

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 CONFERENCE COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL 86

By: (Myers) and Coates of the  
Senate

6 and

7 Peterson (Ron) of the House

8  
9 CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to motor vehicles; amending 47 O.S.  
11 2001, Section 1-104, as last amended by Section 1,  
12 Chapter 173, O.S.L. 2006 (47 O.S. Supp. 2006, Section  
13 1-104), which relates to bicycles; modifying  
14 definition; amending 47 O.S. 2001, Section 1109, as  
15 last amended by Section 4, Chapter 295, O.S.L. 2006  
(47 O.S. Supp. 2006, Section 1109), which relates to  
motor vehicle registration records; providing  
definition; providing for disclosure of certain  
personal information; modifying fees for certain  
records; and providing an effective date.

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

19 SECTION 1. AMENDATORY 47 O.S. 2001, Section 1-104, as  
20 last amended by Section 1, Chapter 173, O.S.L. 2006 (47 O.S. Supp.  
21 2006, Section 1-104), is amended to read as follows:

22 Section 1-104. A. A bicycle is a device upon which any person  
23 or persons may ride, propelled solely by human power through a belt,  
24 chain, or gears, and having two or more wheels, excluding mopeds.

1 B. An electric-assisted bicycle is any bicycle with:

2 1. Two or three wheels; and

3 2. Fully operative pedals for human propulsion and equipped  
4 with an electric motor:

5 a. with a power output not to exceed one thousand (1,000)  
6 watts,

7 b. incapable of propelling the device at a speed of more  
8 than ~~twenty (20)~~ thirty (30) miles per hour on level  
9 ground, and

10 c. incapable of further increasing the speed of the  
11 device when human power alone is used to propel the  
12 device at a speed of ~~twenty (20)~~ thirty (30) miles per  
13 hour or more.

14 An electric-assisted bicycle shall meet the requirements of the  
15 Federal Motor Vehicle Safety Standards as set forth in federal  
16 regulations and shall operate in such a manner that the electric  
17 motor disengages or ceases to function when the brakes are applied.

18 C. A motorized bicycle is any bicycle having:

19 1. Fully operative pedals for propulsion by human power;

20 2. An automatic transmission; and

21 3. A combustion engine with a piston or rotor displacement of  
22 ~~fifty cubic centimeters (50 cu cm)~~ one hundred fifty cubic  
23 centimeters (150 cu cm) or less, regardless of the number of  
24 chambers in the engine, which is capable of propelling the bicycle

1 at a maximum design speed of not more than thirty (30) miles per  
2 hour on level ground.

3 D. As used in this title, the term "bicycle" shall include  
4 tricycles, quadcycles, or similar human-powered devices, electric-  
5 assisted bicycles, and motorized bicycles unless otherwise  
6 specifically indicated.

7 SECTION 2. AMENDATORY 47 O.S. 2001, Section 1109, as  
8 last amended by Section 4, Chapter 295, O.S.L. 2006 (47 O.S. Supp.  
9 2006, Section 1109), is amended to read as follows:

10 Section 1109. A. All personal information contained in  
11 certificates of title, applications therefor, vehicle registration  
12 records and computer data files is hereby declared to be  
13 confidential information and shall not be copied by anyone or  
14 disclosed to anyone other than employees of the Oklahoma Tax  
15 Commission or the Corporation Commission in the regular course of  
16 their employment, except as provided in subsection B of this  
17 section. As used in this section, "personal information" means  
18 information that identifies an individual, including an individual's  
19 photograph, social security number, driver identification number,  
20 name, address (excluding the five-digit zip code), telephone number,  
21 and medical or disability information, but does not include  
22 information on vehicular accidents, driving violations and driver's  
23 status.

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1        B. Personal information referred to in subsection A of this  
2 section shall be disclosed for use in connection with matters of  
3 motor vehicle or driver safety and theft, motor vehicle emissions,  
4 motor vehicle product alterations, recalls or advisories, and  
5 removal of non-owner records from the original owner records of  
6 motor vehicle manufacturers to carry out the purpose of Titles I and  
7 IV of the Anti Car Theft Act of 1992, the Automobile Information  
8 Disclosure Act (15 U.S.C., Section 1231 et seq.), the Clean Air Act  
9 (42 U.S.C., Section 7401 et seq.) and Chapters 301, 305 and 321-331  
10 of Title 49 of the United States Code and may be disclosed as  
11 follows:

12        1. For use by any governmental agency, including but not  
13 limited to any court or law enforcement agency, in carrying out its  
14 functions, or any private person or entity acting on behalf of a  
15 federal, state or local governmental agency in carrying out its  
16 functions. Information relating to motor vehicle insurance,  
17 including the insurer and insurance policy numbers, may be released  
18 to law enforcement officers investigating an accident pursuant to  
19 the provisions of Section 10-104 of this title;

