

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 754

By: Muegge

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 1991, Section 2-110, as last amended by Section 1, Chapter 342, O.S.L. 2000 (47 O.S. Supp. 2000, Section 2-110), which relates to driver license records; authorizing release of certain records to agents of the Immigration and Naturalization Services of the United States; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 2-110, as last amended by Section 1, Chapter 342, O.S.L. 2000 (47 O.S. Supp. 2000, Section 2-110), is amended to read as follows:

Section 2-110. A. Officers and employees of the Department of Public Safety designated by the Commissioner of Public Safety, for the purpose of administering the motor vehicle laws, are authorized to administer oaths and acknowledge signatures and shall do so without fee.

B. The Commissioner and such officers of the Department as 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) for each record so certified, and every such certified copy shall be admissible in any proceeding in any court in like manner as the original thereof. A certification fee shall be charged:

1. Only if the person requesting the record specifically requests that the record be certified; and

2. In addition to the copying and reproduction fees provided by the Oklahoma Open Records Act or any other applicable law.

C. The Commissioner and any other officers of the Department as the Commissioner may designate are hereby authorized to provide a copy of any record required to be maintained by the Department at no charge to any of the following government agencies when requested in the performance of official governmental duties:

1. The driver license agency of any other state;

2. Any court, court clerk, district attorney or municipal prosecutor in this state or any other state;

3. Any law enforcement agency in this state or any other state or any federal agency empowered by law to make arrests for public offenses, including agents of the Immigration and Naturalization Services of the United States authorized to conduct investigations in this state;

4. Any public school district in this state for purposes of verifying the driving record of a currently employed school bus driver or person making application for employment as a school bus driver; or

5. Any state agency in this state.

D. Any record required to be maintained by the Department may be released to any other entity free of charge when the release of the record would be for the benefit of the public, as determined by the Commissioner or a designee of the Commissioner.

E. The provisions of subsections B and D of this section and the Open Records Act shall not apply to the release of personal information on the driving record of any person or application for an original, renewal, or replacement driver license or identification card. Such personal information shall be confidential except as provided for in this subsection or in the provisions of the Driver's Privacy Protection Act, 18 United States Code, Sections 2721 through 2725. Upon written request to the Commissioner ~~of Public Safety~~ by a law enforcement agency or another state's or country's driver licensing agency for personal

information on a specific individual, as named or otherwise identified in the written request, to be used in the official capacity of the agency, the Commissioner may release such personal information to the agency pursuant to the provisions of the Driver's Privacy Protection Act, 18 United States Code, Sections 2721 through 2725. For the purposes of this subsection, "personal information" means information which identifies a person, including but not limited to a photograph or image in computerized format of the person, signature or signature in computerized format, social security number, residence address, mailing address, and medical or disability information.

SECTION 2. This act shall become effective November 1, 2001.

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