

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.

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.

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 Senate the 11th day of March, 1996.

President of the Senate

Passed the House of Representatives the \_\_\_\_ day of

\_\_\_\_\_, 1996.

Speaker of the House of  
Representatives