

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 3049

By: Peterson (Pam)

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6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.  
8 2001, Section 1109, as last amended by Section 2,  
9 Chapter 330, O.S.L. 2007 (47 O.S. Supp. 2007, Section  
10 1109), which relates to release of information;  
11 requiring individuals requesting certain information  
to provide certain identification; requiring that  
certain information be retained after collection;  
providing an effective date; and declaring an  
emergency.

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

15 SECTION 1. AMENDATORY 47 O.S. 2001, Section 1109, as  
16 last amended by Section 2, Chapter 330, O.S.L. 2007 (47 O.S. Supp.  
17 2007, Section 1109), is amended to read as follows:

18 Section 1109. A. All information contained in certificates of  
19 title, applications therefor, vehicle registration records and  
20 computer data files is hereby declared to be confidential  
21 information and shall not be copied by anyone or disclosed to anyone  
22 other than employees of the Oklahoma Tax Commission or the  
23 Corporation Commission in the regular course of their employment,  
24 except as provided in subsection B of this section. As used in this

1 section, "personal information" means information that identifies an  
2 individual including name, address (excluding the five-digit zip  
3 code) and telephone number, but does not include information on  
4 vehicular accidents, driving violations and driver's status.

5 B. Personal information referred to in subsection A of this  
6 section shall be disclosed for use in connection with matters of  
7 motor vehicle or driver safety and theft, motor vehicle emissions,  
8 motor vehicle product alterations, recalls or advisories, and  
9 removal of non-owner records from the original owner records of  
10 motor vehicle manufacturers to carry out the purpose of Titles I and  
11 IV of the Anti Car Theft Act of 1992, the Automobile Information  
12 Disclosure Act (15 U.S.C., Section 1231 et seq.), the Clean Air Act  
13 (42 U.S.C., Section 7401 et seq.) and Chapters 301, 305 and 321-331  
14 of Title 49 of the United States Code and may be disclosed as  
15 follows:

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

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

22           3. For use by any person compiling and publishing motor vehicle  
23 statistics, provided that such statistics do not disclose the names  
24 and addresses of individuals. Such information shall be provided

1 upon payment of a reasonable fee as determined by the Tax Commission  
2 or the Corporation Commission;

3 4. For use by a wrecker or towing service licensed pursuant to  
4 the provisions of Section 951 et seq. of this title for use in  
5 providing notice to the owners and secured parties of towed or  
6 impounded vehicles, upon payment of a fee of One Dollar (\$1.00) per  
7 vehicle record page to the Tax Commission, the Corporation  
8 Commission or any motor license agent;

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

14 a. to verify the accuracy of personal information  
15 submitted by the individual to whom the information  
16 pertains to the business or its agents, employees, or  
17 contractors, or

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

1       6. For use in connection with any civil, criminal,  
2 administrative or arbitral proceeding in any federal, state or local  
3 court or agency or before any self-regulatory body, including the  
4 service of process, investigation in anticipation of litigation, and  
5 the execution or enforcement of judgments and orders, or pursuant to  
6 an order of a federal, state or local court, upon payment of a fee  
7 of One Dollar (\$1.00) per vehicle record page to the Tax Commission,  
8 the Corporation Commission or any motor license agent;

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

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

20       9. For use by a requester, upon payment of a fee of One Dollar  
21 (\$1.00) per vehicle record page to the Tax Commission, the  
22 Corporation Commission or any motor license agent, if the requester  
23 demonstrates that it has obtained the written consent of the  
24 individual to whom the information pertains;

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

3       11. For furnishing the name and address of all commercial  
4 entities who have current registrations of any particular model of  
5 vehicle; provided, this exception shall not allow the release of  
6 personal information pursuant to the provisions of the Driver's  
7 Privacy Protection Act, 18 U.S.C., Sections 2721 through 2725.

8       The Tax Commission shall collect a reasonable fee to recover the  
9 costs of providing the data. As used in this section, the term  
10 "vehicle record page" means a computer-generated printout of the  
11 motor vehicle inquiry screen. Information provided on the motor  
12 vehicle inquiry screen printout shall include the current vehicle  
13 owner name and address, vehicle make, model and year, identifying  
14 numbers for the vehicle license plate, certificate of title and  
15 vehicle identification number, relevant dates relating to the  
16 vehicle registration and certificate of title, and lien status.

