

Some legislative efforts that might be of interest.....

Governor Signs Bill to Impound Uninsured Vehicles

OKLAHOMA CITY – Under legislation recently signed into law by the governor, law enforcement agencies will be able to impound vehicles driven by uninsured drivers.

“I am proud to see this legislation become law. It will get uninsured motorists off the road so that those motorists who do obey the law will have one less thing to worry about,” said Martin (R-Nowata, Washington, Osage Counties). “I am constantly told by the voters in my district that they are fed up with this problem.”

House Bill 2331, by Martin, takes advantage of a recently activated instant-verification system available to law enforcement officers. The system allows officers to immediately determine if vehicles are covered by qualifying liability insurance.

“Now law enforcement officers can instantly determine if a car is insured by entering the license tag number into an onboard computer or by having that done by a dispatcher,” Martin said.

Under House Bill 2331, if a car is uninsured, it could be seized immediately by the officer and towed to an impoundment lot until the owner of the vehicle can produce proof of ownership, proof of insurance, and a valid driver’s license. Upon paying for the tow and any storage, the vehicle can be redeemed.

The instant verification system, ordered by an act of the state Legislature in 2006, has been created through cooperation of the insurance industry and the State of Oklahoma. It is now fully operational and has been available to law enforcement for several months. Up to this time, however, law enforcement has had no power to seize an uninsured vehicle or to use results of the instant verification system as a primary cause to stop a vehicle. Law enforcement would have both of these tools available when the law goes into effect on November 1, 2010.

“It has been estimated that one in four cars on Oklahoma roads has no liability insurance in spite of our mandatory insurance law,” Martin said. “My hope is that this new law will reduce the number of victims of these uninsured motorists.”

More.....

Methamphetamine

Expanding duties of landlords, **HB 3021** requires landlords to notify prospective tenants if a rental unit or any part of the premises was used in the production of methamphetamine. The measure includes an exception to this requirement if the landlord has assessed the level of contamination and it is determined that the level of contamination does not exceed 1/10 of one microgram per 100 square centimeters of surface material within the dwelling unit.

The Methamphetamine Offender Registry Act is created by ***HB 3380**. The bill allows the Oklahoma Bureau of Narcotics and Dangerous Drugs Control to create a registry of persons who have been convicted of possession of methamphetamine or any of the precursors with intent to manufacture methamphetamine. Any person subject to registration is prohibited from purchasing, possessing, or having control of any Schedule V compound containing any detectable quantity of pseudoephedrine. Violation is a felony subject to not less than two nor more than ten years imprisonment and a fine of not more than \$5,000. The registry is to be made available to registrants who sell pseudoephedrine-related products, the courts and law enforcement agencies. Persons subject to registration are to remain on the registry for ten years.

Pets

The Legislature enacted **SB 1712** which creates the Commercial Pet Breeders Act to be administered by the newly created Board of Commercial Pet Breeders under the authority of the State Board of Veterinary Medical Examiners. The Board is charged with enforcing the act, including license procedures, training and qualifications for inspectors, standards of care of animals, and procedures for sale of animals. Those procedures include that a health certificate from a licensed veterinarian must accompany each sale and prohibition of marketing in retail, public, or private parking lots. The measure creates the Commercial Pet Breeders Enforcement Fund, consisting of fees, fines, and penalties collected under the act to be used for enforcement of the act.

The Board is required to maintain a website listing the commercial pet breeders licensed in Oklahoma and those commercial pet breeders whose licenses have been denied or revoked. Commercial breeders are defined as any entity that has eleven or more female animals for breeding dogs or cats for sale. The Board is required to annually inspect each facility of licensed breeders.

Smoking

The Legislature took steps to encourage restaurants in Oklahoma to go completely smoke free by passing **HB 2774**. The bill establishes the Clean Air in Restaurants Act and authorizes the OSDH to implement a rebate program to reimburse restaurant owners for expenses they incurred in constructing a smoking room prior to November 1, 2010, if the restaurant converts to a completely smoke-free environment no later than January 1, 2013. The amount of the rebate would be equal to 50 percent of the original cost of the smoking room minus depreciation costs.

Children and Families

***HB 1964** is intended to provide assistance to grandparents who are caring for grandchildren by authorizing the court to grant a qualified relative custody of a child who has been abandoned in the care of the qualified relative. The bill also provides that the caregivers have the same rights to arrange for and consent to services that are necessary to provide for the care, treatment, education, and welfare of the child.

Given the fact that substance abuse is a problem in many of the families that come to the attention of child welfare officials, **HB 1741** authorizes district courts to establish a family drug court to treat families and children who the courts have ruled are deprived, in cases where the parent has a substance abuse disorder. The bill requires that a family drug court assessment be made of the deprived child and his or her family to determine the elements of the treatment plan that the parent or parents will be required to comply with if admitted to the program and directs that the judge require the family to demonstrate support for participation in the program.

Children with Disabilities

***HB 3393** provides another option to parents of children with special needs by establishing the Lindsey Nichole Henry Scholarships for Students with Disabilities Program. The purpose is to provide a scholarship to a private school of choice for students with disabilities who have had an individualized education program developed in accordance with the Individuals with Disabilities Education Act. The measure establishes criteria that must be met by the student and his or her parents and for private schools that wish to participate in the program and provides a formula for the calculation of the amount of the scholarship.

Public Safety

Numerous measures were enacted this session to improve public safety. Drunk driving prevention and the creation of a methamphetamine registry were of great importance. Measures dealing with distracted driving and cell phone use were also addressed.

In an attempt to have an impact on reducing repeat DUI offenders, **HB 3240** creates the Aaron Gillming Act which requires persons convicted of a municipal ordinance relating to driving under the influence of alcohol or other intoxicating substance to participate in an alcohol and drug substance abuse evaluation and assessment program. Currently, the first municipal conviction is not reported to the state, and, therefore, the offender is not required to participate in alcohol assessment and treatment. Offenders will be required to follow the recommendations of the evaluation and assessment and will not have their driving privileges reinstated by the Department of Public Safety until completion of the treatment recommendations.

Cell Phones

Several measures were adopted impacting the use of cell phones or other hand-held devices and distracted driving. ***SB 1908** prohibits persons who have a learner permit or intermediate Class D license from using a hand-held device while driving. The bill also restricts persons with a learner permit to driving only between the hours of 5 a.m. and 10 p.m. Another measure, **HB 2276**, allows a law enforcement officer to issue a citation for distracted driving if the officer observes an operator of a vehicle driving in a manner that poses a danger to other persons on the roadway. A related bill, **HB 2957**, prohibits public transit drivers from using a cellular phone or electronic communication device to write, send, or read a text-based communication while the vehicle is in motion.

***HB 2359** requires retailers and vendors making sales of tangible personal property from a place of business outside the state to provide notification on its retail website or catalog and invoices provided to its customers that use tax is imposed and must be paid by the purchaser, unless otherwise exempt, on the storage and use of the property in the state. To encourage voluntary registration, collection and remittance of owed use taxes, the measure authorizes the Oklahoma Tax Commission (OTC) to establish a Retailer Compliance Initiative for out-of-state retailers and an outreach program to internet retailers. The OTC is also authorized to create Consumer Compliance Initiative to get taxpayers to voluntarily disclose and make payments due without fear of penalty for those who file delinquent tax returns and pay due taxes during the initiative.

***HB 2772** creates the Oklahoma Appraisal Management Company Regulation Act. In order to protect lenders, financial institutions, clients, consumers, and the public, the act creates a process for real estate appraisal management company (AMC) registration and regulation for those entities engaging in real estate appraisal management services in Oklahoma.