ENROLLED 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, Plunk and Pettigrew 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; providing for certain written statements; providing criminal 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 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 to use, or offer for 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, 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. Publication in a legal newspaper, as defined in Section 106 of Title 25 of the Oklahoma Statutes, 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 a legal newspaper or broadcast by 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 a legal newspaper or broadcast news media to examine or obtain a copy of an accident report.

4. 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.