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

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1        There shall be an informational search and retrieval fee of Five  
2 Dollars (\$5.00) per vehicle computer record search. If the Tax  
3 Commission or Corporation Commission performs a manual search, the  
4 fee shall be Seven Dollars and fifty cents (\$7.50) per vehicle. The  
5 Tax Commission is authorized to promulgate rules whereby motor  
6 license agents, when requesting such documentation in the  
7 performance of their duties, are exempt from this retrieval fee.  
8 Certified copies of vehicle certificates of title and applications  
9 therefor shall be included within the informational search and  
10 retrieval by the Tax Commission or Corporation Commission for a fee  
11 of Ten Dollars (\$10.00). Such duly certified copies may be received  
12 in evidence with the same effect as the original when the original  
13 is not in the possession or under the control of the party desiring  
14 to use the same.

15        D. Requesters authorized by this section to receive information  
16 shall submit to the Tax Commission, Corporation Commission or motor  
17 license agent an affidavit supported by such documentation as the  
18 Tax Commission or Corporation Commission may require, on a form  
19 prescribed by the Tax Commission or Corporation Commission  
20 certifying that the information is requested for a lawful and  
21 legitimate purpose and will not be further disseminated. Requestors  
22 authorized by this section to receive information shall provide to  
23 the Tax Commission, Corporation Commission or motor license agent a  
24 valid state driver license or state identification card. The Tax

1 Commission, Corporation Commission or motor license agent shall  
2 retain a copy of the identification along with any form, affidavit,  
3 or documentation prescribed by the Tax Commission or Corporation  
4 Commission certifying that the information is requested for a lawful  
5 and legitimate purpose and will not be further disseminated.

6 E. Notwithstanding the foregoing, the Tax Commission or  
7 Corporation Commission may allow the release of information from its  
8 motor vehicle records upon magnetic tape consisting only of the  
9 following information:

- 10 1. The date of the certificate of title;
- 11 2. The certificate of title number;
- 12 3. The type of title issued for the vehicle;
- 13 4. The odometer reading from the certificate of title;
- 14 5. The year in which the vehicle was manufactured;
- 15 6. The vehicle identification number for the vehicle;
- 16 7. The make of the vehicle; and
- 17 8. The location in which the vehicle is registered.

18 The Tax Commission or Corporation Commission shall allow the  
19 release of such information upon payment of a reasonable fee to be  
20 determined by the Tax Commission or Corporation Commission. The  
21 information released as authorized by this subsection may only be  
22 used for purposes of detecting odometer rollback or odometer  
23 tampering, for determining the issuance in this state or any other  
24 state of salvage or rebuilt titles for vehicles or for determining

1 whether a vehicle has been reported stolen in this state or any  
2 other state.

3 F. Notwithstanding the provisions of this section or of Section  
4 205 of Title 68 of the Oklahoma Statutes, the Tax Commission or  
5 Corporation Commission may inform a secured party that taxes and  
6 fees are delinquent with respect to a vehicle upon which the secured  
7 party has a perfected lien.

8 G. Fees received by a motor license agent pursuant to the  
9 provisions of this section shall not be included in the maximum sum  
10 that may be retained by motor license agents as compensation  
11 pursuant to the provisions of Section 1143 of this title.

12 H. All funds collected by the Tax Commission pursuant to the  
13 provisions of this section shall be deposited in the Oklahoma Tax  
14 Commission Revolving Fund. All funds collected by the Corporation  
15 Commission pursuant to the provisions of this section shall be  
16 apportioned as provided in subsection C of Section ~~3~~ 1167 of this  
17 ~~act~~ title.

18 I. It is further provided that the provisions of this section  
19 shall be strictly interpreted and shall not be construed as  
20 permitting the disclosure of any other information contained in the  
21 files and records of the Tax Commission or Corporation Commission.

22 J. It shall be unlawful for any person to commit any of the  
23 following acts:

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

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

6 Any violation of the provisions of this section shall constitute  
7 a misdemeanor and shall be punishable by the imposition of a fine  
8 not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment  
9 in the county jail for a term not exceeding one (1) year, or by both  
10 such fine and imprisonment. Where applicable, a person convicted of  
11 a violation of the provisions of this section shall be removed or  
12 dismissed from office or state employment. No liability whatsoever,  
13 civil or criminal, shall attach to any member or employee of the Tax  
14 Commission or Corporation Commission for any error or omission in  
15 the disclosure of such information.

16 SECTION 2. This act shall become effective July 1, 2008.

17 SECTION 3. It being immediately necessary for the preservation  
18 of the public peace, health and safety, an emergency is hereby  
19 declared to exist, by reason whereof this act shall take effect and  
20 be in full force from and after its passage and approval.

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