

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

CONFERENCE COMMITTEE SUBSTITUTE

FOR ENGROSSED

SENATE BILL NO. 1147

By: Shedrick and Fisher of
the Senate

and

Benson, Vaughn, Hastings,
Morgan, Askins, Ramsey,
Claunch, Bryant,
Phillips, Maddux, Miller,
Adkins, Hiett,
Breckinridge,
Deutschendorf and Plunk
of the House

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An Act relating to motor vehicles; amending 47 O.S. 1991, Section 40-102, which relates to traffic accident report forms; prohibiting the examination, reproduction or use of accident reports for commercial purposes and making exception; authorizing certain written statements; stating penalty; defining terms; 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 any person to examine or reproduce an accident report or any related

investigation 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 will not be examined, reproduced, or otherwise used 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:

- a. "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. "Commercial solicitation" does not mean publication in a legal newspaper of a county, as defined in Section 106 of Title 25 of the Oklahoma Statutes, or broadcast by news media for news purposes, and
- b. "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.

3. 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.

45-2-2744

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