

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

COMMITTEE SUBSTITUTE

FOR HOUSE BILL NO. 2339

By: Rhoads (Karroll)

COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; amending 47 O.S. 1991, Section 6-117, as last amended by Section 53, Chapter 243, O.S.L. 1993 (47 O.S. Supp. 1993, Section 6-117), which relates to Department of Public Safety records; modifying the contents of the Department of Public Safety Revolving Fund; directing use of portion of monies in the Department of Public Safety Revolving Fund; amending 47 O.S. 1991, Sections 856.5 and 858, which relate to vehicle inspections; clarifying disposition and use of certain monies; modifying vehicle inspection compensation structure for inspection stations; directing certain portions of monies collected be deposited in the Department of Public Safety Revolving Fund; expressing legislative intent to use certain monies for Department of Public Safety salaries, equipment purchases and maintenance; modifying monetary charge for inspection sticker; providing for inspection sticker distribution and price; requiring certain report by the Department of Public Safety; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 6-117, as last amended by Section 53, Chapter 243, O.S.L. 1993 (47 O.S. Supp. 1993, Section 6-117), is amended to read as follows:

Section 6-117. (a) The Department of Public Safety shall file every application for a license received by it and shall maintain suitable indexes containing, in alphabetical order:

1. All applications denied and on each thereof note the reasons for such denial; and
2. All applications granted; and
3. The name of every licensee whose license has been suspended or revoked by the Department and after each such name note the reasons for such action. Any notation of suspension of a

license for reason of nonpayment of a fine shall be removed from the record after the licensee has paid the fine and has had his license reinstated.

(b) The Department shall also file all accident reports and abstracts of court records of convictions received by it pursuant to the laws of this state and maintain convenient records of such records and reports or make suitable notations in order that an individual record of each licensee showing the convictions of such licensee and the traffic accidents in which he has been involved shall be readily ascertainable and available for the consideration of the Department of Public Safety upon any application for license or renewal of license and at other suitable times. Any abstract, index or other entry relating to a driving record according to the licensing authority in another state or a province of Canada may be posted upon the driving record of any resident of this state when notice thereof is received by documentation or by electronic transmission. The individual record of each licensee shall not include any accident reports and abstracts of court records involving an accident in which the individual licensee was not issued a citation or if a citation is issued and said licensee was not convicted.

(c) The Commissioner may cause any or all records kept by the Department of Public Safety to be photographed, microphotographed, photostated, or reproduced on film. Such film or reproducing material shall be of durable material and the device used to reproduce such records on such film or material shall be such as to accurately reproduce and perpetuate the original records in all detail.

(d) Such photostatic copy, photograph, microphotograph, or photographic film of the original records shall be deemed to be an original record for all purposes, and shall be admissible in evidence in all courts or administrative agencies. A facsimile, exemplification, or certified copy thereof shall be deemed to be a transcript, exemplification, or certified copy of the original.

(e) If such photostatic copy, photograph, microphotograph, or reproductions on films shall be placed in conveniently accessible

files and provisions made for preserving, examining, and using same, the Commissioner is empowered to authorize the disposal, archival storage, or destruction of such records or papers.

(f) Officers and employees of the Department designated by the Commissioner, for the purpose of administering the motor vehicle laws, are authorized to administer oaths and acknowledge signatures, and shall do so without fee.

(g) The Commissioner and such officers of the Department as he may designate are hereby authorized to prepare under the seal of the Department and deliver upon request a certified copy of any record of the Department, charging a fee of Three Dollars (\$3.00) per sheet, photograph, or any part of a sheet or photograph of any such document or similar document so certified. The certified copy shall be admissible in any proceeding in any court in like manner as the original thereof.

(h) The Department of Public Safety or any motor license agent upon request shall prepare and furnish a summary to any person of the traffic record of any person subject to the provisions of the motor vehicle laws of this state. Said summary shall include the enumeration of any motor vehicle accidents, reference to convictions for violations of motor vehicle laws, and any action taken against the person's privilege to operate a motor vehicle, as shown by the files of the Department for the three (3) years preceding the date of the request. For each summary furnished by the Department of Public Safety, the Department shall collect the sum of Ten Dollars (\$10.00). For each summary furnished by a motor license agent, the agent shall collect the sum of Ten Dollars (\$10.00), Eight Dollars (\$8.00) of which shall be paid to the Oklahoma Tax Commission for deposit in the General Revenue Fund in the State Treasury and Two Dollars (\$2.00) of which shall be retained by the motor license agent.

