

3 Senate Bill No. 483

4 SENATE BILL NO. 483 - By: Jolley and Lamb of the Senate and Terrill
5 of the House.

6 An Act relating to public safety; amending 47 O.S. 2001,
7 Section 2-110, as last amended by Section 1, Chapter 199,
8 O.S.L. 2005 (47 O.S. Supp. 2008, Section 2-110), which
9 relates to the release of records by the Department of
10 Public Safety; directing the Department of Public Safety to
11 establish procedures for access to computerized images;
12 prohibiting use of images by certain persons; establishing
13 consequences for unintended use; and providing an effective
14 date.

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

16 SECTION 1. AMENDATORY 47 O.S. 2001, Section 2-110, as
17 last amended by Section 1, Chapter 199, O.S.L. 2005 (47 O.S. Supp.
18 2008, Section 2-110), is amended to read as follows:

19 Section 2-110. A. Officers and employees of the Department of
20 Public Safety designated by the Commissioner of Public Safety, for
21 the purpose of administering the motor vehicle laws, are authorized
22 to administer oaths and acknowledge signatures and shall do so
23 without fee.

24 B. The Commissioner and such officers of the Department as the
25 Commissioner may designate are hereby authorized to prepare under
26 the seal of the Department and deliver upon request a certified copy
27 of any record of the Department, charging a fee of Three Dollars
28 (\$3.00) for each record so certified, and every such certified copy

1 shall be admissible in any proceeding in any court in like manner as
2 the original thereof. A certification fee shall be charged:

3 1. Only if the person requesting the record specifically
4 requests that the record be certified; and

5 2. In addition to the copying and reproduction fees provided by
6 the Oklahoma Open Records Act or any other applicable law.

7 C. The Commissioner and any other officers of the Department as
8 the Commissioner may designate are hereby authorized to provide a
9 copy of any record required to be maintained by the Department at no
10 charge to any of the following government agencies when requested in
11 the performance of official governmental duties:

12 1. The driver license agency of any other state;

13 2. Any court, district attorney or municipal prosecutor in this
14 state or any other state;

15 3. Any law enforcement agency in this state or any other state
16 or any federal agency empowered by law to make arrests for public
17 offenses;

18 4. Any public school district in this state for purposes of
19 verifying the driving record of a currently employed school bus
20 driver or person making application for employment as a school bus
21 driver; or

22 5. Any state agency in this state.

1 D. Any record required to be maintained by the Department may
2 be released to any other entity free of charge when the release of
3 the record would be for the benefit of the public, as determined by
4 the Commissioner or a designee of the Commissioner.

5 E. The following records shall be provided by the Department to
6 any authorized recipient, pursuant to the provisions of the Driver's
7 Privacy Protection Act, 18 United States Code, Sections 2721 through
8 2725, upon payment of the appropriate fees for the records:

9 1. A Motor Vehicle Report, as defined in Section 6-117 of this
10 title; and

11 2. A copy of any driving record related to the Motor Vehicle
12 Report.

13 F. 1. The provisions of subsections B, D, and E of this
14 section and the Open Records Act shall not apply to the release of
15 personal information from any driving record of any person. Such
16 personal information shall be confidential except as provided for in
17 this subsection or in the provisions of the Driver's Privacy
18 Protection Act, 18 United States Code, Sections 2721 through 2725.

19 2. Upon written request to the Commissioner of Public Safety by
20 a law enforcement agency or another state's or country's driver
21 licensing agency for personal information on a specific individual,
22 as named or otherwise identified in the written request, to be used
23 in the official capacity of the agency, the Commissioner may release

1 such personal information to the agency pursuant to the provisions
2 of the Driver's Privacy Protection Act, 18 United States Code,
3 Sections 2721 through 2725.

4 3. The Commissioner of Public Safety is authorized to establish
5 procedures and enter into agreements with any other law enforcement
6 agency of this state or political subdivision of this state for the
7 purpose of providing direct electronic access to the photograph or
8 image in computerized format of any person who has been issued a
9 driver license or identification card by the Department of Public
10 Safety. The procedures and agreements shall ensure that:

11 a. access to a photograph or image is for law enforcement
12 purposes only and that each photograph or image
13 accessed is provided only to law enforcement officers
14 employed by the agency accessing the photograph or
15 image,

16 b. any person charged with access to or custody and
17 dissemination of a photograph or image or in receipt
18 of a photograph or image shall not divulge or disclose
19 the photograph or image except for law enforcement
20 purposes, and in all cases shall not give, transfer,
21 or otherwise provide the photograph or image:

1 (1) to any law enforcement agency or officer with
2 whom the Department does not have an agreement
3 for the access of photographs or images, or

4 (2) to any other person not authorized to view or
5 receive the photograph or image, and

6 c. any person charged with access to a photograph or
7 image shall not utilize such access for any reason
8 other than official law enforcement purposes.

9 Any person violating the provisions of this paragraph shall, upon
10 conviction, be deemed guilty of a misdemeanor punishable by
11 imprisonment in the county jail for not more than one (1) year.

12 ~~2.~~ 4. For the purposes of this subsection, "personal
13 information" means information which identifies a person, including
14 but not limited to a photograph or image in computerized format of
15 the person, fingerprint image in computerized format, signature or
16 signature in computerized format, social security number, residence
17 address, mailing address, and medical or disability information.

18 SECTION 2. This act shall become effective November 1, 2009.

19 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY & HOMELAND SECURITY,
20 dated 2-3-09 - DO PASS, As Coauthored.