

ORDINANCE NO. 17-31

AN ORDINANCE PERTAINING TO OFFENSES AND CRIMES AMENDING SECTION 23-1-103, ARTICLE 23-1, CHAPTER 23, LAWTON CITY CODE, 2015, TO ALLOW FOR THE UTILIZATION OF THE ONLINE INSURANCE VERIFICATION SYSTEM AND SECURITY VERIFICATION FORMS IN AN ELECTRONIC FORMAT AS RECENTLY AMENDED IN STATE LAW, PROVIDING FOR SEVERABILITY, CODIFICATION, AND ESTABLISHING AN EFFECTIVE DATE.

ORDINANCE

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lawton, Oklahoma, that:

Section 1. Section 23-1-103 is hereby amended to read as follows:

23-1-103 – Security Verification Form.

23-1-103 - Security verification form.

- A. The owner of a motor vehicle operated in this state shall carry in such 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 form upon request for inspection by any law enforcement officer or representative of the Department of Public Safety, and, in the case of collision, the form shall be shown upon request to any person affected by such collision. If an operator fails to produce a valid security verification form when requested the requesting officer shall attempt to verify compliance via the online verification system. If a requesting law enforcement officer verifies valid and current security and compliance with the Compulsory Insurance Law through the online verification system, there shall be no violation of this section and no citation shall be issued.
- B. 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:
1. Any vehicle owned or leased by the federal or state government, or any agency or political subdivision thereof;
Any vehicle bearing the name, symbol or logo of a business, corporation or utility on the exterior, and which is in compliance with provisions of Sections 7-600 through 7-610 of Title 47 of the Oklahoma Statutes, according to the records of the State Department of Public Safety which reflect a deposit, bond, self-insurance, or fleet policy;
 3. Any vehicle authorized for operation pursuant to a permit number issued by the Interstate Commerce Commission or the Oklahoma Corporation Commission;
 4. Any licensed taxicab; and
 5. Any vehicle owned by a licensed motor vehicle dealer.
 6. Any non-resident owners and operators of vehicles that are not registered in this state only if the state in which the vehicle is registered does not have compulsory vehicle liability insurance requirements.
- C. For the purpose of this section, the following terms shall have the meanings respectively ascribed to them in this section:
1. "Owner's policy" means an owner's policy of 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 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 Title 47 of the Oklahoma Statutes;

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

3. "Security" means:

- a. A policy or bond meeting the requirements of Section 7-204 of Title 47 of the Oklahoma Statutes;
- b. A deposit of cash or securities having the equivalency of limits required under Section 7-204 of Title 47 of the Oklahoma Statutes as acceptable limits for a policy or bond; or
- c. Self-insurance, pursuant to the provisions of Section 7-503 of Title 47 of the Oklahoma Statutes, having the equivalency of limits required under Section 7-204 of Title 47 of the Oklahoma Statutes as acceptable limits for a policy or bond;

4. "Compulsory Insurance Law" means the law requiring liability insurance in conjunction with the operation of a motor vehicle in this state as found in Article VI, Chapter 7, and Section 7-606 of Title 47 of the Oklahoma Statutes; and

5. "Security verification form" means a form, approved by the Oklahoma Insurance Department ~~State Board for Property and Casualty Rates~~, verifying the existence of security required by the Compulsory Insurance Law of the State of Oklahoma.

D. Every operator of a motor vehicle registered in this state, shall while operating or using such vehicle within the city's boundaries, carry either an operator's or an owner's security verification form issued by a carrier, providing the operator is not excluded from coverage thereon; or an equivalent form issued by the State Department of Public Safety, reflecting liability coverage.

E. An owner or operator whose current and valid security cannot be verified through the online verification system and who also 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 or an insurance carrier upon request of any peace officer may be issued a citation ~~shall be guilty of a misdemeanor~~ and upon conviction shall be subject to a fine as provided in Section 1-119 of this code and court costs.

F. A sentence imposed for any violation of this section may be suspended or deferred in whole or in part by the court.

G. 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 the person was in force at the time of the alleged offense shall be entitled to dismissal of such charge. If proof of security verification is presented to the court by no later than the business day preceding the first scheduled court appearance date, the dismissal shall be without payment of court costs. The court may access information from the online verification system to confirm liability coverage. The court shall not dismiss the fine unless proof that liability coverage for the person was in force at the time of the alleged offense is presented to the court.

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

(99-16, Amended, 02/23/1999; 98-11, Amended, 04/28/1998)

(Ord. No. 11-50, § 1, 10-25-2011)

State Law reference— Similar provisions, 47 O. S. Secs. 7-601 et seq.; See also Oklahoma Insurance Department Bulletin No. PC 2013-10

Section 2. Codification. This Section 23-1-103 shall be codified in Article 23-1, Chapter 23, Lawton City Code, 2015.

Section 3. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

Section 4. Effective Date. The provisions of this ordinance shall become effective thirty (30) days after the date of passage of the ordinance.

ADOPTED and APPROVED by the Council of the City of Lawton, Oklahoma this 14th day of November, 2017.

FRED L. FITCH, MAYOR

ATTEST:

TRACI L. HUSHBECK, CITY CLERK

APPROVED as to form and legality this _____ day of November, 2017.

FRANK V. JENSEN, CITY ATTORNEY