1. The name and address of the applicant-;i
2. The date and location of the accident, names of any fatality or fatalities, names of persons injured, and/or names of persons whose real or personal property was damaged in ~~said~~ the accident-;i
3. ~~That~~ A statement that the applicant has failed to comply with the provisions of the ~~Financial Responsibility Act~~ Article II or Article III of this chapter by either failing to post security or to satisfy a judgment-;i
4. The facts creating ~~an~~ the unusual or severe hardship impairing the ability of the applicant to earn a livelihood-;i
5. That the applicant has initiated action to post proof of financial responsibility by a method enumerated in Section 7-320 of this title-;i
6. A true copy of the order of suspension attached thereto-;i and
7. A verification by the applicant.

~~(b)~~ B. The district court shall set the application for hearing not less than fifteen (15) days nor more than thirty (30) days from the date of filing the application.

~~(e)~~ C. A certified copy of the application, bond, order for hearing and any other pleadings shall be served upon the Department of Public Safety, all judgment creditors and/or persons on whose

behalf security has been required or by mailing a copy to their last known address at least ten (10) days before ~~said~~ the hearing.

~~(d)~~ D. Persons required to be notified of the hearing may appear and resist the application of Article II or Article III of this chapter. At ~~said~~ the hearing the court shall take testimony concerning the hardship of the applicant, testimony of any interested party, and allow the driving record and accident record of the applicant to be introduced into evidence by the Department of Public Safety. After hearing on the application, but not before, if the court finds that ~~such~~ the suspension has resulted or will result in extreme and unusually severe hardship, seriously impairing the ability of the applicant to earn a livelihood, the court may modify, but not vacate, the order of suspension and the extent to which ~~said~~ the applicant ~~must~~ shall comply with the provisions of Articles II and III of this chapter with respect to furnishing security or satisfying a judgment. If the court finds the order of suspension should be modified, then the court shall require that the applicant furnish proof of financial responsibility by a method enumerated in Section 7-320 of this title. ~~Such~~ The proof of financial responsibility shall be furnished to the Department of Public Safety. The modification shall not become effective until ~~such~~ the proof of financial responsibility is furnished to the Department together with a certified order of the court setting forth the modification.

~~(e)~~ E. An appeal may be taken by any interested party from the order of the district court to the Supreme Court of the State of Oklahoma.

~~(f)~~ F. It shall be the duty of the district attorney in the county where ~~said~~ the application is filed to represent the Department of Public Safety in the proceedings under the statute upon request from the Department of Public Safety.

SECTION 27. AMENDATORY 47 O.S. 2001, Section 7-506, is amended to read as follows:

Section 7-506. Whenever a person's driving privilege ~~or a registration~~ is suspended ~~or revoked~~ under this chapter and the filing of proof of financial responsibility is made a prerequisite to reinstatement of ~~such~~ the driving privilege or registration, ~~or~~

~~both~~, or the issuance of a driver license ~~or registration, or both~~, no such driving privilege and registration shall be reinstated or a driver license ~~or registration~~ issued unless the ~~licensee or registrant person~~, in addition to complying with the other provisions of this chapter, pays to the Department of Public Safety the fees provided for in Section 6-212 of this title.

SECTION 28. AMENDATORY 47 O.S. 2001, Section 7-600, is amended to read as follows:

Section 7-600. As used in Section 7-600 et seq. of this title:

1. "Owner's policy".—~~An owner's~~ means a policy of motor vehicle liability insurance which:

- a. shall designate by explicit description or by appropriate reference all vehicles with respect to which coverage is thereby to be granted,
- b. shall insure the person named therein and insure any other person, except as provided in subparagraph c of this paragraph, using an insured vehicle with the express or implied permission of the named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance, operation or use of ~~such~~ the vehicle,
- c. may provide for exclusions from coverage in accordance with existing laws, and
- d. shall be issued by an authorized carrier providing coverage in accordance with Section 7-204 of this title.

2. "Operator's policy".—~~An operator's~~ means a policy of motor vehicle liability insurance which shall insure the named person against loss from the liability imposed upon the named person by law for damages arising out of the operation or use by the named person of any motor vehicle not owned by the named person, subject to the same limits of liability required in an owner's policy.

