

1 **SENATE FLOOR VERSION**

2 February 28, 2011

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 954

By: Nichols of the Senate

and

Billy of the House

6
7
8
9 [Department of Public Safety records - fees -
10 deposit - effective date -
11 emergency]

12
13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 47 O.S. 2001, Section 6-117, as
15 last amended by Section 1, Chapter 426, O.S.L. 2010 (47 O.S. Supp.
16 2010, Section 6-117), is amended to read as follows:

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

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

23 2. All applications granted;

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

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

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

18 B. The Department shall file all collision reports and
19 abstracts of court records of convictions received by it pursuant to
20 the laws of this state and maintain convenient records of the
21 records and reports or make suitable notations in order that an
22 individual record of a person showing the convictions of the person
23 and the traffic collisions in which the person has been involved
24 shall be readily ascertainable and available for the consideration

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

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

16 a. beginning on July 1, 2011 through June 30, 2013,
17 Fifteen Dollars (\$15.00), of which Eight Dollars
18 (\$8.00) shall be deposited by the Commissioner to the
19 credit of the Department of Public Safety Revolving
20 Fund and, in addition to other purposes authorized by
21 law, the expenditures from that fund of monies derived
22 from the Eight Dollars (\$8.00) pursuant to this
23 subparagraph shall be used to fund any Oklahoma
24 Highway Patrol Trooper Academy provided by the

1 Department. Any remaining funds shall be used for
2 operational expenses of the Oklahoma Highway Patrol,
3 and

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

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

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

19 D. The Department of Public Safety or any motor license agent
20 upon request shall prepare and furnish to any authorized person a
21 Motor Vehicle Report of any person subject to the provisions of the
22 motor vehicle laws of this state. However, the Department shall not
23 be required to furnish personal information from a driving record
24 contrary to the provisions of the Driver's Privacy Protection Act,

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

1 motor license agent. For purposes of this subsection, a Motor
2 Vehicle Report shall include a report which indicates that no
3 driving record is on file with the Department of Public Safety for
4 the information received by the Department in the request for the
5 Motor Vehicle Report.

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

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

9 2. Who operates a commercial motor vehicle in the course of his
10 or her employment with the employer, may automatically be notified,
11 pursuant to a fee schedule established by the Department, should the
12 driving record of a person reflect a traffic conviction in any court
13 or an administrative action by the Department which alters the
14 status of the commercial driving privileges of the person.

15 F. The Commissioner is authorized to establish a procedure for
16 reviewing the driving records of state residents who are existing
17 policyholders of any insurance company licensed to operate in this
18 state during specified periods of time and producing a report which
19 identifies the policyholders which have had violation and/or status
20 changes to their driving records during such time period. The
21 Department may sell such report to the insurance company or its
22 agent at a fee to be set by the Department. Any such report sold by
23 the Department shall only consist of information otherwise lawfully
24 obtainable by the insurance company or its agent. The fee shall be

1 sufficient to recover all costs incurred by the Department and
2 insure that there will be no net revenue loss to the state. Such
3 fee shall be deposited in the Department of Public Safety Revolving
4 Fund.

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

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

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

14 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-23-11 - DO
15 PASS, As Amended and Coauthored.

16
17
18
19
20
21
22
23
24