

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 COMMITTEE SUBSTITUTE
4 FOR
5 HOUSE BILL NO. 1784

By: Tibbs

6
7 COMMITTEE SUBSTITUTE

8 An Act relating to motor vehicles; amending 47 O.S. 2001, Section 2-143, as
9 amended by Section 7, Chapter 461, O.S.L. 2003 (47 O.S. Supp. 2008, Section
10 2-143), which relates to the Department of Public Safety Patrol Vehicle
11 Revolving Fund; clarifying purpose of revolving fund; amending 47 O.S. 2001,
12 Section 6-117, as last amended by Section 10, Chapter 326, O.S.L. 2007 (47
13 O.S. Supp. 2008, Section 6-117), which relates to records and reports
14 maintained by the Department of Public Safety; increasing fee amount for
15 collision reports; directing the deposit of collision report fees into certain
16 revolving funds; providing format for the issuance of Motor Vehicle Reports;
17 prohibiting the issuance of Motor Vehicle Reports to certain persons or entities;
18 providing for the remittance of Motor Vehicle Report fees into certain revolving
19 funds; providing for the adoption of rules for certain notification; deleting
20 requirement that certain monies be remitted to the State Treasurer; and
21 providing an effective date.

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

23 SECTION 1. AMENDATORY 47 O.S. 2001, Section 2-143, as amended by Section 7,
24 Chapter 461, O.S.L. 2003 (47 O.S. Supp. 2008, Section 2-143), is amended to read as follows:

25 Section 2-143. There is hereby created in the State Treasury a revolving fund for the Oklahoma
26 Department of Public Safety, to be designated the "Department of Public Safety Patrol Vehicle
27 Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations. All
28 monies accruing to the credit of said fund are hereby appropriated and shall be budgeted and expended

1 by the Department for the exclusive purpose of ~~the purchase of~~ purchasing, equipping, and maintaining
2 patrol vehicles; and patrol aircraft; ~~and the equipping of those vehicles~~. No monies shall be expended
3 from this fund without expressed authorization by the Legislature. Expenditures from said fund shall
4 be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the
5 Director of State Finance for approval and payment.

6 SECTION 2. AMENDATORY 47 O.S. 2001, Section 6-117, as last amended by Section
7 10, Chapter 326, O.S.L. 2007 (47 O.S. Supp. 2008, Section 6-117), is amended to read as follows:

8 Section 6-117. A. The Department of Public Safety shall file every application for a driver
9 license or identification card received by the Department and shall maintain suitable indexes
10 containing:

- 11 1. All applications denied and on each thereof note the reasons for the denial;
- 12 2. All applications granted;
- 13 3. The name of every person whose driving privilege has been suspended, revoked, cancelled, or
14 disqualified by the Department and after each such name note the reasons for the action. Any notation
15 of suspension of the driving privilege of a person for reason of nonpayment of a fine shall be removed
16 from the driving record after the person has paid the fine and the driving privilege of the person is
17 reinstated as provided for by law;
- 18 4. The county of residence, the name, date of birth, and mailing address of each person residing
19 in that county who is eighteen (18) years of age or older, and who is the holder of a current driver
20 license or a current identification card issued by the Department of Public Safety for the purpose of
21 ascertaining names of all persons qualified for jury service as required by Section 18 of Title 38 of the
22 Oklahoma Statutes; and

1 5. The name, driver license number, and mailing address of every person for the purpose of
2 giving notice, if necessary, as required by Section 2-116 of this title.

3 B. The Department shall file all collision reports and abstracts of court records of convictions
4 received by it pursuant to the laws of this state and maintain convenient records of the records and
5 reports or make suitable notations in order that an individual record of a person showing the
6 convictions of the person and the traffic collisions in which the person has been involved shall be
7 readily ascertainable and available for the consideration of the Department of Public Safety upon any
8 application for a driver license or renewal of a driver license and at other suitable times. Any abstract,
9 index or other entry relating to a driving record according to the licensing authority in another state or
10 a province of Canada may be posted upon the driving record of any resident of this state when notice
11 thereof is received by documentation or by electronic transmission. The individual record of a person
12 shall not include any collision reports and abstracts of court records involving a collision in which the
13 person was not issued a citation or if a citation is issued and the person was not convicted.

14 C. 1. The Commissioner and the officers of the Department as the Commissioner may designate
15 are hereby authorized to prepare under the seal of the Department and deliver upon request a copy of
16 any collision report on file with the Department, charging a fee of ~~Seven Dollars (\$7.00)~~ Ten Dollars
17 (\$10.00). However, the Department shall not be required to furnish personal information from the
18 collision report which is contrary to the provisions of the Driver's Privacy Protection Act, 18 United
19 States Code, Sections 2721 through 2725.

20 2. Notwithstanding the provisions of paragraph 1 of this subsection, the Department is
21 authorized to enter into contracts to supply information regarding vehicles reported to be involved in
22 collisions. For each vehicle, the information shall be limited to that which only describes the vehicle
23 and the collision. The Department shall not be required to provide any information regarding the
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1 owner or operator of the vehicle or any information which would conflict with Section 2-110 or
2 Section 1109 of this title.

3 3. Of each fee charged and received pursuant to this subsection, the Department shall:

4 a. deposit Three Dollars (\$3.00) to the Department of Public Safety Revolving
5 Fund, and

6 b. remit Seven Dollars (\$7.00) to the State Treasurer to be credited to the General
7 Revenue Fund in the State Treasury.

