

ENROLLED SENATE
BILL NO. 1397

By: Mazzei and Stanislawski of
the Senate

and

Hickman, Billy and Murphey
of the House

An Act relating to motor vehicles; amending 47 O.S. 2001, Sections 1109, as last amended by Section 2, Chapter 330, O.S.L. 2007 and 1131 (47 O.S. Supp. 2009, Section 1109), which relate to the Oklahoma Vehicle License and Registration Act; modifying data available for current motor vehicle registration; mandating procedures by Oklahoma Tax Commission for providing notice for renewal of registration; deleting notice requirement for purposes of renewal of licensing; deleting requirement that notice include certain content and requirement for placement of such content; authorizing Tax Commission to determine content of notice; requiring Tax Commission to provide specified information on public website; deleting requirement for certain instruction; and declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 2001, Section 1109, as last amended by Section 2, Chapter 330, O.S.L. 2007 (47 O.S. Supp. 2009, Section 1109), is amended to read as follows:

Section 1109. A. All information contained in certificates of title, applications therefor, vehicle registration records and

computer data files is hereby declared to be confidential information and shall not be copied by anyone or disclosed to anyone other than employees of the Oklahoma Tax Commission or the Corporation Commission in the regular course of their employment, except as provided in subsection B of this section. As used in this section, "personal information" means information that identifies an individual including name, address (excluding the five-digit zip code) and telephone number, but does not include information on vehicular accidents, driving violations and driver's status.

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

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

2. For use by any motor vehicle manufacturer or an authorized representative thereof in connection with matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor vehicle product alterations, recalls or advisories, performance monitoring of motor vehicles, motor vehicle parts and dealers, motor vehicle market research activities, including survey research, and removal of non-owner records from the original owner records of motor vehicle manufacturers. The confidentiality of the information shall be protected, as set out above, and used only for the purpose stated; provided, further, that the Tax Commission or Corporation Commission shall be authorized to review the use of and the measures

employed to safeguard the information; and provided, further, that the manufacturer or representative shall bear the cost incurred by the Tax Commission or Corporation Commission in the production of the information requested. If the confidentiality provisions, as set out above, are violated, the provisions of subsection D of Section 205 of Title 68 of the Oklahoma Statutes shall apply and the privilege of obtaining information shall be terminated. Any manufacturer or representative violating the provisions of this paragraph, upon conviction, shall be punishable by a fine not to exceed Fifty Thousand Dollars (\$50,000.00);

3. For use by any person compiling and publishing motor vehicle statistics, provided that such statistics do not disclose the names and addresses of individuals. Such information shall be provided upon payment of a reasonable fee as determined by the Tax Commission or the Corporation Commission;

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

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

- a. to verify the accuracy of personal information submitted by the individual to whom the information pertains to the business or its agents, employees, or contractors, or
- b. to obtain the correct information, if such information submitted by the individual to whom the information pertains to the business is not correct, or is no longer correct, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against the individual;

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

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

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

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

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

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

The Tax Commission shall collect a reasonable fee to recover the costs of providing the data. As used in this section, the term "vehicle record page" means a computer-generated printout of the motor vehicle inquiry screen. Information provided on the motor

vehicle inquiry screen printout shall include the current vehicle owner name and address, vehicle make, model and year, identifying numbers for the vehicle license plate, certificate of title and vehicle identification number, relevant dates relating to the vehicle registration and certificate of title, lienholder information and lien status.

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

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

D. Requesters authorized by this section to receive information shall submit to the Tax Commission, Corporation Commission or motor license agent an affidavit supported by such documentation as the Tax Commission or Corporation Commission may require, on a form prescribed by the Tax Commission or Corporation Commission certifying that the information is requested for a lawful and legitimate purpose and will not be further disseminated.

E. Notwithstanding the foregoing, the Tax Commission or Corporation Commission may allow the release of information from its motor vehicle records upon magnetic tape consisting only of the 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 reasonable 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.

F. 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.

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

H. All funds collected by the Tax Commission pursuant to the provisions of this section shall be deposited in the Oklahoma Tax Commission Revolving Fund. All funds collected by the Corporation

Commission pursuant to the provisions of this section shall be apportioned as provided in subsection C of Section 3 of this act.

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

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

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

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

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

SECTION 2. AMENDATORY 47 O.S. 2001, Section 1131, is amended to read as follows:

Section 1131. The Oklahoma Tax Commission shall annually notify ~~through the mail~~ all persons within the state who have a previous registration ~~and license~~ on record of the period for registration ~~and licensing~~ renewal. The Tax Commission shall send the notifications to the electronic mail address provided by the person. If a person does not provide an electronic mail address then the Tax Commission shall notify the person through the mail. Such notice The notifications shall contain all necessary information for such registration and licensing including a breakdown of all charges to be paid by the owner and shall contain instructions as to the

procedure for renewal upon presentation to a motor license agent or by return mail to the Commission's state office. The content and form of the notice shall be determined by the Commission. Use of a postcard or electronic mail type renewal notice is specifically permitted. ~~On the back of such registration notice form there shall be an explanation of the apportionment of all license fees and penalties collected and their disposition. Such explanation shall include information as to all charges and fees included in the total license fee or incident to the registration of a vehicle. If the owner chooses the option of receiving these services through the mail, either from the Commission or a motor license agent, he shall be instructed to pay the final total listed~~ The Commission shall provide information on its public website instructing persons on the procedure for obtaining an annual notification via electronic mail, outlining all charges and fees associated with the registration of a vehicle, as well as an explanation of the apportionment of vehicle fees and penalties. The cost of mailing shall be One Dollar (\$1.00) for license plates and fifty cents (\$0.50) for decals, titles or other forms or devices provided in this act. Provided, that the Commission may adjust any mailing costs as deemed appropriate to allow for increased or additional fees charged by the United States Postal Service.

Failure by any applicant to receive notification of renewal as provided by this act shall not excuse the applicant from properly obtaining any registration or license at the proper time by presenting proof of ownership to the Commission's state office or to a motor license agent.

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

Passed the Senate the 21st day of May, 2010.

Presiding Officer of the Senate

Passed the House of Representatives the 25th day of May, 2010.

Presiding Officer of the House
of Representatives