

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL 1301

By: Snyder of the Senate

and

Phillips of the House

CONFERENCE COMMITTEE SUBSTITUTE

An act relating to motor vehicles; amending 47 O.S. 2001, Sections 40-102 and 1151.1, as amended by Section 1 of Enrolled House Bill 2396 of the 2nd Session of the 48th Oklahoma Legislature, which relate to traffic collisions, collision reports, golf carts and all-terrain vehicles; deleting obsolete language; providing for confidentiality of certain reports after a certain date and for certain time; providing exemptions to certain parties; providing penalties for the unlawful disclosure of confidential information; defining term; removing authorization for operation of power wheelchairs and power scooters on roadways; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2001, Section 40-102, is amended to read as follows:

Section 40-102. A. 1. Every law enforcement officer who, in the regular course of duty, investigates or receives a report of a traffic ~~accident~~ collision resulting in injury to or death of a person or total property damage to an apparent extent of Five Hundred Dollars (\$500.00) or more shall prepare a written report of the ~~accident~~ collision on the standard ~~accident~~ collision report form supplied by the Department of Public Safety. Such reports shall be forwarded forthwith by the ~~Police Department or other~~ law enforcement agency preparing the report to the Department of Public Safety.

2. Reports of collisions that occur on or after November 1, 2002, shall be kept confidential for a period of sixty (60) days after the date the report is filed with the Department, provided, such reports shall be made available immediately after filing upon request to any:

- a. party involved in the collision,
- b. legal representatives of a party involved in the collision,
- c. state, county or city law enforcement agency,
- d. the Department of Transportation or any county or city transportation or road and highway maintenance agency,
- e. licensed insurance agents of a party involved in the collision,
- f. insurer of a party involved in the collision,
- g. insurer to which a party has applied for coverage,
- h. person under contract with an insurer, as described in subparagraph e, f or g of this paragraph, to provide claims or underwriting information,
- i. prosecutorial authority,
- j. newspaper as defined in Section 106 of Title 25 of the Oklahoma Statutes,
- k. radio or television broadcaster, or
- l. licensed private investigators employed by parties to the collision.

3. Any person who knowingly violates this section and obtains or provides information made confidential by this section is guilty of a misdemeanor and shall be fined no more than Two Thousand Five Hundred Dollars (\$2,500.00). Second and subsequent offenses shall carry a penalty of imprisonment in the county jail for not more than thirty (30) days.

B. 1. No public employee or officer shall allow a person to examine or reproduce ~~an accident~~ a collision 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~~ a collision 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~~ a collision 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~~ a collision report to solicit any person named in the report, or a relative of such person, or to solicit a professional, business, or commercial relationship.

"Commercial solicitation" does not include publication in a ~~legal~~ newspaper, as defined in Section 106 of Title 25 of the Oklahoma Statutes, or broadcast of information by news media for news purposes, or obtaining information for the purpose of verification or settlement of claims by insurance companies, and

b. "~~accident~~ collision 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, broadcast by news media for news purposes, or obtaining information ~~of~~ for verification or settlement of claims by insurance

companies is not a resale or use of data for commercial purposes, an affidavit shall not be required as a condition for allowing a member of a ~~legal~~ newspaper or broadcast news media, or allowing an agent, or business serving as an agent, to insurance companies, to examine or obtain a copy of ~~an accident~~ a collision report. Any agent or business obtaining information for verification or settlement of claims involving persons named in a report shall secure an affidavit annually from each client stating the information provided to the client shall not be used for commercial solicitation purposes under penalty of law.

4. The Department ~~of Public Safety~~ and local police departments shall include the following or a similar notice upon any copy of ~~an accident~~ a collision report furnished to others: "Warning - State Law. Use of contents for commercial solicitation is unlawful."

C. 1. In addition to any other penalties or remedies provided by law:

- a. a violation of this section by a health care professional or health care provider shall be grounds for disciplinary action by the state agency licensing, certifying or registering such professional or provider, and
- b. the state agency licensing, certifying or registering such professional or provider may institute an action to enjoin violation or potential violation of this section.

2. As used in this subsection:

- a. "health care professional" means any person who offers or provides health care services under a license, certification or registration issued pursuant to Title 59 of the Oklahoma Statutes~~+~~, and
- b. "health care provider" means any hospital or related institution who offers or provides health care

services under a license issued pursuant to Section 1-702 et seq. of Title 63 of the Oklahoma Statutes.

D. As used in this section, "newspaper" means a legal newspaper as defined in Section 106 of Title 25 of the Oklahoma Statutes, provided that the primary purpose of the newspaper is not the publication of personally identifying information concerning parties involved in the traffic collision.

SECTION 2. AMENDATORY 47 O.S. 2001, Section 1151.1, as amended by Section 1 of Enrolled House Bill No. 2396 of the 2nd Session of the 48th Legislature, is amended to read as follows:

Section 1151.1 A. Notwithstanding any other provision of law, golf carts or all-terrain vehicles shall not be registered pursuant to the provisions of the Oklahoma Vehicle License and Registration Act.

B. Except as otherwise provided in this section, golf carts or all-terrain vehicles shall not be operated on the highways or turnpikes of the state.

C. All-terrain vehicles owned by a city or golf carts may be operated on city streets if:

1. The municipal governing body has adopted an ordinance governing the operation of golf carts or all-terrain vehicles on city streets; and

2. Operation occurs during daylight hours only.

D. Golf carts, ~~power wheelchairs, and power scooters~~ may be operated on roadways under the following conditions:

1. The board of county commissioners of a county has approved the location of golf cart, ~~power wheelchair, and power scooter~~ traffic on roadways within the county;

2. The roadway has a posted speed limit of twenty-five (25) miles per hour or less;

3. The roadway is located in an unincorporated area; and

4. Appropriate signage, cautioning motorists of the possibility of golf cart, ~~power wheelchair, and power scooter~~ traffic, is erected by the board of county commissioners.

SECTION 3. This act shall become effective November 1, 2002.

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