3. "Security".—~~Security~~ means:

- a. a policy ~~or bond~~ meeting the requirements of Section 7-204 of this title minimum vehicle liability limits,
- b. a deposit of cash or securities as defined in Section 7-330 of this title having the equivalency of the minimum vehicle liability limits ~~required under Section 7-204 of title~~ as acceptable limits for a policy or bond,
- c. self-insurance, pursuant to the provisions of Section 7-503 of this title, having the equivalency of the minimum vehicle liability limits ~~required under Section 7-204 of this title~~ as acceptable limits for a policy or bond, or
- d. for vehicles registered pursuant to the provisions of Section 1127 of this title, a policy ~~or bond~~ meeting or exceeding the ~~requirements of Section 7-204 of this title~~ minimum vehicle liability limits; provided, the policy ~~or bond~~ may be issued by an insurance company ~~or surety company~~ authorized to do business in the state of residence or domicile of the member of the Armed Forces and the motor license agent or other registering agency shall accept the security verification form issued by such insurance company ~~or surety company~~.

4. "Compulsory Insurance Law".—~~Compulsory Insurance Law~~ is the law requiring liability insurance, which provides the minimum vehicle liability limits, in conjunction with the operation of a motor vehicle in this state as found in this article, Section 7-600 et seq. of this ~~article~~ title.

5. "Security verification form".—~~A security verification form~~ is means a form, approved by the Insurance Commissioner, verifying the existence of security required by the Compulsory Insurance Law ~~of the State of Oklahoma~~.

6. "Commercial auto coverage" means coverage provided to an insured, regardless of the number of vehicles or entity covered, under a commercial auto, garage or truckers coverage form or rated

from either a commercial manual or rating rule as filed and approved by the Insurance Department. Vehicle type and ownership are not necessarily the primary factors in either underwriting the coverage or rating the coverage.

SECTION 29. AMENDATORY 47 O.S. 2001, Section 7-600.1, is amended to read as follows:

Section 7-600.1 A. The following statement or endorsement shall be included in owner's policies and operator's policies except certified policies issued pursuant to Section 7-324 of ~~Title 47 of the Oklahoma Statutes~~ this title: "Liability insurance is provided in this policy in accordance with coverage required by the Compulsory Insurance Law of Oklahoma."

B. ~~Excess or additional coverage.~~ A policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for policies defined in Section ~~±~~ 7-600 of this ~~act~~ title, and ~~such~~ the excess or additional coverage shall not be subject to the provisions of the Compulsory Insurance Law.

C. ~~Binders.~~ Any binder issued pending the issuance of a policy shall be deemed to fulfill the requirements for such a policy except as provided for in paragraph 2 of subsection A of Section 7-605 of this title.

SECTION 30. AMENDATORY Section 1, Chapter 322, O.S.L. 2006, as last amended by Section 2, Chapter 335, O.S.L. 2008 (47 O.S. Supp. 2008, Section 7-600.2), 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 ~~insurance~~ ~~or bond~~ 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 Oklahoma 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 ~~July~~ 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 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.

~~D. The Oklahoma Tourism and Recreation Department shall cooperate with the Department of Public Safety to assure any license plate designs which are created in consultation with their Department shall incorporate features which assist in the effective implementation of the on-line verification system.~~

SECTION 31. AMENDATORY 47 O.S. 2001, Section 7-601, is amended to read as follows:

Section 7-601. ~~A. Until January 1, 1983, every owner of a motor vehicle registered in this state, other than a licensed used motor vehicle dealer, shall, at all times, maintain in force with respect to such vehicle security for the payment of loss resulting from the liability imposed by law for bodily injury, death and property damage sustained by any person arising out of the ownership, maintenance, operation or use of the vehicle. As used herein, "security" means:~~

~~1. A policy or bond meeting the requirements of Section 7-204 of this title;~~

~~2. A deposit of cash or securities having the equivalency of limits required under Section 7 204 of this title as acceptable limits for a policy or bond; or~~