(i) There is hereby created in the State Treasury a revolving fund for the Department of Public Safety to be designated the Department of Public Safety Revolving Fund. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all money received by the Department of Public Safety

from sale of surplus property, insurance and other reimbursements for damaged property, for the services of highway patrol personnel as approved by the Department if such personnel are representing the Department or are in any uniform of the Department, turnpike enforcement, fees and costs paid by subscribers to the Oklahoma Law Enforcement Telecommunications Systems, refund of federal gasoline tax, court-ordered forfeitures, salvage vehicle inspection and certification fees, inspections fees provided for in subsection H of Section 1111 of this title, motor vehicle inspection fees provided for in Section 858 of this title, reimbursements by state agencies for the use of Department of Public Safety airplanes, fees for meals from users of the Robert R. Lester Law Enforcement Training Academy facilities and federal funds unless otherwise provided by federal law or regulation. Except as provided for in subsection (j) of this section, all monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Department of Public Safety for the operating expenses of the Department and for vehicles, equipment, personnel and other operating expenses for turnpike enforcement. All monies accruing to the credit of the Department of Public Safety Revolving Fund from motor vehicle inspection fees as provided for in Section 858 of this title shall be appropriated, budgeted and expended only for Department of Public Safety employees' salaries or for equipment purchases and maintenance upon approval of the Legislature. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

(j) All monies accruing to the credit of the Department of Public Safety Revolving Fund from inspection fees provided for in subsection H of Section 1111 of this title shall be budgeted and expended solely for the purpose of inspections by the Department of Public Safety provided for in Section 1111 of this title and for contracting with local law enforcement agencies for conducting the inspections provided for in Section 1111 of this title.

(k) All monies received by the Commissioner of Public Safety, his officers and his employees shall be remitted to the State Treasurer to be credited to the General Revenue Fund in the State Treasury except as otherwise provided in this section.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 856.5, is amended to read as follows:

Section 856.5 The Department of Public Safety shall furnish to every official vehicle inspection station required to perform the emission control inspection pursuant to the provisions of Section 856.1 of ~~Title 47 of the Oklahoma Statutes~~ this title, all equipment, and supplies ~~and inspection stickers~~ required for the emission control inspection without cost to such station. ~~Official vehicle inspection stations performing the mechanical inspection and the emission control inspection pursuant to the provisions of Sections 851 through 860 of Title 47 of the Oklahoma Statutes shall retain as compensation all of the five-dollar fee provided for in Section 858 of Title 47 of the Oklahoma Statutes.~~

SECTION 3. AMENDATORY 47 O.S. 1991, Section 858, is amended to read as follows:

Section 858. A. Official inspection stations shall charge and collect ~~Five Dollars (\$5.00)~~ Eight Dollars (\$8.00) for each vehicle inspected pursuant to the provisions of Sections 851 through 860 of this title.

~~1- B.~~ B. Stations ~~inspecting the~~ performing vehicle mechanical equipment inspections or vehicle emission control equipment inspections shall obtain from the Commissioner of Public Safety an ample quantity of serially numbered decalcomania-type stickers. Stations performing vehicle mechanical equipment inspections shall receive the stickers at a cost to the inspection station of One Dollar (\$1.00) Three Dollars (\$3.00) each. Stations performing vehicle emission control equipment inspections shall receive the stickers at a cost to the inspection station of Two Dollars (\$2.00) each. Any quantity of unused approved stickers may be returned to the Commissioner of Public Safety for a credit or refund. The Commissioner of Public Safety shall remit to the

State Treasurer for each inspection sticker delivered to the inspection station at the time of issuance:

1. Two Dollars and fifty cents (\$2.50) of the three-dollar fee and One Dollar and fifty cents (\$1.50) of the two-dollar fee to be credited to the General Revenue Fund Department of Public Safety Revolving Fund in the State Treasury the sum of fifty cents (\$0.50) for each inspection sticker delivered to said inspection station at the time of issuance. The Commissioner of Public Safety shall deposit to . It is the intent of the Legislature that such monies be used for Department of Public Safety employees' salaries and for equipment purchases and maintenance after authorization from the Legislature; and

2. To the Oklahoma Law Enforcement Retirement Fund the sum of fifty cents (\$0.50) for each inspection sticker delivered to said inspection stations.

~~2.~~ C. Stations performing emission control vehicle mechanical equipment inspections, in counties where there exists U.S. Environmental Protection Agency designated air quality nonattainment area for auto-related pollutants, shall obtain an ample quantity of the inspection stickers from the Department without cost to the inspection station.

~~3.~~ D. Each inspection station shall keep an accurate record of the serially numbered decalcomania-type inspection stickers. Such record shall designate to whom issued or rejected, and list thereon the name of the workman performing the final inspection on each inspected vehicle or trailer.

E. The Department of Public Safety shall submit by July 31 of each fiscal year a report detailing expenditures of all fees collected pursuant to this section to the Speaker of the House of Representatives, to the President Pro Tempore of the Senate, and to the Governor.

SECTION 4. This act shall become effective July 1, 1994.

SECTION 5. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take

effect and be in full force from and after its passage and approval.

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