ENGROSSED HOUSE
BILL NO. 2186 By: Joyner and Hoskin of the House

and

Stanislawski of the Senate

[motor vehicles – Department of Public Safety records – apportionment for certain fiscal years – effective date – emergency]

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

SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-117, as amended by Section 1, Chapter 249, O.S.L. 2012 (47 O.S. Supp. 2012, 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. 1. 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.

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2. a. Until October 31, 2013, 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) of which 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) of which 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.

b. For the period beginning November 1, 2013, and ending October 31, 2014, for each Motor Vehicle Report furnished by the Department of Public Safety, the Department shall collect the sum of Twenty Dollars ($20.00), Sixteen Dollars ($16.00) of which shall be deposited in the General Revenue Fund and Four Dollars ($4.00) of which 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 Dollars ($20.00), Fourteen Dollars ($14.00) of which shall be paid to the Oklahoma Tax Commission for deposit in the General Revenue Fund in the State Treasury, Four Dollars ($4.00) of which 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.

c. For the period beginning November 1, 2014, and ending October 31, 2015, for each Motor Vehicle Report furnished by the Department of Public Safety, the

Department shall collect the sum of Fifteen Dollars ($15.00), Twelve Dollars ($12.00) of which shall be deposited in the General Revenue Fund and Three Dollars ($3.00) of which 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 Fifteen Dollars ($15.00), Ten Dollars and seventeen cents ($10.17) of which shall be paid to the Oklahoma Tax Commission for deposit in the General Revenue Fund in the State Treasury, Two Dollars and eighty-three cents ($2.83) of which 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.

d. Beginning November 1, 2015, and in all subsequent years, for each Motor Vehicle Report furnished by the Department of Public Safety, the Department shall collect the sum of Twelve Dollars and fifty cents ($12.50), Ten Dollars ($10.00) of which shall be deposited in the General Revenue Fund and Two Dollars and fifty cents ($2.50) of which 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 Twelve Dollars and fifty cents ($12.50), Eight Dollars and twenty-one cents ($8.21) of which shall be paid to the Oklahoma Tax Commission for deposit in the General Revenue Fund in the State Treasury, Two Dollars and twenty-nine cents ($2.29) of which 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.

3. 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. 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 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~~ ensure 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. This act shall become effective July 1, 2013.

SECTION 3. 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.

Passed the House of Representatives the 14th day of March, 2013.

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Presiding Officer of the House of Representatives

Passed the Senate the ___ day of _____, 2013.

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Presiding Officer of the Senate