~~3. Self insurance, pursuant to the provisions of Section 7 503 of this title, having the equivalency of limits required under Section 7 204 of this title as acceptable limits for a policy or bond.~~

~~B. On and after January 1, 1983, every Every owner of a motor vehicle registered in this state, other than a licensed used motor vehicle dealer, shall, at all times, maintain in force with respect to such vehicle security for the payment of loss resulting from the liability imposed by law for bodily injury, death and property damage sustained by any person arising out of the ownership, maintenance, operation or use of the vehicle. Every person, while operating or using a motor vehicle registered in this state which is not owned by ~~such~~ the person, shall maintain in force security for the payment of loss resulting from the liability imposed by law for bodily injury, death or property damage sustained by any person arising out of the operation or use of the vehicle, unless ~~such~~ the security has been provided by the owner in accordance with this section which does not exclude ~~said~~ the person from coverage.~~

~~E. B. 1. On and after September 1, 1993, unless Unless otherwise provided by law, no motor vehicle shall be operated in this state unless there is in effect with respect to ~~such~~ the vehicle security for the payment of loss resulting from the liability imposed by law for bodily injury, death and property damage sustained by any person arising out of the ownership, maintenance, operation or use of the vehicle. Every person, while operating or using a motor vehicle in this state which is not owned by ~~such~~ the person, shall maintain in force security for the payment of loss resulting from the liability imposed by law for bodily injury, death or property damage sustained by any person arising out of the operation or use of the vehicle, unless ~~such~~ the security has been provided by the owner in accordance with this section which does not exclude ~~said~~ the person from coverage. Proof of ~~such~~ security shall be carried in the vehicle at all times and shall be produced for inspection upon request by any law enforcement officer or representative of the Department of Public Safety and, in case of~~

~~collision~~ an accident, ~~such~~ the proof shall be shown upon request of any person affected by the ~~collision~~ accident.

2. The nonresident owner of a motor vehicle not registered in this state may give proof of financial responsibility by providing proof of ~~compliance with the~~ financial responsibility which is in compliance with the laws of the state in which the vehicle is registered or by filing with the Department a certificate of an insurance company authorized to transact insurance in the state in which the vehicle is registered, or if ~~such~~ the nonresident does not own a motor vehicle, then in the state in which the insured resides, provided ~~such~~ the certificate otherwise conforms to the provisions of this article, and the Department shall accept the ~~same~~ certificate upon condition that ~~said~~ the insurance company complies with the following provisions with respect to the policy so certified:

- a. the insurance company shall execute a power of attorney authorizing the Department to accept service on its behalf or notice of process in any action arising out of a motor vehicle accident in this state, and
- b. the insurance company shall agree in writing that ~~such~~ its policies shall be deemed to conform with the laws of this state relating to the terms of motor vehicle liability policies issued in this state.

3. The provisions of this subsection shall apply to nonresident owners and operators of vehicles that are not registered in this state only if the state in which the vehicle is registered requires compulsory liability insurance. In ~~such~~ which cases, compliance with the requirements of the law of the state of registration shall be deemed compliance with the laws of this state.

SECTION 32. AMENDATORY 47 O.S. 2001, Section 7-601.1, is amended to read as follows:

Section 7-601.1 A. Every carrier, upon issuing an owner's policy, a renewal thereof, or a binder, shall supply a security verification form in duplicate to an owner for each insured vehicle on a form approved by the Insurance Commissioner.

1. The owner's security verification form shall contain the following minimum information:

- a. the name ~~and~~, address, and the five-digit National Association of Insurance Commissioners (NAIC) company code of the carrier,
- b. the name, ~~and~~ address, and telephone number of the agent or office where the existence of security may be verified, if other than the carrier,
- c. the name of the named insured; provided, the address of the named insured shall not be included,
- d. a notice that an owner's liability insurance policy has been issued pursuant to the Compulsory Insurance Law ~~of this state,~~
- e. the year of manufacture, make, model, and ~~at least the last three (3) digits of~~ the vehicle identification number of each insured motor vehicle,
- f. the inclusive dates the motor vehicle liability insurance is in effect, and
- g. the policy number, and
- h. a warning to the owner that state law:
 - (1) requires a current copy of the owner's security verification form must be surrendered to the motor license agent or other registering agency upon application or renewal for a motor vehicle license plate,
 - (2) requires the other copy of the owner's security verification form to be carried in the motor vehicle at all times, and produced by any driver of the vehicle upon request for inspection by any peace officer or representative of the Department of Public Safety. In case of a ~~collision~~ an

accident, the security verification form shall be shown upon request of any person affected by the ~~collision.~~ accident,

