

ENGROSSED HOUSE AMENDMENT
TO
ENGROSSED SENATE BILL NO. 1147

By: Shedrick and Fisher of
the Senate

and

Benson and Vaughn of the
House

An Act relating to motor vehicles; amending 47 O.S.
1991, Section 40-102, which relates to traffic
accident report forms; prohibiting the use of
accident reports for commercial purposes and making
exception; stating penalty; defining terms;
requiring certain entities to include certain
notice on accident reports; and providing an
effective date.

AUTHORS: Add the following House Coauthors: Hastings, Morgan,
Askins, Ramsey, Claunch, Bryant, Phillips, Maddux, Miller,
Adkins, Hiett, Breckinridge, Deutschendorf and Plunk

AMENDMENT NO. 1. Strike the title, enacting clause and entire bill
and insert

"An Act relating to motor vehicles; amending 47 O.S. 1991,
Section 40-102, which relates to traffic accident report
forms; prohibiting the use of accident reports for
commercial purposes and making exception; providing for
certain written statements; stating penalty; defining
terms; excluding members of the news media from certain
requirement; requiring certain entities to include certain
notice on accident reports; and providing an effective
date.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 40-102, is amended to read as follows:

Section 40-102. A. Every law enforcement officer who, in the regular course of duty, investigates or receives a report of a traffic accident resulting in injury to or death of a person or total property damage to an apparent extent of Three Hundred Dollars (\$300.00) or more shall prepare a written report of the accident on the standard accident report form supplied by the Department. Such reports shall be forwarded forthwith by the Police Department or other agency to the Department of Public Safety.

B. 1. No public employee or officer shall allow a person to examine or reproduce an accident report or any related investigation report or a reproduction of an accident report if examination or reproduction of the report is sought for the purpose of making a commercial solicitation. Any person requesting an accident report may be required to state, in writing, under penalty of perjury, that the report is not to be examined for commercial solicitation purposes. It shall be unlawful and constitute a misdemeanor for any person to obtain or use information from an accident report or a copy thereof for the purpose of making a commercial solicitation.

2. As used in this subsection, "commercial solicitation" means any attempt by the person requesting the report to use information contained in an accident report to solicit any person named in the report, or a relative of such person, to enter into a professional, business, or commercial relationship.

3. As used in this subsection, "accident report" means any report regarding a motor vehicle accident or collision which has been submitted by an individual or investigating officer on a form prescribed or used by the Department of Public Safety or local police department.

4. Publication in a newspaper or broadcast by news media for news purposes shall not constitute a resale or use of data for trade

or commercial solicitation purposes. Because publication by the news media for news purposes is not a resale or use of data for trade or commercial purposes, an affidavit shall not be required as a condition for allowing a member of the news media to examine or obtain a copy of an accident report.

5. The Department of Public Safety and local police departments shall include the following or a similar notice upon any copy of an accident report furnished to others: "Warning - State Law. Use of contents for commercial solicitation is unlawful."

SECTION 2. This act shall become effective November 1, 1996."

Passed the House of Representatives the 28th day of March, 1996.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1996.

President of the Senate