

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)  
CONFERENCE COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
SENATE BILL NO. 469

By: Helton of the Senate

and

Kirby and Satterfield of  
the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; amending 47 O.S. 1991, Section 6-117, as last amended by Section 1, Chapter 184, O.S.L. 1996 (47 O.S. Supp. 1996, Section 6-117), which relates to Department of Public Safety records; modifying types of funds to be deposited in revolving fund; amending 47 O.S. 1991, Section 7-608, as amended by Section 1, Chapter 351, O.S.L. 1992 (47 O.S. Supp. 1996, Section 7-608), which relates to vehicle liability; clarifying language; modifying notification requirements for termination of insurance; amending 47 O.S. 1991, Section 11-405, which relates to emergency vehicles; modifying conditions for requirement of yielding a right-of-way to an emergency vehicle; providing exception for peace officers under certain circumstances; and providing an effective date.

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 1, Chapter 184, O.S.L. 1996 (47 O.S. Supp. 1996, Section 6-117), is amended to read as follows:

Section 6-117. A. The Department of Public Safety shall file every application for a driver 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~~ person whose ~~license~~ driving privilege 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~~ person's driving privilege for reason of nonpayment of a fine shall be removed from the record after the ~~licensee~~ person has paid the fine and ~~has had his license~~ the person's driving privilege reinstated as provided for by law.

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~~ a person showing the convictions of such ~~licensee~~ person and the traffic accidents in which ~~he~~ the person has been involved shall be readily ascertainable and available for the consideration of the Department of Public Safety upon any application for a driver license or renewal of a driver 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~~ a person shall not include any accident reports and abstracts of court records involving an accident in which the ~~individual licensee~~ person was not issued a citation or if a citation is issued and said ~~licensee~~ person 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~~ the Commissioner 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. Persons sixty-five (65)

years of age or older shall not be required to pay a fee for their own traffic record summary furnished by the Department or a 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, lost or stolen property, for the services of Department personnel as approved by the Department if such personnel are representing the Department or are in any uniform of the Department, turnpike enforcement, reimbursement for supplies or facsimile or data transmissions or for contractual services or products not otherwise provided by law, 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, fees provided for in subsection H of Section 1111 of this title, reimbursements by federal, state and municipal government agencies for the use of Department of Public Safety airplanes, fees 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. The Director of State Finance shall provide a distinct numbering system for the identification and tracking of the expenditures of the various programs budgeted from the Revolving Fund. 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 for ~~any~~ the purpose of inspections and examinations performed by the Department of Public Safety as provided for in Section 1111 of this title.

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

SECTION 2. AMENDATORY 47 O.S. 1991, Section 7-608, as amended by Section 1, Chapter 351, O.S.L. 1992 (47 O.S. Supp. 1996, Section 7-608), is amended to read as follows:

Section 7-608. A. Each insurance carrier, which issues a vehicle liability policy pursuant to the provisions of Sections 7-601 through 7-610 of this title, shall provide notice, either by means of written or electronic communication, to the Department of Public Safety of the termination of ~~such~~ the policy for nonpayment or refund of premium if ~~such~~ the termination is final and occurs within the first one hundred eighty (180) days of the inception date of such policy. Each insurance carrier also shall provide such notice for any such policy which has been issued for a period of less than six (6) months which expires without renewal. Any notice required by this subsection shall be provided to the Department within a reasonable time after the expiration of any applicable grace period.

B. If an insurance carrier, required to provide notification pursuant to subsection A of this section, has knowledge that relinquishment of vehicle ownership is the reason for termination or expiration without renewal of a policy, that fact shall be included in the notification.

C. The Department of Public Safety shall promulgate rules ~~and regulations~~ governing the notification requirements specified in subsections A and B of this section, including the development of procedures which would permit insurance carriers to provide the

required notices to the Department by means of written or electronic communication on a monthly basis.

D. Upon receipt of a notice of termination of insurance from a carrier pursuant to subsection A of this section, the Department of Public Safety shall, by certified mail, notify the vehicle owner of the receipt of ~~such~~ the termination notice and shall request proof of insurance from the vehicle owner. Within thirty (30) days of the postmark date of the request for proof of insurance, the vehicle owner shall submit such proof of insurance on a form prescribed by the Department. The Department shall not be required to notify or request proof of insurance from a former vehicle owner if the Department receives the notification as provided in subsection B of this section, unless the Department has reason to believe that the person should be maintaining an operator's policy.

SECTION 3. AMENDATORY 47 O.S. 1991, Section 11-405, is amended to read as follows:

Section 11-405. ~~(a)~~ A. Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of Section 12-218 of this act, or of a police vehicle properly and lawfully making use of an audible signal ~~only~~ or red flashing lights, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

~~(b)~~ B. This section shall not be construed to require a peace officer operating a police vehicle properly and lawfully in response to a crime in progress to use audible signals nor shall this section operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the road or highway.

SECTION 4. This act shall become effective November 1, 1997.

46-1-1439

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