~~The security verification form shall not include the address of the named insured.~~

~~2. The owner's security verification form shall contain~~

- ~~i.~~ i. the following statement: "Examine policy exclusions carefully. This form does not constitute any part of your insurance policy."

~~3. 2.~~ When a carrier issues an owner's policy providing blanket liability coverage for a fleet of motor vehicles, the requirement for year of manufacture, make, model, and at least the last three ~~(3) digits of the vehicle identification number specified in subparagraph e of paragraph 1 of this subsection may be deleted.~~ The omitted, provided the security verification form shall bear the term "Fleet Coverage" and otherwise meet the provisions of ~~Section 7-600 et seq. of this title~~ the Compulsory Insurance Law.

~~4. 3.~~ In the event the effective dates within an owner's policy exceed one (1) year, the carrier shall furnish the owner a copy of the owner's security verification form at least annually in addition to the time of issuance or renewal in order for the owner to submit ~~such~~ the copy for motor vehicle registration purposes.

~~5. 4.~~ In the event an owner's policy also provides liability coverage which meets the requirements of an operator's policy, the carrier may also issue to each person entitled thereto an operator's security verification form as provided in this section.

B. Every carrier, upon issuing an operator's policy, a renewal thereof, or a binder, may issue to the insured person a written operator's security verification form of a size which may conveniently be carried upon the person, containing the following minimum information:

1. The name, and address of the carrier, and the five-digit National Association of Insurance Commissioners (NAIC) company code;

2. The name, ~~and~~ address, and telephone number of the person or office where an inquiry may be made to verify the existence of security;

3. The name of the named insured; provided, the address of the named insured shall not be included;

4. A notice that in accordance with the Compulsory Insurance Law ~~of this state~~, liability coverage has been issued for the named insured;

5. A statement reflecting the form may be carried in lieu of an owner's form pursuant to the Compulsory Insurance Law while operating a motor vehicle. ~~Such~~ The form shall be produced upon request of any peace officer or representative of the Department of Public Safety. In case of ~~a collision~~ an accident, the form shall be shown upon request of a person affected by ~~a collision~~ an accident with a vehicle operated by the insured; ~~and~~

6. The inclusive dates of liability coverage; and

7. The policy number.

C. A carrier may provide any additional information consistent with the Compulsory Insurance Law of this state in an owner's or operator's security verification form, but shall not be required to list the actual amounts of liability coverage thereon. The security verification form shall not constitute nor be construed as any part of an insurance policy, renewal or binder.

D. A carrier shall designate on the security verification form whether the policy is a commercial auto policy.

SECTION 33. AMENDATORY 47 O.S. 2001, Section 7-602, as last amended by Section 2, Chapter 322, O.S.L. 2006 (47 O.S. Supp. 2008, Section 7-602), is amended to read as follows:

Section 7-602. A. 1. The owner of a motor vehicle registered in this state shall carry in ~~such~~ the vehicle at all times a current owner's security verification form listing the vehicle or an equivalent form which has been issued by the Department of Public Safety and shall produce ~~such~~ the form upon request for inspection

by any law enforcement officer or representative of the Department and, in case of ~~a collision~~ an accident, the form shall be shown upon request to any person affected by the ~~collision~~ accident.

