

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 469

By: Helton

COMMITTEE SUBSTITUTE

(Motor vehicles - modifying fine schedule - signals on an
emergency vehicle - construing certain provision for
police vehicles -

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, reimbursement for copies of photographs and videotapes which are part of an accident investigation report conducted by the Department 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~~:

1. 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; and

2. Reimbursements for copies of photographs and videotapes which are part of accident investigation reports conducted by the Department, as provided for in subsection I of this section, shall be budgeted and expended solely for the purpose of obtaining, developing, storing and reproducing such photographs and videotapes.

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 7-201, is amended to read as follows:

Section 7-201. The provisions of this chapter, requiring deposit of security, filing of proof of financial responsibility, and suspensions for failure to deposit security or file proof of financial responsibility, subject to certain exemptions, shall apply to the driver and owner of any vehicle of a type subject to registration under the motor vehicle laws of this state which is in any manner involved in an accident upon the highways and elsewhere throughout the state, which accident has resulted in bodily injury to or death of any person or damage to the property of any one person in excess of ~~Three Hundred Dollars (\$300.00)~~ One Thousand Dollars (\$1,000.00).

SECTION 3. AMENDATORY 47 O.S. 1991, Section 10-108, as amended by Section 2, Chapter 192, O.S.L. 1993 (47 O.S. Supp. 1996, Section 10-108), is amended to read as follows:

Section 10-108. A. The operator of a motor vehicle which is in any manner involved in a collision upon any road, street, highway or elsewhere within this state resulting in bodily injury to or death of any person or in which it is apparent that damage to one vehicle or other property is in excess of ~~Three Hundred Dollars (\$300.00)~~ One Thousand Dollars (\$1,000.00) shall forward a written report of such collision to the Department if settlement of the collision has not been made within six (6) months after the date of the accident and provided that if a settlement has been made a report of such settlement must be made by the parties.

B. Notwithstanding the provisions of Section 7-202 of this title, if any party involved in a collision files a report under this section, the Department shall be responsible for providing the most up-to-date and accurate location information within the Department for either party involved at no cost, and notify all other parties involved in the collision, as specified in the report, that a report has been filed and all other parties shall then furnish the Department, within ten (10) days, such information as the Department may request to determine whether the parties were in compliance with the requirements of Sections 7-601 et seq. of this title at the time of the collision. Upon a finding that an owner or driver was not in compliance with Sections 7-601 et seq., the Department shall then commence proceedings under the provisions of Sections 7-201 and 7-301 et seq. of this title.

SECTION 4. 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 5. 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 6. This act shall become effective November 1, 1997.

46-1-1119

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