

THE HOUSE OF REPRESENTATIVES
Monday, March 2, 2009

Committee Substitute for
House Bill No. 1784

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1784 - By: TIBBS of the House and BARRINGTON of the Senate.

An Act relating to motor vehicles; amending 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), which relates to the Department of Public Safety Patrol Vehicle Revolving Fund; clarifying purpose of revolving fund; amending 47 O.S. 2001, Section 6-117, as last amended by Section 10, Chapter 326, O.S.L. 2007 (47 O.S. Supp. 2008, Section 6-117), which relates to records and reports maintained by the Department of Public Safety; increasing fee amount for collision reports; directing the deposit of collision report fees into certain revolving funds; providing format for the issuance of Motor Vehicle Reports; prohibiting the issuance of Motor Vehicle Reports to certain persons or entities; providing for the remittance of Motor Vehicle Report fees into certain revolving funds; providing for the adoption 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:

1 SECTION 1. AMENDATORY 47 O.S. 2001, Section 2-143, as amended by
2 Section 7, Chapter 461, O.S.L. 2003 (47 O.S. Supp. 2008, Section 2-143), is amended to
3 read as follows:
4 Section 2-143. There is hereby created in the State Treasury a revolving fund for
5 the ~~Oklahoma~~ Department of Public Safety, to be designated the "Department of Public
6 Safety Patrol Vehicle Revolving Fund". The fund shall be a continuing fund, not subject

1 to fiscal year limitations. All monies accruing to the credit of said fund are hereby
2 appropriated and shall be budgeted and expended by the Department for the exclusive
3 purpose of ~~the purchase of~~ purchasing, equipping, and maintaining patrol vehicles, and
4 patrol aircraft, ~~and the equipping of those vehicles~~. No monies shall be expended from
5 this fund without expressed authorization by the Legislature. Expenditures from said
6 fund shall be made upon warrants issued by the State Treasurer against claims filed as
7 prescribed by law with the Director of State Finance for approval and payment.

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

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

- 14 1. All applications denied and on each thereof note the reasons for the denial;
- 15 2. All applications granted;
- 16 3. The name of every person whose driving privilege has been suspended, revoked,
17 cancelled, or disqualified by the Department and after each such name note the reasons
18 for the action. Any notation of suspension of the driving privilege of a person for reason
19 of nonpayment of a fine shall be removed from the driving record after the person has
20 paid the fine and the driving privilege of the person is reinstated as provided for by law;
- 21 4. The county of residence, the name, date of birth, and mailing address of each
22 person residing in that county who is eighteen (18) years of age or older, and who is the

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 holder of a current driver license or a current identification card issued by the
2 Department of Public Safety for the purpose of ascertaining names of all persons
3 qualified for jury service as required by Section 18 of Title 38 of the Oklahoma Statutes;
4 and

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

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

20 C. 1. The Commissioner and the officers of the Department as the Commissioner
21 may designate are hereby authorized to prepare under the seal of the Department and
22 deliver upon request a copy of any collision report on file with the Department, charging

1 a fee of ~~Seven Dollars (\$7.00)~~ Ten Dollars (\$10.00). However, the Department shall not
2 be required to furnish personal information from the collision report which is contrary to
3 the provisions of the Driver's Privacy Protection Act, 18 United States Code, Sections
4 2721 through 2725.

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

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

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

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

17 D. 1. The Department of Public Safety ~~or any motor license agent~~ upon request
18 shall prepare and furnish to any authorized person a Motor Vehicle Report of any person
19 subject to the provisions of the motor vehicle laws of this state. However, the
20 Department shall not be required to furnish personal information from a driving record
21 contrary to the provisions of the Driver's Privacy Protection Act, 18 United States Code,
22 Sections 2721 through 2725. The Motor Vehicle Report shall be a summary of the

1 driving record of the person and shall include the enumeration of any motor vehicle
2 collisions, reference to convictions for violations of motor vehicle laws, and any action
3 taken against the privilege of the person to operate a motor vehicle, as shown by the files
4 of the Department in one of the following formats:

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

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

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

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

21 2. a. For each three-year Motor Vehicle Report furnished by the
22 Department of Public Safety, the Department shall collect the sum of

1 Ten Dollars (\$10.00). All monies charged and received pursuant to this
2 subparagraph shall be remitted to the State Treasurer to be credited to
3 the General Revenue Fund in the State Treasury.

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

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

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

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

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

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

1 company licensed to operate in this state during specified periods of time and producing a
2 report which identifies the policyholders which have had violation and/or status changes
3 to their driving records during such time period. The Department may sell such report to
4 the insurance company or its agent at a fee to be set by the Department. Any such report
5 sold by the Department shall only consist of information otherwise lawfully obtainable by
6 the insurance company or its agent. The fee shall be sufficient to recover all costs
7 incurred by the Department and insure that there will be no net revenue loss to the
8 state. Such fee shall be deposited in the Department of Public Safety Revolving Fund.

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

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

14 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02-26-09 - DO
15 PASS, As Amended and Coauthored.

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.