

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

HOUSE BILL 1553

By: Carey

AS INTRODUCED

An Act relating to records; amending 47 O.S. 2001, Section 2-110, as last amended by Section 7, Chapter 130, O.S.L. 2004 (47 O.S. Supp. 2004, Section 2-110), which relates to creation, organization, and responsibilities of the Department of Public Safety; deleting authority to prepare, deliver, and collect fees for videotape recordings; requiring certain records be provided upon payment of fees; making Department exempt from examining, segregating, and writing customized computer program for records or computer files; amending 51 O.S. 2001, Section 24A.18, which relates to Oklahoma Open Records Act; making law enforcement agencies exempt from examining, segregating, and writing customized computer program for records or computer files; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2001, Section 2-110, as last amended by Section 7, Chapter 130, O.S.L. 2004 (47 O.S. Supp. 2004, 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, 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, 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;

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 Commissioner and any other officers of the Department as the Commissioner may designate are hereby authorized to prepare copies of videotape recordings which are not exempt law enforcement records, as prescribed in Section 24A.8 of Title 51 of the Oklahoma Statutes, when held as records of the Department, and deliver upon request to any person a copy of a videotape recording, for a fee of Twenty five Dollars (\$25.00) for each copy. Any monies collected by the Department pursuant to this subsection shall be deposited to the~~

~~credit of the Department of Public Safety Revolving Fund~~ The following records shall be provided by the Department to any authorized recipient, pursuant to the provisions of the Driver's Privacy Protection Act, 19 United States Code, Sections 2721 through 2725, upon payment of the appropriate fees for the records:

1. A Motor Vehicle Report, pursuant to Section 6-117 of this title; and

2. A copy of any driving record related to the Motor Vehicle Report.

F. 1. The provisions of subsections B ~~and~~, D, and E of this section and the Open Records Act shall not apply to the release of personal information ~~on the~~ from any 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.

2. The Department shall not be required to examine or segregate existing records or to write a customized computer program to examine or segregate computer files in order to provide specific information or to redact privacy or law enforcement information from existing records or computer files.

3. 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, fingerprint image in computerized format, signature or signature in computerized format, social security number, residence address, mailing address, and medical or disability information.

SECTION 2. AMENDATORY 51 O.S. 2001, Section 24A.18, is amended to read as follows:

Section 24A.18 Except as may be required in Section 4 24A.4 of this ~~act~~ title, this act does not impose any additional recordkeeping requirements on public bodies or public officials. A law enforcement agency shall not be required to write a customized computer program to examine or segregate existing computer files in order to provide specific information or to redact privacy or law enforcement information from existing computer files.

SECTION 3. This act shall become effective November 1, 2005.

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