20        2. For use by any motor vehicle manufacturer or an authorized  
21 representative thereof in connection with matters of motor vehicle  
22 or driver safety and theft, motor vehicle emissions, motor vehicle  
23 product alterations, recalls or advisories, performance monitoring  
24 of motor vehicles, motor vehicle parts and dealers, motor vehicle

1 market research activities, including survey research, and removal  
2 of non-owner records from the original owner records of motor  
3 vehicle manufacturers. The confidentiality of the personal  
4 information shall be protected, as set out above, and used only for  
5 the purpose stated; provided, further, that the Tax Commission or  
6 Corporation Commission shall be authorized to review the use of and  
7 the measures employed to safeguard the personal information; and  
8 provided, further, that the manufacturer or representative shall  
9 bear the cost incurred by the Tax Commission or Corporation  
10 Commission in the production of the information requested. If the  
11 confidentiality provisions, as set out above, are violated, the  
12 provisions of subsection D of Section 205 of Title 68 of the  
13 Oklahoma Statutes shall apply and the privilege of obtaining  
14 information shall be terminated. Any manufacturer or representative  
15 violating the provisions of this paragraph, upon conviction, shall  
16 be punishable by a fine not to exceed Fifty Thousand Dollars  
17 (\$50,000.00);

18 3. For use by any person compiling and publishing motor vehicle  
19 statistics, including vehicle history reports, provided that such  
20 statistics do not disclose the names and addresses of individuals-  
21 ~~Such information shall be provided upon payment of a fee as~~  
22 ~~determined by the Tax Commission or the Corporation Commission;~~

23 4. For use by a wrecker or towing service licensed pursuant to  
24 the provisions of Section 951 et seq. of this title for use in

1 providing notice to the owners and secured parties of towed or  
2 impounded vehicles, ~~upon payment of a fee of One Dollar (\$1.00) per~~  
3 ~~vehicle record page to the Tax Commission, the Corporation~~  
4 ~~Commission or any motor license agent;~~

5 5. For use by a legitimate business or its agents, employees,  
6 or contractors for use in the normal course of business, ~~upon~~  
7 ~~payment of a fee of One Dollar (\$1.00) per vehicle record page to~~  
8 ~~the Tax Commission, the Corporation Commission or any motor license~~  
9 ~~agent,~~ but only:

10 a. to verify the accuracy of personal information  
11 submitted by the individual to whom the information  
12 pertains to the business or its agents, employees, or  
13 contractors, or

14 b. to obtain the correct information, if such information  
15 submitted by the individual to whom the information  
16 pertains to the business is not correct, or is no  
17 longer correct, but only for the purposes of  
18 preventing fraud by, pursuing legal remedies against,  
19 or recovering on a debt or security interest against  
20 the individual;

21 6. For use in connection with any civil, criminal,  
22 administrative or arbitral proceeding in any federal, state or local  
23 court or agency or before any self-regulatory body, including the  
24 service of process, investigation in anticipation of litigation, and

1 the execution or enforcement of judgments and orders, or pursuant to  
2 an order of a federal, state or local court, ~~upon payment of a fee~~  
3 ~~of One Dollar (\$1.00) per vehicle record page to the Tax Commission,~~  
4 ~~the Corporation Commission or any motor license agent;~~

5 7. For use by any insurer or insurance support organization, or  
6 by a self-insured entity, or its agents, employees, or contractors,  
7 in connection with claims investigation activities, anti-fraud  
8 activities, rating or underwriting, ~~upon payment of a fee of One~~  
9 ~~Dollar (\$1.00) per vehicle record page to the Tax Commission, the~~  
10 ~~Corporation Commission or any motor license agent;~~

11 8. For use by any licensed private investigative agency or  
12 licensed security service for any purpose permitted under this  
13 subsection, ~~upon payment of a fee of One Dollar (\$1.00) per vehicle~~  
14 ~~record page to the Tax Commission, the Corporation Commission or any~~  
15 ~~motor license agent;~~

16 9. For use by a requester, ~~upon payment of a fee of One Dollar~~  
17 ~~(\$1.00) per vehicle record page to the Tax Commission, the~~  
18 ~~Corporation Commission or any motor license agent,~~ if the requester  
19 demonstrates that it has obtained the written consent of the  
20 individual to whom the information pertains;

21 10. For use in connection with the operation of private toll  
22 transportation facilities; or

23 11. For furnishing the name and address of all commercial  
24 entities who have current registrations of any particular model of

1 vehicle; provided, this exception shall not allow the release of  
2 personal information pursuant to the provisions of the Driver's  
3 Privacy Protection Act, 18 U.S.C., Sections 2721 through 2725.

