

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL NO. 954

By: Nichols of the Senate

and

Billy of the House

6
7
8
9 COMMITTEE SUBSTITUTE

10 An Act relating to motor vehicles; amending 47 O.S.
11 2001, Section 6-117, as last amended by Section 1,
12 Chapter 426, O.S.L. 2010 (47 O.S. Supp. 2010, Section
13 6-117), which relates to records kept by the
14 Department of Public Safety; increasing amount of
collision report fee for specified amount of time;
15 directing deposit of fee to certain revolving fund;
16 providing for expenditure of funds; providing an
effective date; and declaring an emergency.

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

18 SECTION 1. AMENDATORY 47 O.S. 2001, Section 6-117, as
19 last amended by Section 1, Chapter 426, O.S.L. 2010 (47 O.S. Supp.
20 2010, Section 6-117), is amended to read as follows:

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

1 1. All applications denied and on each thereof note the reasons
2 for the denial;

3 2. All applications granted;

4 3. The name of every person whose driving privilege has been
5 suspended, revoked, cancelled, or disqualified by the Department and
6 after each such name note the reasons for the action. Any notation
7 of suspension of the driving privilege of a person for reason of
8 nonpayment of a fine shall be removed from the driving record after
9 the person has paid the fine and the driving privilege of the person
10 is reinstated as provided for by law;

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

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

21 B. The Department shall file all collision reports and
22 abstracts of court records of convictions received by it pursuant to
23 the laws of this state and maintain convenient records of the
24 records and reports or make suitable notations in order that an

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

14 C. 1. The Commissioner and the officers of the Department as
15 the Commissioner may designate are hereby authorized to prepare
16 under the seal of the Department and deliver upon request a copy of
17 any collision report on file with the Department, charging a fee of
18 ~~Seven Dollars (\$7.00):~~

19 a. beginning on July 1, 2011, through June 30, 2013,
20 Fifteen Dollars (\$15.00), of which Eight Dollars
21 (\$8.00) shall be deposited by the Commissioner to the
22 credit of the Department of Public Safety Revolving
23 Fund and, in addition to other purposes authorized by
24 law, the expenditures from that fund of monies derived

1 from the Eight Dollars (\$8.00) pursuant to this
2 subparagraph shall be used to fund any Oklahoma
3 Highway Patrol Trooper Academy provided by the
4 Department. Any remaining funds shall be used for
5 operational expenses of the Oklahoma Highway Patrol,
6 and

7 b. beginning on July 1, 2013, and any year thereafter,
8 Seven Dollars (\$7.00).

9 However, the Department shall not be required to furnish
10 personal information from the collision report which is contrary to
11 the provisions of the Driver's Privacy Protection Act, 18 United
12 States Code, Sections 2721 through 2725.

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

22 D. The Department of Public Safety or any motor license agent
23 upon request shall prepare and furnish to any authorized person a
24 Motor Vehicle Report of any person subject to the provisions of the

1 motor vehicle laws of this state. However, the Department shall not
2 be required to furnish personal information from a driving record
3 contrary to the provisions of the Driver's Privacy Protection Act,
4 18 United States Code, Sections 2721 through 2725. The Motor
5 Vehicle Report shall be a summary of the driving record of the
6 person and shall include the enumeration of any motor vehicle
7 collisions, reference to convictions for violations of motor vehicle
8 laws, and any action taken against the privilege of the person to
9 operate a motor vehicle, as shown by the files of the Department for
10 the three (3) years preceding the date of the request. The
11 Department shall not be required to release to any person, in whole
12 or in part and in any format, a driving index, as described in
13 subsection A of this section, except as otherwise provided for by
14 law. For each Motor Vehicle Report furnished by the Department of
15 Public Safety, the Department shall collect the sum of Twenty-five
16 Dollars (\$25.00), Twenty Dollars (\$20.00) of which shall be
17 deposited in the General Revenue Fund and Five Dollars (\$5.00) shall
18 be deposited in the Department of Public Safety Revolving Fund. For
19 each Motor Vehicle Report furnished by a motor license agent, the
20 agent shall collect the sum of Twenty-five Dollars (\$25.00),
21 Eighteen Dollars (\$18.00) of which shall be paid to the Oklahoma Tax
22 Commission for deposit in the General Revenue Fund in the State
23 Treasury, Five Dollars (\$5.00) shall be deposited in the Department
24 of Public Safety Revolving Fund and Two Dollars (\$2.00) of which

1 shall be retained by the motor license agent. Persons sixty-five
2 (65) years of age or older shall not be required to pay a fee for
3 their own Motor Vehicle Report furnished by the Department or a
4 motor license agent. For purposes of this subsection, a Motor
5 Vehicle Report shall include a report which indicates that no
6 driving record is on file with the Department of Public Safety for
7 the information received by the Department in the request for the
8 Motor Vehicle Report.

9 E. The Department of Public Safety may develop procedures
10 whereby an employer of a person:

- 11 1. Who has a Class A, B or C driver license; and
- 12 2. Who operates a commercial motor vehicle in the course of his
13 or her employment with the employer, may automatically be notified,
14 pursuant to a fee schedule established by the Department, should the
15 driving record of a person reflect a traffic conviction in any court
16 or an administrative action by the Department which alters the
17 status of the commercial driving privileges of the person.

18 F. The Commissioner is authorized to establish a procedure for
19 reviewing the driving records of state residents who are existing
20 policyholders of any insurance company licensed to operate in this
21 state during specified periods of time and producing a report which
22 identifies the policyholders which have had violation and/or status
23 changes to their driving records during such time period. The
24 Department may sell such report to the insurance company or its

1 agent at a fee to be set by the Department. Any such report sold by
2 the Department shall only consist of information otherwise lawfully
3 obtainable by the insurance company or its agent. The fee shall be
4 sufficient to recover all costs incurred by the Department and
5 insure that there will be no net revenue loss to the state. Such
6 fee shall be deposited in the Department of Public Safety Revolving
7 Fund.

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

12 SECTION 2. This act shall become effective July 1, 2011.

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

17

18 53-1-7614 CJB 04/14/11

19

20

21

22

23

24