2. a. Every person registering a motor vehicle in this state, except a motor vehicle which is not being used upon the public highways or public streets, or a manufactured home while on a permanent foundation, at the time of registration of ~~such~~ the vehicle, shall certify the existence of security with respect to ~~such~~ the vehicle by surrendering to a motor license agent or other registering agency a current owner's security verification form from an insurance carrier authorized to do business in this state or an equivalent form issued by the Department of Public Safety. A motor license agent or other registering agency shall require the surrender of ~~such~~ the form prior to processing an application for registration or renewal.

b. Effective upon implementation of the online verification system for motor vehicle insurance ~~or bond~~ provided for in Section ~~4~~ 7-600.2 of this act ~~and~~ title, online verification shall replace the procedure provided for in subparagraph a of this paragraph and every motor license agent or other registering agency shall use the online verification system to certify the existence of security with respect to the vehicle from an insurance carrier authorized to do business in this state unless the online verification system is not online or the required information is otherwise not available. In such a case, the license agent or other registering agency may accept verification as provided in subparagraph a of this paragraph to certify the existence of the required insurance ~~or bond~~ prior to processing any application for motor vehicle registration.

3. Fleet vehicles operating under the authority of the Corporation Commission, the Federal Highway Administration, or vehicles registered pursuant to the provisions of Section 1120 of this title, shall certify the existence of security with respect to

~~such~~ each vehicle at the time of registration by submitting one of the following:

- a. a current owner's security verification form verifying the existence of security as required by ~~Section 7-600 et seq. of this title~~ the Compulsory Insurance Law, or
- b. a permit number verified by the Corporation Commission indicating the existence of a current liability insurance policy. Provided, in the event the Corporation Commission is unable to verify the existence of ~~such~~ insurance as provided herein in a prompt and timely fashion, the Corporation Commission may accept a current single state registration form issued by the Corporation Commission or any other regulating entity with which the Corporation Commission has entered into a reciprocal compact or agreement regarding the regulation of motor vehicles engaged in interstate or foreign commerce upon and over the public highways.

4. The following shall not be required to carry an owner's or operator's security verification form or an equivalent form from the Department of Public Safety during operation of the vehicle and shall not be required to surrender ~~such~~ a security verification form for vehicle registration purposes:

- a. any vehicle owned or leased by the federal or state government, or any agency or political subdivision thereof,
- b. any vehicle bearing the name, symbol, or logo of a business, corporation or utility on the exterior and which is in compliance with the provisions of ~~Sections 7-600 through 7-610 of this title~~ the Compulsory Insurance Law according to records of the Department of Public Safety Corporation Commission which reflect a deposit, ~~bond, self insurance,~~ or fleet policy,
- c. fleet vehicles maintaining current vehicle liability insurance as required by the Corporation Commission or any other regulating entity,

- d. any licensed taxicab, and
- e. any vehicle owned by a licensed used motor vehicle dealer.

5. Any person who knowingly issues or promulgates false or fraudulent information in connection with either an owner's or operator's security verification form or an equivalent form which has been issued by the Department of Public Safety shall be guilty of a misdemeanor and upon conviction shall be subject to a fine not exceeding Five Hundred Dollars (\$500.00), or imprisonment for not more than six (6) months, or by both such fine and imprisonment.

B. Each motor license agent is authorized to charge a fee of One Dollar and fifty cents (\$1.50) to each person to whom the agent issues a certificate of registration and who is required to surrender proof of financial responsibility, or for whom the motor license agent certifies the existence of financial responsibility through an authorized online certification system, pursuant to the provisions of ~~Sections 7-600 through 7-609 of this title~~ the Compulsory Insurance Law. The fee may be retained by the agent as compensation for ~~his~~ services in processing the proof of financial responsibility and for processing the ~~driver's~~ driver license information, insurance verification information, and other additional information furnished to the agent pursuant to Section 1112 of this title, if such agent does not receive the maximum compensation as authorized by law.

SECTION 34. AMENDATORY 47 O.S. 2001, Section 7-602.1, is amended to read as follows:

Section 7-602.1 Every operator of a motor vehicle registered in this state shall, while operating or using such vehicle, carry either an operator's or an owner's security verification form issued by a an insurance carrier or an equivalent form issued by the Department of Public Safety, reflecting liability coverage. An owner's security verification form issued to the owner of a motor vehicle may be used as an operator's security verification form by an operator who is not the owner of the motor vehicle, if ~~said~~ the operator is not excluded from coverage on the motor vehicle liability ~~insurance~~ policy for the vehicle. Any ~~such~~ exclusions

from ~~said~~ the policy shall be included on the owner's security verification form.