4 The Tax Commission shall collect a fee to recover the costs of  
5 providing the data. Such fee shall not exceed Twenty Dollars  
6 (\$20.00) per thousand records for bulk record requests or One Dollar  
7 (\$1.00) per vehicle record page for individual record requests. As  
8 used in this section, the term "vehicle record page" means a  
9 computer-generated printout of the motor vehicle inquiry screen.  
10 Information provided on the motor vehicle inquiry screen printout  
11 shall include the current vehicle owner name and address, vehicle  
12 make, model and year, identifying numbers for the vehicle license  
13 plate, certificate of title and vehicle identification number,  
14 relevant dates relating to the vehicle registration and certificate  
15 of title, and lien status.

16 ~~B-~~ C. In addition to the information provided on the vehicle  
17 record page, the Tax Commission or Corporation Commission may, upon  
18 written request, release to any requester authorized by the  
19 provisions of this section to obtain individual motor vehicle  
20 information, corresponding copies of vehicle certificates of title,  
21 applications therefor, vehicle registration records and computer  
22 data files.

23 There shall be an informational search and retrieval fee of Five  
24 Dollars (\$5.00) per vehicle computer record search. If the Tax

1 Commission or Corporation Commission performs a manual search, the  
2 fee shall be Seven Dollars and fifty cents (\$7.50) per vehicle. The  
3 Tax Commission is authorized to promulgate rules whereby motor  
4 license agents, when requesting such documentation in the  
5 performance of their duties, are exempt from this retrieval fee.  
6 Certified copies of vehicle certificates of title and applications  
7 therefor shall be included within the informational search and  
8 retrieval by the Tax Commission or Corporation Commission for a fee  
9 of Ten Dollars (\$10.00). Such duly certified copies may be received  
10 in evidence with the same effect as the original when the original  
11 is not in the possession or under the control of the party desiring  
12 to use the same.

13 ~~C.~~ D. Requesters authorized by this section to receive ~~motor~~  
14 ~~vehicle~~ personal information shall submit to the Tax Commission,  
15 Corporation Commission or motor license agent an affidavit supported  
16 by such documentation as the Tax Commission or Corporation  
17 Commission may require, on a form prescribed by the Tax Commission  
18 or Corporation Commission certifying that the personal information  
19 is requested for a lawful and legitimate purpose and will not be  
20 further disseminated.

21 ~~D. Notwithstanding the foregoing, the Tax Commission or~~  
22 ~~Corporation Commission may allow the release of information from its~~  
23 ~~motor vehicle records upon magnetic tape consisting only of the~~  
24 ~~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 or Corporation Commission shall allow the release of such information upon payment of a fee to be determined by the Tax Commission or Corporation 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.~~

E. Notwithstanding the provisions of this section or of Section 205 of Title 68 of the Oklahoma Statutes, the Tax Commission or Corporation 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. Fees received by a motor license agent pursuant to the provisions of this section shall not be included in the maximum sum

1 that may be retained by motor license agents as compensation  
2 pursuant to the provisions of Section 1143 of this title.

3 G. All funds collected by the Tax Commission pursuant to the  
4 provisions of this section shall be deposited in the Oklahoma Tax  
5 Commission Revolving Fund. All funds collected by the Corporation  
6 Commission pursuant to the provisions of this section shall be  
7 apportioned as provided in subsection C of Section 3 of this act.

8 H. It is further provided that the provisions of this section  
9 shall be strictly interpreted and shall not be construed as  
10 permitting the disclosure of any other personal information  
11 contained in the files and records of the Tax Commission or  
12 Corporation Commission.

13 I. It shall be unlawful for any person to commit any of the  
14 following acts:

15 1. To knowingly obtain or disclose personal information from a  
16 motor vehicle record for any use not expressly permitted by this  
17 section; or

18 2. To make false representation to obtain any personal  
19 information from an individual's motor vehicle record.

20 Any violation of the provisions of this section shall constitute  
21 a misdemeanor and shall be punishable by the imposition of a fine  
22 not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment  
23 in the county jail for a term not exceeding one (1) year, or by both  
24 such fine and imprisonment. Where applicable, a person convicted of

1 a violation of the provisions of this section shall be removed or  
2 dismissed from office or state employment. No liability whatsoever,  
3 civil or criminal, shall attach to any member or employee of the Tax  
4 Commission or Corporation Commission for any error or omission in  
5 the disclosure of such information.

6 SECTION 3. This act shall become effective November 1, 2007.

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