8 D. 1. The Department of Public Safety ~~or any motor license agent~~ upon request shall prepare
9 and furnish to any authorized person a Motor Vehicle Report of any person subject to the provisions of
10 the motor vehicle laws of this state. However, the Department shall not be required to furnish personal
11 information from a driving record contrary to the provisions of the Driver's Privacy Protection Act, 18
12 United States Code, Sections 2721 through 2725. The Motor Vehicle Report shall be a summary of
13 the driving record of the person and shall include the enumeration of any motor vehicle collisions,
14 reference to convictions for violations of motor vehicle laws, and any action taken against the privilege
15 of the person to operate a motor vehicle, as shown by the files of the Department in one of the
16 following formats:

17 a. for the three (3) years preceding the date of the request, which may be requested
18 and obtained from the Department or any motor license agent,

19 b. for the five (5) years preceding the date of the request, which may be requested
20 and obtained from the Department and shall be issued only to the person named
21 on the Motor Vehicle Report, or

1 c. for the ten (10) years preceding the date of the request, which may be requested
2 and obtained from the Department and shall be issued only to the person named
3 on the Motor Vehicle Report.

4 The Department shall not be required to release to any person, in whole or in part and in any
5 format, a driving index, as described in subsection A of this section, except as otherwise provided for
6 by law. The Department shall not be required to issue a five-year or ten-year Motor Vehicle Report to
7 any person other than the person named in the Motor Vehicle Report. No employer, insurer, other
8 person, or other business or entity shall require any person to make available, disclose, or otherwise
9 release the five-year or ten-year Motor Vehicle Report of that person.

10 2. a. For each three-year Motor Vehicle Report furnished by the Department of Public
11 Safety, the Department shall collect the sum of Ten Dollars (\$10.00). All monies
12 charged and received pursuant to this subparagraph shall be remitted to the State
13 Treasurer to be credited to the General Revenue Fund in the State Treasury.

14 b. For each three-year Motor Vehicle Report furnished by a motor license agent, the
15 agent shall collect the sum of Ten Dollars (\$10.00), Eight Dollars (\$8.00) of
16 which shall be paid to the Oklahoma Tax Commission for deposit in the General
17 Revenue Fund in the State Treasury and Two Dollars (\$2.00) of which shall be
18 retained by the motor license agent.

19 c. Persons sixty-five (65) years of age or older shall not be required to pay a fee for
20 their own three-year Motor Vehicle Report furnished by the Department or a
21 motor license agent.

1 3. For each five-year Motor Vehicle Report furnished by the Department of Public Safety, the
2 Department shall collect the sum of Fifteen Dollars (\$15.00). Of each fee charged and received
3 pursuant to this paragraph, the Department shall:

4 a. deposit Five Dollars (\$5.00) to the Department of Public Safety Revolving Fund,

5 and

6 b. remit Ten Dollars (\$10.00) to the State Treasurer to be credited to the General
7 Revenue Fund in the State Treasury.

8 4. For each ten-year Motor Vehicle Report furnished by the Department of Public Safety, the
9 Department shall collect the sum of Twenty Dollars (\$20.00). Of each fee charged and received
10 pursuant to this paragraph, the Department shall:

11 a. deposit Ten Dollars (\$10.00) to the Department of Public Safety Revolving Fund,

12 and

13 b. remit Ten Dollars (\$10.00) to the State Treasurer to be credited to the General
14 Revenue Fund in the State Treasury.

15 5. For purposes of this subsection, a Motor Vehicle Report, in any format prescribed in
16 paragraph 1 of this subsection, shall include a report which indicates that no driving record is on file
17 with the Department of Public Safety for the information received by the Department in the request for
18 the Motor Vehicle Report, and the appropriate fee shall be charged and collected by the Department or
19 the motor license agent, as applicable.

20 E. The Department of Public Safety may ~~develop~~ adopt rules to establish procedures whereby an
21 employer of a person:

22 1. ~~Who has a Class A, B or C driver license; and~~

1 ~~2. Who~~ who operates a ~~commercial~~ motor vehicle in the course of ~~his or her~~ employment with
2 the employer, may automatically be notified, pursuant to a fee schedule established by the Department,
3 should the driving record of a person reflect a traffic conviction in any court or an administrative
4 action by the Department which alters the status of the ~~commercial~~ driving privileges of the person.

5 All monies received by the Commissioner of Public Safety and the officers and employees of the
6 Department pursuant to this subsection shall be deposited in the Department of Public Safety
7 Revolving Fund.

8 F. The Commissioner is authorized to establish a procedure for reviewing the driving records of
9 state residents who are existing policyholders of any insurance company licensed to operate in this
10 state during specified periods of time and producing a report which identifies the policyholders which
11 have had violation and/or status changes to their driving records during such time period. The
12 Department may sell such report to the insurance company or its agent at a fee to be set by the
13 Department. Any such report sold by the Department shall only consist of information otherwise
14 lawfully obtainable by the insurance company or its agent. The fee shall be sufficient to recover all
15 costs incurred by the Department and insure that there will be no net revenue loss to the state. Such
16 fee shall be deposited in the Department of Public Safety Revolving Fund.

17 ~~G. All monies received by the Commissioner of Public Safety and the officers and employees of~~
18 ~~the Department shall be remitted to the State Treasurer to be credited to the General Revenue Fund in~~
19 ~~the State Treasury except as otherwise provided for by law.~~

1 SECTION 3. This act shall become effective November 1, 2009.

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