SECTION 35. AMENDATORY 47 O.S. 2001, Section 7-603, is amended to read as follows:

Section 7-603. A. From its own records, the Department of Public Safety may verify the existence of security made in the form of a deposit or of self-insurance for which a certification has been made to the Department.

B. ~~The Department may, either at the at any time of registration or at other intervals thereafter as it may determine, forward copies of certifications to insurance companies and surety companies, as the case may be, for verification of the verify, using the online verification system provided for in Section 7-600.2 of this title, the existence of security certified to in policies or bonds issued by such insurance companies. The companies thereafter and not later than thirty (30) days following receipt of such copies shall cause to be filed with the Department a written record of those certifications as respects which no policy or bond is applicable.~~

C. ~~Until July 1, 1991, the Department shall randomly verify the existence of security pursuant to the provisions of Section 7-603.1 of this title.~~

SECTION 36. AMENDATORY 47 O.S. 2001, Section 7-605, as amended by Section 4, Chapter 322, O.S.L. 2006 (47 O.S. Supp. 2008, Section 7-605), is amended to read as follows:

Section 7-605. A. 1. ~~Every owner of a motor vehicle who permits the operation of the motor vehicle in this state, and every person who operates a motor vehicle in this state without the security required by this title, and Whenever any person who receives a deferred sentence, forfeits a bond, fails to appear, or is convicted in any state or municipal court for permitting the operation in this state of a motor vehicle owned by the person without the security required by this title, for operating a motor vehicle in this state without the security required by this title, or for failure to carry a security verification form, the Department of Public Safety shall have his or her suspend the driving privilege~~

~~suspended and the registration of any motor vehicle not covered by security shall also be suspended of the person.~~

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

3. Any person whose driving privilege ~~or registration~~ has been suspended pursuant to the provisions of this subsection shall surrender to the Department his or her driver license and the ~~license plate of any motor vehicle registered in his or her name and not covered by security.~~ Any person failing to voluntarily relinquish his or her driver license ~~or license plate or plates~~ to the Department within thirty (30) days of receipt of the notice specified in paragraph 2 of this subsection shall pay a fee of Fifty Dollars (\$50.00) in addition to the fees provided for in Section 6-212 of this title.

4. If a person furnishes proof to the satisfaction of the Department that security was in effect at the time of the alleged offense, the Department shall vacate the suspension order and shall not require the filing of a certificate of insurance nor payment of either of the above fees.

B. 1. When suspending a ~~driver license or motor vehicle registration~~ the driving privilege for violation of the Compulsory Insurance Law, ~~Section 7-600 et seq. of this title,~~ or for violation of a municipal ordinance requiring security or the carrying of a security verification form, the Department may rely upon court records which indicate that a person was either convicted or failed to appear upon the charge when the record is obtained from any court of competent jurisdiction which indicates one of the following:

- a. ~~a charge and the imposition of a deferred sentence,~~
- b. ~~a conviction, or~~
- c.
- b. a notice of bond forfeiture;

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

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

- a. was issued in error, or
- b. was not related to a violation of:
 - (1) the Compulsory Insurance Law,
 - (2) a security verification form as required by ~~Chapter 7 of this title~~ article, or
 - (3) a municipal ordinance requiring security or the carrying of a security verification form.

C. If a nonresident's driving privilege ~~or registration~~ is suspended pursuant to subsection A of this section, the Department shall transmit ~~a certified copy of the record of such action notice of the suspension to the official or officials in charge of the issuance of licenses licensing agency and registration certificates~~ in the state in which the nonresident resides.

D. Whenever any person's driving privilege ~~and vehicle registration~~ has been suspended pursuant to this section or Section 7-612 of this title, the Department may notify any law enforcement officer of the suspension. Any law enforcement officer who has been notified that a person's driving privilege ~~and vehicle registration~~ have has been suspended, upon observing the person or motor vehicle anywhere upon a public street, highway, roadway, turnpike, or public

parking lot, shall stop the person or motor vehicle and seize the person's driver license and ~~license plate~~.

