

ENGROSSED HOUSE AMENDMENT  
TO  
ENGROSSED SENATE BILL NO. 469

By: Helton of the Senate  
and  
Kirby of the House

( motor vehicles - modifying fine schedule - signals on an  
emergency vehicle - construing certain provision for  
police vehicles - effective date )

AUTHOR: Add the following House Coauthor: Satterfield

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 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 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; amending 47 O.S. 1991,  
Section 40-102, as amended by Section 1, Chapter  
232, O.S.L. 1996 (47 O.S. Supp. 1996, Section 40-  
102), which relates to traffic accidents resulting

in injury of death; modifying minimum damage amount; 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 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 3. AMENDATORY 47 O.S. 1991, Section 40-102, as amended by Section 1, Chapter 232, O.S.L. 1996 (47 O.S. Supp. 1996, 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)~~ One Thousand Dollars (\$1,000.00) 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 4. This act shall become effective November 1, 1997."

Passed the House of Representatives the 2nd day of April, 1997.

Speaker of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 1997.

President of the Senate