

1 ENGROSSED HOUSE
2 BILL NO. 1784

By: Tibbs of the House

3 and

4 Barrington of the Senate

5
6
7 An Act relating to motor vehicles; amending 47 O.S.
8 2001, Section 2-143, as amended by Section 7, Chapter
9 461, O.S.L. 2003 (47 O.S. Supp. 2008, Section 2-143),
10 which relates to the Department of Public Safety
11 Patrol Vehicle Revolving Fund; clarifying purpose of
12 revolving fund; amending 47 O.S. 2001, Section 6-117,
13 as last amended by Section 10, Chapter 326, O.S.L.
14 2007 (47 O.S. Supp. 2008, Section 6-117), which
15 relates to records and reports maintained by the
16 Department of Public Safety; increasing fee amount
17 for collision reports; directing the deposit of
18 collision report fees into certain revolving funds;
19 providing format for the issuance of Motor Vehicle
20 Reports; prohibiting the issuance of Motor Vehicle
21 Reports to certain persons or entities; providing for
22 the remittance of Motor Vehicle Report fees into
23 certain revolving funds; providing for the adoption
24 of rules for certain notification; deleting
requirement that certain monies be remitted to the
State Treasurer; and providing an effective date.

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

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

Section 2-143. There is hereby created in the State Treasury a
revolving fund for the ~~Oklahoma~~ Department of Public Safety, to be

1 designated the "Department of Public Safety Patrol Vehicle Revolving
2 Fund". The fund shall be a continuing fund, not subject to fiscal
3 year limitations. All monies accruing to the credit of said fund
4 are hereby appropriated and shall be budgeted and expended by the
5 Department for the exclusive purpose of ~~the purchase of~~ purchasing,
6 equipping, and maintaining patrol vehicles, and patrol aircraft, ~~and~~
7 ~~the equipping of those vehicles.~~ No monies shall be expended from
8 this fund without expressed authorization by the Legislature.
9 Expenditures from said fund shall be made upon warrants issued by
10 the State Treasurer against claims filed as prescribed by law with
11 the Director of State Finance for approval and payment.

12 SECTION 2. AMENDATORY 47 O.S. 2001, Section 6-117, as
13 last amended by Section 10, Chapter 326, O.S.L. 2007 (47 O.S. Supp.
14 2008, Section 6-117), is amended to read as follows:

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

- 19 1. All applications denied and on each thereof note the reasons
20 for the denial;
- 21 2. All applications granted;
- 22 3. The name of every person whose driving privilege has been
23 suspended, revoked, cancelled, or disqualified by the Department and
24 after each such name note the reasons for the action. Any notation

1 of suspension of the driving privilege of a person for reason of
2 nonpayment of a fine shall be removed from the driving record after
3 the person has paid the fine and the driving privilege of the person
4 is reinstated as provided for by law;

5 4. The county of residence, the name, date of birth, and
6 mailing address of each person residing in that county who is
7 eighteen (18) years of age or older, and who is the holder of a
8 current driver license or a current identification card issued by
9 the Department of Public Safety for the purpose of ascertaining
10 names of all persons qualified for jury service as required by
11 Section 18 of Title 38 of the Oklahoma Statutes; and

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

15 B. The Department shall file all collision reports and
16 abstracts of court records of convictions received by it pursuant to
17 the laws of this state and maintain convenient records of the
18 records and reports or make suitable notations in order that an
19 individual record of a person showing the convictions of the person
20 and the traffic collisions in which the person has been involved
21 shall be readily ascertainable and available for the consideration
22 of the Department of Public Safety upon any application for a driver
23 license or renewal of a driver license and at other suitable times.
24 Any abstract, index or other entry relating to a driving record

1 according to the licensing authority in another state or a province
2 of Canada may be posted upon the driving record of any resident of
3 this state when notice thereof is received by documentation or by
4 electronic transmission. The individual record of a person shall
5 not include any collision reports and abstracts of court records
6 involving a collision in which the person was not issued a citation
7 or if a citation is issued and the person was not convicted.

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

17 2. Notwithstanding the provisions of paragraph 1 of this
18 subsection, the Department is authorized to enter into contracts to
19 supply information regarding vehicles reported to be involved in
20 collisions. For each vehicle, the information shall be limited to
21 that which only describes the vehicle and the collision. The
22 Department shall not be required to provide any information
23 regarding the owner or operator of the vehicle or any information
24

1 which would conflict with Section 2-110 or Section 1109 of this
2 title.

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

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

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

10 D. 1. The Department of Public Safety ~~or any motor license~~
11 ~~agent~~ upon request shall prepare and furnish to any authorized
12 person a Motor Vehicle Report of any person subject to the
13 provisions of the motor vehicle laws of this state. However, the
14 Department shall not be required to furnish personal information
15 from a driving record contrary to the provisions of the Driver's
16 Privacy Protection Act, 18 United States Code, Sections 2721 through
17 2725. The Motor Vehicle Report shall be a summary of the driving
18 record of the person and shall include the enumeration of any motor
19 vehicle collisions, reference to convictions for violations of motor
20 vehicle laws, and any action taken against the privilege of the
21 person to operate a motor vehicle, as shown by the files of the
22 Department in one of the following formats:

23

24

- 1 a. for the three (3) years preceding the date of the
2 request, which may be requested and obtained from the
3 Department or any motor license agent,
- 4 b. for the five (5) years preceding the date of the
5 request, which may be requested and obtained from the
6 Department and shall be issued only to the person
7 named on the Motor Vehicle Report, or
- 8 c. for the ten (10) years preceding the date of the
9 request, which may be requested and obtained from the
10 Department and shall be issued only to the person
11 named on the Motor Vehicle Report.

12 The Department shall not be required to release to any person,
13 in whole or in part and in any format, a driving index, as described
14 in subsection A of this section, except as otherwise provided for by
15 law. The Department shall not be required to issue a five-year or
16 ten-year Motor Vehicle Report to any person other than the person
17 named in the Motor Vehicle Report. No employer, insurer, other
18 person, or other business or entity shall require any person to make
19 available, disclose, or otherwise release the five-year or ten-year
20 Motor Vehicle Report of that person.

- 21 2. a. For each three-year Motor Vehicle Report furnished by
22 the Department of Public Safety, the Department shall
23 collect the sum of Ten Dollars (\$10.00). All monies
24 charged and received pursuant to this subparagraph

1 shall be remitted to the State Treasurer to be
2 credited to the General Revenue Fund in the State
3 Treasury.

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

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

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

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

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

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

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

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

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

17 E. The Department of Public Safety may ~~develop~~ adopt rules to
18 establish procedures whereby an employer of a person+

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

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

1 alters the status of the ~~commercial~~ driving privileges of the
2 person. All monies received by the Commissioner of Public Safety
3 and the officers and employees of the Department pursuant to this
4 subsection shall be deposited in the Department of Public Safety
5 Revolving Fund.

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

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

24

