

1 **SENATE FLOOR VERSION**

2 February 9, 2023

3 SENATE BILL NO. 491

By: Paxton

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6 An Act relating to compulsory vehicle insurance;
7 amending 47 O.S. 2021, Section 7-606.2, which relates
8 to the Uninsured Vehicle Enforcement Diversion
Program; requiring certain notification; and
providing an effective date.

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

12 SECTION 1. AMENDATORY 47 O.S. 2021, Section 7-606.2, is
13 amended to read as follows:

14 Section 7-606.2. A. Each district attorney may create within
15 the district attorney's office an Uninsured Vehicle Enforcement
16 Diversion Program and assign sufficient staff and resources for the
17 efficient operation of the program. The purpose of the Uninsured
18 Vehicle Enforcement Diversion Program is to authorize the district
19 attorney to divert complaints involving the failure to comply with
20 mandatory vehicle liability insurance coverage from criminal court
21 to the Uninsured Vehicle Enforcement Diversion Program and to
22 enhance public safety and security through increased compliance with
23 mandatory vehicle liability insurance coverage.

1 B. 1. Referral of a criminal complaint to the Uninsured
2 Vehicle Enforcement Diversion Program shall be at the discretion of
3 the district attorney. This act shall not limit the power of the
4 district attorney to prosecute Compulsory Insurance Law complaints.

5 2. Upon receipt of a complaint for failure to comply with the
6 Compulsory Insurance Law, the district attorney shall determine if
7 the complaint is one which is appropriate for deferred prosecution.

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

- 11 a. whether the criminal complaint alleges an offense
12 involving the failure to maintain required vehicle
13 liability insurance coverage,
- 14 b. whether it is in the best interest of the accused for
15 the accused person to be processed through deferred
16 prosecution in the Uninsured Vehicle Enforcement
17 Diversion Program,
- 18 c. the prospects for adequate protection of the public if
19 the accused person is processed through deferred
20 prosecution in the Uninsured Vehicle Enforcement
21 Diversion Program,
- 22 d. the number of criminal complaints against the
23 defendant previously received by the district
24 attorney,

- 1 e. whether or not there are other criminal complaints
2 currently pending against the defendant, and
3 f. the strength of the evidence of the particular
4 criminal complaint.

5 C. Upon referral of a complaint to the Uninsured Vehicle
6 Enforcement Diversion Program, a notice of the complaint shall be
7 forwarded by mail to the last known address of the record owner of
8 the vehicle. The notice shall contain:

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

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

13 3. A statement that the records of the State of Oklahoma
14 indicate that the owner of the vehicle is not in compliance with the
15 provisions of the Compulsory Vehicle Insurance Law and that the
16 complaint against the owner has been referred to the Uninsured
17 Vehicle Enforcement Diversion Program; and

18 4. The date before which the owner must contact the office of
19 the district attorney concerning the complaint.

20 D. If the owner fails to comply with the letter, the district
21 attorney may file the information and proceed with the prosecution
22 of the owner as provided by law.

23 E. If a complaint is closed or dismissed through proof of
24 compulsory vehicle insurance or otherwise, a notice of closure or

1 dismissal shall be forwarded to the last known address of the record
2 owner of the vehicle.

3 F. The district attorney may enter into a written agreement
4 with the owner pursuant to the provisions of Sections 305.1 through
5 305.6 of Title 22 of the Oklahoma Statutes to defer prosecution on
6 the complaint for a period to be determined by the district
7 attorney, not to exceed two (2) years. The conditions of an
8 agreement to defer prosecution shall include:

9 1. The owner shall provide verification of current insurance
10 upon request of the district attorney;

11 2. The owner shall comply with the provisions of the Compulsory
12 Insurance Law for the full term of the agreement; and

13 3. The owner shall not own or operate any vehicle in violation
14 of the Compulsory Insurance Law during the full term of the
15 agreement.

16 ~~F.~~ G. Each diversion agreement shall include a provision
17 requiring the owner to pay to the district attorney's office or
18 District Attorneys Council a fee equal to the amount which would
19 have been assessed as court costs upon the filing of the case in
20 district court pursuant to the provisions of Section 153 of Title 28
21 of the Oklahoma Statutes. This fee shall be deposited in a special
22 district attorney fund with the county treasurer to be known as the
23 "Uninsured Vehicle Enforcement Diversion Program Fund". Diversion
24 fees paid to the District Attorneys Council shall be deposited in a

1 special fund to be known as the "Uninsured Vehicle Enforcement
2 Diversion Program Fund".

3 1. Each diversion agreement shall also include a provision
4 requiring the owner to pay an additional fee of Twenty Dollars
5 (\$20.00) to the District Attorneys Council, of which Five Dollars
6 (\$5.00) will be used in processing the payment, Ten Dollars (\$10.00)
7 will be used in operating and maintaining the Compulsory Insurance
8 Verification System and Five Dollars (\$5.00) will be deposited in
9 the Oklahoma Pension Improvement Revolving Fund created by section 2
10 of Enrolled Senate Bill No. 1128 of the 2nd Session of the 55th
11 Oklahoma Legislature.

12 2. The monies deposited in the Uninsured Vehicle Enforcement
13 Diversion Program Fund of a district attorney or the District
14 Attorneys Council shall be used by the district attorney and
15 District Attorneys Council to pay for all expenses and costs of
16 equipping, operating and monitoring the vehicle insurance program,
17 including but not limited to, contractual payments to third-party
18 entities providing essential services and/or equipment for detection
19 of violations of Compulsory Insurance Law, and payment of reasonable
20 compensation to authorized and participating law enforcement
21 agencies as may be agreed between such entities, law enforcement
22 agencies and the district attorney or District Attorneys Council.

23 3. Proceeds from the Uninsured Vehicle Enforcement Diversion
24 Program administered by the District Attorneys Council may be used

1 to pay for any lawful expenditures associated with the operation of
2 the diversion program by the District Attorneys Council. The net
3 proceeds shall be allocated and distributed to the district
4 attorneys by the District Attorneys Council. District attorneys may
5 use proceeds from this diversion program to pay for any lawful
6 expenditure associated with the operation of the district attorney's
7 office.

8 4. The district attorney and District Attorneys Council shall
9 keep records of all monies deposited to and disbursed from the
10 Uninsured Vehicle Enforcement Diversion Program Fund. The records
11 of these funds shall be audited at the same time the records of the
12 district attorney and District Attorneys Council, respectively, are
13 audited.

14 5. If the owner furnishes proof to the satisfaction of the
15 district attorney's office or District Attorneys Council that the
16 required vehicle liability insurance coverage was in effect at the
17 time of the alleged violation, no fee shall be required.

18 ~~G.~~ H. Members of the district attorney's staff shall perform
19 duties in connection with the Uninsured Vehicle Enforcement
20 Diversion Program in addition to any other duties which may be
21 assigned by the district attorney.

22 ~~H.~~ I. District attorneys shall prepare and submit an annual
23 report to the District Attorneys Council showing total deposits and
24 total expenditures in the Uninsured Vehicle Enforcement Diversion

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

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

15 SECTION 2. This act shall become effective November 1, 2023.

16 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
17 February 9, 2023 - DO PASS

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