

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 2724

By: Settle

COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; amending 47 O.S. 1991, Section 1109, as amended by Section 2, Chapter 294, O.S.L. 1997 (47 O.S. Supp. 1997, Section 1109), which relates to confidentiality of information; modifying and adding exceptions for certain persons to obtain confidential motor vehicle registration information; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 1109, as amended by Section 2, Chapter 294, O.S.L. 1997 (47 O.S. Supp. 1997, Section 1109), is amended to read as follows:

Section 1109. A. All information contained in certificates of title, applications therefor, or registration certificates is hereby declared to be confidential information and shall not be copied by anyone or disclosed to anyone other than employees of the Oklahoma Tax Commission in the regular course of their employment, except as follows:

1. ~~To~~ For use by any government agency, including any court or law enforcement officers in the regular course of their duties;

2. ~~To other governmental agencies when required in their governmental agency, in carrying out its functions, or any private person or entity acting on behalf of a federal, state, or local agency in carrying out its functions;~~

3. ~~To~~ 2. For use by any motor vehicle manufacturer or his an authorized representative for the purpose of meeting the requirements of the recall provisions of Title 15 U.S.C. 1974; provided that said. The manufacturer or his the representative

shall, when requesting information pertaining to motor vehicles, furnish the Commission with an affidavit stating the purpose for which the information is to be used, and that the confidentiality of the information shall be protected, as set out above, and used only for the purpose stated; ~~provided, further, that.~~ However, the Commission shall be authorized to review the use of and the measures employed to safeguard ~~said~~ the information; ~~and provided, further, that.~~ In addition, the manufacturer or ~~his~~ the representative shall bear the cost incurred by the Commission in the production of the information requested. If the confidentiality provisions, as set out above, are violated, the provisions of subsection ~~(d)~~ D of Section 205 of Title 68 of the Oklahoma Statutes, shall apply and the privilege of obtaining information shall be terminated. Any manufacturer or ~~his~~ the representative violating the provisions of this subsection, upon conviction, shall be punishable by a fine not to exceed Fifty Thousand Dollars (\$50,000.00);

~~4. To~~ 3. For use by any person compiling and publishing motor vehicle statistics, provided that such statistics do not disclose the names and addresses of individuals. Such information shall be provided upon payment of a fee as determined by the Oklahoma Tax Commission;

~~5. To~~ 4. For use by a wrecker or towing service licensed pursuant to Section 951 et seq. of this title for use in providing notice to the owners and secured parties of towed or impounded vehicles upon payment of One Dollar (\$1.00) per vehicle; ~~and~~

~~6. To~~ 5. For use by a legitimate business or its agents, employees, or contractors for use in the normal course of business upon payment of One Dollar (\$1.00) per vehicle, but only:

- a. to verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors, and
- b. to obtain the correct information, if such information submitted by the individual to the business is not correct, or is no longer correct, but only for the purposes of preventing fraud by,

pursuing legal remedies against, or recovering on a debt or security interest against the individual;

6. For use by any person licensed as a private investigator upon payment of One Dollar (\$1.00) per vehicle, but only if such person is investigating allegations of fraud;

7. For use in connection with any civil, criminal, administrative, or arbitral proceeding in any federal, state, or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of subpoenas, judgments and orders, or pursuant to any order of a federal, state, or local court; and

8. For use by any requester, if the requester demonstrates that it has obtained the written consent of the individual to whom the information pertains.

B. Notwithstanding the foregoing, the Commission may allow the release of information from its motor vehicle records upon magnetic tape consisting only of the following information:

1. The date of the certificate of title;
2. The certificate of title number;
3. The type of title issued for the vehicle;
4. The odometer reading from the certificate of title;
5. The year in which the vehicle was manufactured;
6. The vehicle identification number for the vehicle;
7. The make of the vehicle; and
8. The location in which the vehicle is registered.

The Commission shall allow the release of such information upon payment of a fee to be determined by the Commission. The information released as authorized by this subsection may only be used for purposes of detecting odometer rollback or odometer tampering, for determining the issuance in this state or any other state of salvage or rebuilt titles for vehicles or for determining whether a vehicle has been reported stolen in this state or any other state.

C. Notwithstanding the provisions of this section or of Section 205 of Title 68 of the Oklahoma Statutes, the Commission

may inform a secured party that taxes and fees are delinquent with respect to a vehicle upon which the secured party has a perfected lien.

D. The provisions of subsection A of this section shall not apply to vehicles in excess of twenty-six thousand (26,000) pounds, or to trailers or semitrailers which may be used in combination with such vehicles. The Oklahoma Tax Commission shall establish an appropriate fee to cover the cost of furnishing the requested data and shall issue specific rules and regulations for the dissemination of information that shall apply only to vehicles registered in Oklahoma with a gross vehicle weight in excess of twenty-six thousand (26,000) pounds, or the applicable trailers or semitrailers.

The release of such information shall be limited to Oklahoma incorporated and domiciled, nonprofit, tax exempt industry trade groups and organizations for the express purpose of making such data directly available to the heavy duty motor transportation industry.

SECTION 2. This act shall become effective July 1, 1998.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

46-2-9612

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