E. No person shall have a property interest in a driver license, ~~vehicle registration, or vehicle license plate~~ issued pursuant to the laws of this state and it shall be the duty of every person whose driving privilege ~~or motor vehicle registration~~ has been suspended to forthwith surrender ~~such~~ his or her driver license ~~or license plate or both~~ upon the request of any law enforcement officer or representative of the Department.

F. Any person upon a public street, highway, roadway, turnpike, or public parking lot, within this state, who willfully refuses to surrender possession of a driver license ~~or license plate~~ after being informed by a peace officer or representative of the Department that his or her driving privilege ~~or motor vehicle registration~~ is currently under suspension according to the records of the Department, shall be guilty of a misdemeanor, punishable ~~by imprisonment in the county jail for not more than ten (10) days or a fine not to exceed Five Hundred Dollars (\$500.00) or by both such fine and imprisonment~~ as provided in Section 17-101 of this title.

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

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

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

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

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

SECTION 37. AMENDATORY 47 O.S. 2001, Section 7-606, as amended by Section 6, Chapter 322, O.S.L. 2006 (47 O.S. Supp. 2008, Section 7-606), is amended to read as follows:

Section 7-606. A. 1. An owner or operator who fails to comply with the Compulsory Insurance Law ~~of this state~~, or who fails to produce for inspection a valid and current security verification form or equivalent form which has been issued by the Department of Public Safety upon request of any peace officer, representative of the Department of Public Safety or other authorized person, shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than Two Hundred Fifty Dollars (\$250.00), or imprisonment for not more than thirty (30) days, or by both such fine and imprisonment, and in addition thereto, shall be subject to suspension of ~~license and registration~~ the driving privilege of the person in accordance with Section 7-605 of this title.

2. An owner other than an owner of an antique or a classic automobile as defined by the Oklahoma Tax Commission who files an affidavit that a vehicle shall not be driven upon the public highways or public streets, pursuant to Section 7-607 of this title, who drives or permits the driving of the vehicle upon the public highways or public streets, shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than Five Hundred Dollars (\$500.00), or imprisonment for not more than thirty (30) days, or by both such fine and imprisonment, and in addition thereto, shall be subject to suspension of ~~license and registration~~ the driving privilege of the person in accordance with Section 7-605 of this title.

B. A sentence imposed for any violation of ~~Section 7-600 et seq. of this title~~ the Compulsory Insurance Law may be suspended or deferred in whole or in part by the court.

C. Any person producing proof in court that a current security verification form or equivalent form which has been issued by the Department of Public Safety reflecting liability coverage for ~~such~~ the person was in force at the time of the alleged offense shall be entitled to dismissal of ~~such~~ the charge upon payment of court costs; however, if proof of security verification is presented to the court by the assigned court appearance date, the charge shall be dismissed without payment of court costs.

D. Upon conviction, bond forfeiture or deferral of sentence, the court clerk shall forward an abstract to the Department of Public Safety within ten (10) days reflecting the action taken by the court.

SECTION 38. AMENDATORY 47 O.S. 2001, Section 7-607, is amended to read as follows:

Section 7-607. A. Every owner of a motor vehicle which is not used upon the public highways or public streets shall be exempt from the provisions of ~~Sections 7-600 through 7-606 of this title~~ the Compulsory Insurance Law if the owner of ~~such~~ the vehicle has filed an affidavit with the appropriate motor license agent which states that the vehicle shall not be driven upon the public highways or public streets during the uninsured period.

The form of the affidavit shall be prescribed by the Oklahoma Tax Commission and shall contain blanks for the owner to specify the length of time the vehicle shall not be driven upon the public highways or public streets, the reason the vehicle shall not be driven, and any other information deemed necessary by the Tax Commission.

B. The owner or transporter of a manufactured home, as defined by Section 1102 of this title, who is moving or transporting such manufactured home on state roads or federal highways shall comply with the provisions of ~~Sections 7-600 through 7-606 of this title~~ the Compulsory Insurance Law.

