

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

HOUSE BILL NO. 1273

By: Seikel

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 1991, Section 1109, as last amended by Section 1, Chapter 355, O.S.L. 1998 (47 O.S. Supp. 1998, Section 1109), which relates to copies of titles; modifying conditions for release of information; amending 47 O.S. 1991, Section 1140.1, which relates to cameras for motor license agents; eliminating distinctions between motor license agents; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 1109, as last amended by Section 1, Chapter 355, O.S.L. 1998 (47 O.S. Supp. 1998, 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 law enforcement officers in the regular course of their duties;
2. To other governmental agencies when required in their governmental functions;
3. To any motor vehicle manufacturer or an authorized representative thereof for the purpose of meeting the requirements of the recall provisions of Title 15 U.S.C. 1974; provided that the manufacturer or representative shall, when requesting information pertaining to motor vehicles, furnish the Tax 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 the Tax Commission shall be authorized to review the use of and the measures employed to safeguard the information; and provided, further, that the manufacturer or representative shall bear the cost incurred by the Tax Commission in the production of the information requested. If the confidentiality provisions, as set out above, are violated, the provisions of subsection 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 representative violating the provisions of this paragraph, upon conviction, shall be punishable by a fine not to exceed Fifty Thousand Dollars (\$50,000.00); ~~and~~

4. To 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 Tax Commission;

5. To a wrecker or towing service licensed pursuant to Section 953 of this title for use in providing notice to owners and secured parties of towed or impounded vehicles upon payment of One Dollar (\$1.00) per vehicle; and

6. To 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.

~~B. Notwithstanding the foregoing, the Tax Commission or motor license agent may, when requested for a particular vehicle, furnish desired information for the sum of One Dollar (\$1.00) per vehicle or make copies of certificates of title, applications therefor and registration certificates and sell the same for the fee hereinafter prescribed. Certified copies of any and all records held by the Tax Commission relative to certificates of title and registration certificates issued under the laws of this state, duly certified by the Tax Commission, may be received in evidence with the same effect as the original, when such original is not in the possession or under the control of the party desiring to use the same. For each certified copy furnished under this section, a fee of Two Dollars (\$2.00) per instrument shall be charged and collected by the Tax Commission. All such funds shall be deposited in the Oklahoma Tax Commission Revolving Fund.~~

~~C.~~ Notwithstanding the foregoing, the Tax 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 Tax Commission shall allow the release of such information upon payment of a fee to be determined by the Tax 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.

~~D. Notwithstanding the foregoing, any motor license agent, upon written request from a secured party for information contained in the certificate of title or registration certificate of a vehicle in which the secured party has an interest or upon written request from a vehicle owner for information contained in the certificate of title or registration certificate of such vehicle, may furnish such desired information for the sum of One Dollar (\$1.00) per vehicle. Fees received by a motor license agent pursuant to the provisions of this subsection shall not be included in the maximum sum that may be retained by motor license agents as compensation pursuant to the provisions of Section 1143 of this title.~~

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

~~F. D.~~ The provisions of ~~subsections~~ subsection A and ~~B~~ 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 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. AMENDATORY 47 O.S. 1991, Section 1140.1, is amended to read as follows:

Section 1140.1 ~~A. Except as otherwise provided in this section, each motor license agent appointed after July 1, 1988, within a specific municipality shall be furnished a camera by the Department of Public Safety without charge if, based upon the number of driver's licenses issued during the preceding year, the total number of licenses issued shall average not less than one thousand two hundred (1,200) per year per camera within the municipality and not less than one thousand two hundred (1,200) per year per camera within the county; provided, each county shall have at least one motor license agent who shall be furnished a camera without charge.~~

~~B. Any motor license agent who has been furnished a camera without charge prior to July 1, 1988, shall continue to have such camera furnished without charge until a new motor license agent is appointed.~~

~~C. A Any motor license agent appointed after July 1, 1988, who is not entitled to be furnished a camera pursuant to the provisions of subsection A of this section may be furnished a camera upon signing an agreement with the Department of Public Safety to process a minimum of one thousand two hundred (1,200) licenses per year or to pay the Department the sum of fifty cents (\$0.50) for each license under one thousand two hundred (1,200) issued per year. For agreements entered into prior to the effective date of this act under which the payment was calculated based upon the difference between the number of licenses issued and three thousand (3,000), the payment shall be recalculated based upon the difference between the number of licenses issued and one thousand two hundred (1,200). The amount of the difference between the recalculated payment and any payment actually made by a motor license agent prior to the~~

~~effective date of this act shall be refunded to the motor license agent.~~

~~D. For the purposes of this section, each motor license agent appointed after July 1, 1988, shall be considered a new agent, whether assets of another agency were inherited, purchased or otherwise acquired.~~

~~E. The furnishing of any camera shall be subject to availability from the vendor and, if limited, shall be allocated by priority according to subsections A, B and C of this section, in that order or may lease or purchase a camera from a private vendor.~~

SECTION 3. This act shall become effective November 1, 1999.

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