

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 SENATE BILL 679

By: Pederson

4
5 AS INTRODUCED

6 An Act relating to compulsory liability insurance;
7 amending 47 O.S. 2021, Section 7-606, which relates
8 to failure to maintain insurance; providing statutory
9 authority for probable cause; and providing an
effective date.

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

11 SECTION 1. AMENDATORY 47 O.S. 2021, Section 7-606, is
12 amended to read as follows:

13 Section 7-606. A. 1. An owner or operator who fails to comply
14 with the Compulsory Insurance Law shall be guilty of a misdemeanor
15 and upon conviction shall be subject to a fine of not more than Two
16 Hundred Fifty Dollars (\$250.00), or imprisonment for not more than
17 thirty (30) days, or by both such fine and imprisonment and, in
18 addition thereto, shall be subject to suspension of the driving
19 privilege of the person in accordance with Section 7-605 of this
20 title; provided, that if a requesting law enforcement officer
21 verifies valid and current security and compliance with the
22 Compulsory Insurance Law through the online verification system,
23 there shall be no violation of the Compulsory Insurance Law and no
24

1 citation shall be issued. Upon issuing a citation under this
2 paragraph, the law enforcement officer issuing the citation may:

3 a. seize the vehicle being operated by the person and
4 cause the vehicle to be towed and stored as provided
5 by subsection A of Section 955 of this title, if the
6 officer has probable cause to believe that the vehicle
7 is not insured as required by the Compulsory Insurance
8 Law of this state, or

9 b. seize the license plate of the vehicle and issue the
10 citation to the vehicle operator, provided that the
11 vehicle is in a drivable condition at the time of
12 issuing the citation. A copy of the citation retained
13 by the owner or operator of the vehicle shall serve as
14 the temporary license plate of the vehicle for up to
15 ten (10) calendar days after the issuance of the
16 citation. After ten (10) calendar days, the vehicle
17 shall not be used until the vehicle operator or owner
18 completes the requirements to retrieve the license
19 plate.

20 (1) After the issuance of the citation, and if the
21 charges are to be filed in district court, the
22 law enforcement agency issuing the citation
23 shall, within three (3) days, deposit the license
24 plate and deliver a copy of the citation to the

1 county sheriff's office of the county where the
2 violation has occurred. If the charges are to be
3 filed in municipal court, the law enforcement
4 agency issuing the citation may deposit the
5 license plate within their own agency. The
6 county sheriff's office or municipal police
7 department that is storing the license plate
8 shall provide the plan administrator with the
9 seized license plate number by entering the
10 required information into the statewide database
11 maintained by the plan administrator. The plan
12 administrator shall maintain a database including
13 all seized license plates and shall submit such
14 information to the Oklahoma Tax Commission.

- 15 (2) The vehicle owner or operator may retrieve the
16 license plate from the county sheriff's office or
17 municipal police department upon providing
18 verification of compliance with the Compulsory
19 Insurance Law, payment in full of an
20 administrative fee of One Hundred Twenty-five
21 Dollars (\$125.00) to the county sheriff's office
22 or municipal police department and payment in
23 full of the citation to the court clerk. The
24 county sheriff's office or municipal police

1 department shall transfer the administrative fee
2 to the Plan Administrator. The Plan
3 Administrator shall notify the Oklahoma Tax
4 Commission that the vehicle owner or operator is
5 in compliance with this division and shall
6 distribute the administrative fee as follows:

7 (a) Twenty Dollars (\$20.00) of the fee shall be
8 distributed to the county sheriff's office
9 or municipal police department that stored
10 the seized license plate to defray any
11 expenses involved in the storage of the
12 license plate,

13 (b) Seventy Dollars (\$70.00) of the fee shall be
14 transferred to the law enforcement agency
15 which issued the citation and may be used
16 for any lawful purpose,

17 (c) Twenty-five Dollars (\$25.00) of the fee
18 shall be transferred to the Temporary
19 Insurance Premium Pool,

20 (d) the Plan Administrator shall retain Ten
21 Dollars (\$10.00) of the fee, and

22 (e) if, by the end of the second business day
23 immediately following the date of citation,
24 a person produces proof to the law

1 enforcement agency that issued the citation
2 and is storing the seized license plate that
3 a current security verification form or
4 equivalent form which has been issued by the
5 Department of Public Safety reflecting
6 liability coverage for the person was in
7 force at the time of the alleged offense,
8 the person shall not be required to pay the
9 administrative fee required by this
10 division. If no such proof is presented
11 within that time, the person shall pay the
12 full administrative fee required by this
13 division, regardless of whether the person
14 had minimum auto liability insurance
15 coverage at the time of citation.

- 16 (3) The county sheriff's office or municipal police
17 department may dispose of any unclaimed license
18 plate after ninety (90) days according to
19 applicable state law. After the license plate
20 has been disposed of by the county sheriff's
21 office or municipal police department, the
22 operator or owner shall be required to obtain a
23 new license plate pursuant to all existing
24 requirements.

1 If the operator of the vehicle produces what appears to be a valid
2 security verification form and the officer is unable to confirm
3 compliance through the online verification system or noncompliance
4 by a subsequent investigation, the officer shall be prohibited from
5 seizing the license plate or seizing the vehicle and causing such
6 vehicle to be towed and stored. Further, no vehicle shall be seized
7 and towed under the provisions of this paragraph if the vehicle is
8 displaying a temporary license plate that has not expired pursuant
9 to the provisions of Sections 1137.1 and 1137.3 of this title.

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

22 B. A sentence imposed for any violation of the Compulsory
23 Insurance Law may be suspended or deferred in whole or in part by
24 the court.

1 C. Any person producing proof in court that a current security
2 verification form or equivalent form which has been issued by the
3 Department of Public Safety reflecting liability coverage for the
4 person was in force at the time of the alleged offense shall be
5 entitled to dismissal of the charge. If proof of security
6 verification is presented to the court by no later than the business
7 day preceding the first scheduled court appearance date, the
8 dismissal shall be without payment of court costs. The court may
9 access information from the online verification system to confirm
10 liability coverage. The court shall not dismiss the fine unless
11 proof that liability coverage for the person was in force at the
12 time of the alleged offense is presented to the court.

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

16 E. For purposes of this section, "court" means any court in
17 this state.

18 F. Failure of an owner or operator to comply with this section
19 shall grant a law enforcement officer probable cause to initiate a
20 traffic stop.

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

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