C. Any person, firm or corporation engaged in the business of operating a taxicab or taxicabs shall be exempt from the provisions of ~~Sections 7-600 through 7-606 of this title~~ the Compulsory Insurance Law if the person, firm or corporation has complied with the provisions of Section 8-104 of this title.

SECTION 39. AMENDATORY Section 5, Chapter 322, O.S.L. 2006, as amended by Section 15, Chapter 326, O.S.L. 2007 (47 O.S. Supp. 2008, Section 7-612), is amended to read as follows:

Section 7-612. A. It is a misdemeanor for any person:

1. To purchase a security verification form which bears altered or fictitious information concerning the existence of security required by the Compulsory Insurance Law;

2. To display or cause or permit to be displayed or to possess a security verification form which the person knows bears altered or fictitious information concerning the existence of security required by the Compulsory Insurance Law; or

3. To display or cause or permit to be displayed or to possess any security verification form that is counterfeit.

B. It is a felony for anyone, other than an ~~insurance carrier~~ insurer or insurance producer as defined by Section 1435.2 of Title 36 of the Oklahoma Statutes, to:

1. Create or otherwise manufacture a security verification form or facsimile thereof, or to create, manufacture or possess an engraved plate or other such device for the printing of security verification forms; or

2. Issue or sell security verification forms.

C. 1. The violation of any of the provisions of subsection A of this section shall constitute a misdemeanor punishable by a fine of not less than Twenty-five Dollars (\$25.00), nor more than Two Hundred Fifty Dollars (\$250.00) and by mandatory suspension of the person's driving privilege ~~and vehicle registration~~ for:

- a. two (2) months, for a first offense,
- b. six (6) months, for a second offense, or
- c. one (1) year, for a third or subsequent offense.

The suspension imposed under this subsection shall not be modified.

2. The violation of any of the provisions of subsection B of this section shall constitute a felony punishable by a fine not exceeding Ten Thousand Dollars (\$10,000.00) or a term of imprisonment in the custody of the Department of Corrections not to exceed seven (7) years, or by both such fine and imprisonment.

D. The suspension required in subsection C of this section shall remain in effect until payment is made of the fees provided for in Section 6-212 of this title and proof of security is furnished to the Department of Public Safety which complies with the requirements of Section 7-601 of this title. Suspension under this section shall be effective when notice is given pursuant to Section 2-116 of this title.

E. Any person whose driving privilege and ~~registration have~~ has been suspended pursuant to the provisions of subsection C of this section shall surrender to the Department his or her driver license and ~~the license plate of any motor vehicle registered in his or her name and not covered by security~~ within thirty (30) days from the date of the suspension. Any owner failing to surrender his or her driver license ~~or license plate or plates~~ to the Department within such time shall pay a fee of Fifty Dollars (\$50.00) which shall be in addition to the fees provided for in Section 6-212 of this title.

SECTION 40. RECODIFICATION 47 O.S. 2001, Section 7-501 shall be recodified as Section 996.1 of Title 36 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 41. REPEALER 47 O.S. 2001, Sections 7-301, 7-302, as amended by Section 4, Chapter 394, O.S.L. 2005, 7-303, 7-304, 7-305, 7-306, 7-307, 7-321, 7-322, 7-323, 7-325, 7-326, 7-332, 7-334, 7-608, as amended by Section 7, Chapter 322, O.S.L. 2006 and 7-609, as last amended by Section 8, Chapter 322, O.S.L. 2006 (47

O.S. Supp. 2008, Sections 7-302, 7-608 and 7-609) are hereby repealed.

SECTION 42. This act shall become effective November 1, 2009.

Passed the Senate the 9th day of March, 2009.

Randy Broyles
Presiding Officer of the Senate

Passed the House of Representatives the 8th day of April, 2009.

Walter D. White
Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Governor this 13th
day of April, 2009,
at 4:30 o'clock P M.

By: [Signature]

Approved by the Governor of the State of Oklahoma the 17th day of
April, 2009, at 3:27 o'clock P M.

[Signature]
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this
17th day of April, 2009,
at 4:05 o'clock P M.

By: M. Susan Savage