STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL 2250

By: Shannon, McNiel and Walker of the House

and

Marlatt of the Senate

COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; amending 47 O.S. 2011, Section 6-117, which relates to certain records to be kept by the Department of Public Safety; requiring a certain notification system to include electronic delivery of a certain required report on certain employees at least annually; providing for the deposit of certain monies; amending 47 O.S. 2011, Section 14-111, which relates to overweight vehicles; requiring consideration of weighing area levelness; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-117, is amended to read as follows:

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

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

2. All applications granted;

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

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

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

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

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

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

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

subparagraph shall be used to fund any Oklahoma Highway Patrol Trooper Academy provided by the Department. Any remaining funds shall be deposited in an account to be utilized exclusively for future expenses directly related to the operation of an Oklahoma Highway Patrol Academy, and

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

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

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

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

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

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

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

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

2. Who operates a commercial motor vehicle in the course of his or her employment with the employer, may automatically be notified, pursuant to a fee schedule established by the Department, should the driving record of a person reflect a traffic conviction in any court or an administrative action by the Department which alters the status of the commercial driving privileges of the person. <u>The notification system shall include electronic delivery of a Motor Vehicle Report at least annually for any employee who is a commercial driver licensee or who operates a commercial motor vehicle, as required by 49 C.F.R., Section 391.25. All monies received by the Commissioner of Public Safety and the officers and employees of the Department pursuant to this subsection shall be deposited in the Department of Public Safety Restricted Revolving</u>

Fund; provided, the fee received for electronic delivery of a Motor Vehicle Report shall be deposited as provided in subsection G of this section.

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

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

SECTION 2. AMENDATORY 47 O.S. 2011, Section 14-111, is amended to read as follows:

Section 14-111. A. Any officer of the Department of Public Safety, the Corporation Commission, any sheriff, or any salaried deputy sheriff is authorized to stop any vehicle upon any road or highway in order to weigh such vehicle by means of portable or stationary scales, or cause the same to be weighed by any official weigher, or upon any privately owned scales and may require that such vehicles be driven to the nearest or most convenient available scales for the purpose of weighing. Any officer weighing a vehicle pursuant to this section by means of portable scales shall allow the driver of the vehicle to move the vehicle to the most level weighing area available within two (2) miles of the stop. In the event that any axle weight or the gross weight of any such vehicle be found to exceed the maximum weight authorized by law, or by permit issued therefor, the officer may require, in the case of separable loads, the driver, operator or owner thereof to unload at the site such portion of the load as may be necessary to decrease the weight of such vehicle to the maximum weight authorized by law. Provided, however, that if such load consists of livestock, perishable merchandise, or merchandise that may be destroyed by the weather, then the driver shall be permitted to proceed to the nearest practical unloading point in the direction of destination before discharging such excess cargo. All material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.

B. The operator of any truck or other vehicle transporting farm products for hire or other merchandise for hire shall have in his or her possession a certificate carrying the following information: name of the operator; driver license number; vehicle registration number; Corporation Commission permit number; and statement of owner authorizing transportation of the products by above named operator. For the purposes of this section "certificate" includes electronic manifests and other similar documents that include all of the information required pursuant to this section.

Should the vehicle be loaded with livestock, the certificate shall include the number of animals, and should the livestock be the property of more than one person, a certificate signed by each owner carrying the above information including the number of animals owned by each owner shall be carried by the operator. Should the operator be the owner of the merchandise or livestock, the merchandise or livestock having just been purchased, the operator shall have in his or her possession a bill of sale for such merchandise or livestock. Should the operator be the owner of livestock or other farm products produced by the operator, the operator shall be required to show satisfactory identification and ownership of the vehicle. Any officer as outlined in this chapter shall have the authority to stop any vehicle loaded with livestock, merchandise or other farm products and investigate as to the ownership of the merchandise, livestock or other farm products. Should the operator of any

vehicle be unable to establish to the satisfaction of the officer the ownership of the merchandise, livestock or other products, or shall not have the certificate as specified in this section for the transportation of such merchandise, livestock or other farm products, the merchandise, livestock or other farm products and the vehicle in which they are being transported shall be impounded by the officer and any expense as to the care of any livestock shall be the responsibility of the owner or operator of the vehicle, and any loss or damage of the merchandise, livestock or other farm products shall be the responsibility of the operator or owner, or both.

The provisions of this subsection shall not apply to a person who is transporting horses or livestock; provided, the person shall not have been hired to transport the horses or livestock.

SECTION 3. This act shall become effective July 1, 2012.

SECTION 4. 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.

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