

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 54th Legislature (2013)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2186

By: Joyner of the House

and

Stanislawski of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to motor vehicles; amending 47 O.S.
12 2011, Section 6-117, as amended by Section 1, Chapter
13 249, O.S.L. 2012 (47 O.S. Supp. 2012, Section 6-117),
14 which relates to Department of Public Safety records;
15 reducing amount of certain fees; modifying
16 apportionment for certain fiscal years; providing an
17 effective date; and declaring an emergency.

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

19 SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-117, as
20 amended by Section 1, Chapter 249, O.S.L. 2012 (47 O.S. Supp. 2012,
21 Section 6-117), is amended to read as follows:

22 Section 6-117. A. The Department of Public Safety shall file
23 every application for a driver license or identification card

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 received by the Department and shall maintain suitable indexes
2 containing:

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

5 2. All applications granted;

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

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

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

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

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

22 a. beginning on July 1, 2011, through June 30, 2013,
23 Fifteen Dollars (\$15.00), of which Eight Dollars
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1 (\$8.00) shall be deposited by the Commissioner to the
2 credit of the Department of Public Safety Revolving
3 Fund and, in addition to other purposes authorized by
4 law, the expenditures from that fund of monies derived
5 from the Eight Dollars (\$8.00) pursuant to this
6 subparagraph shall be used to fund any Oklahoma
7 Highway Patrol Trooper Academy provided by the
8 Department. Any remaining funds shall be deposited in
9 an account to be utilized exclusively for future
10 expenses directly related to the operation of an
11 Oklahoma Highway Patrol Academy, and

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

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

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

4 D. 1. The Department of Public Safety or any motor license
5 agent upon request shall prepare and furnish to any authorized
6 person a Motor Vehicle Report of any person subject to the
7 provisions of the motor vehicle laws of this state. However, the
8 Department shall not be required to furnish personal information
9 from a driving record contrary to the provisions of the Driver's
10 Privacy Protection Act, 18 United States Code, Sections 2721 through
11 2725. The Motor Vehicle Report shall be a summary of the driving
12 record of the person and shall include the enumeration of any motor
13 vehicle collisions, reference to convictions for violations of motor
14 vehicle laws, and any action taken against the privilege of the
15 person to operate a motor vehicle, as shown by the files of the
16 Department for the three (3) years preceding the date of the
17 request. The Department shall not be required to release to any
18 person, in whole or in part and in any format, a driving index, as
19 described in subsection A of this section, except as otherwise
20 provided for by law.

21 ~~For~~

22 2. a. Until October 31, 2013, for each Motor Vehicle Report
23 furnished by the Department of Public Safety, the
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1 Department shall collect the sum of Twenty-five
2 Dollars (\$25.00), Twenty Dollars (\$20.00) of which
3 shall be deposited in the General Revenue Fund and
4 Five Dollars (\$5.00) of which shall be deposited in
5 the Department of Public Safety Revolving Fund. For
6 each Motor Vehicle Report furnished by a motor license
7 agent, the agent shall collect the sum of Twenty-five
8 Dollars (\$25.00), Eighteen Dollars (\$18.00) of which
9 shall be paid to the Oklahoma Tax Commission for
10 deposit in the General Revenue Fund in the State
11 Treasury, Five Dollars (\$5.00) of which shall be
12 deposited in the Department of Public Safety Revolving
13 Fund and Two Dollars (\$2.00) of which shall be
14 retained by the motor license agent.

15 b. For the period beginning November 1, 2013, and ending
16 October 31, 2014, for each Motor Vehicle Report
17 furnished by the Department of Public Safety, the
18 Department shall collect the sum of Twenty Dollars
19 (\$20.00), Sixteen Dollars (\$16.00) of which shall be
20 deposited in the General Revenue Fund and Four Dollars
21 (\$4.00) of which shall be deposited in the Department
22 of Public Safety Revolving Fund. For each Motor
23 Vehicle Report furnished by a motor license agent, the
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1 agent shall collect the sum of Twenty Dollars
2 (\$20.00), Fourteen Dollars (\$14.00) of which shall be
3 paid to the Oklahoma Tax Commission for deposit in the
4 General Revenue Fund in the State Treasury, Four
5 Dollars (\$4.00) of which shall be deposited in the
6 Department of Public Safety Revolving Fund and Two
7 Dollars (\$2.00) of which shall be retained by the
8 motor license agent.

9 c. For the period beginning November 1, 2014, and ending
10 October 31, 2015, for each Motor Vehicle Report
11 furnished by the Department of Public Safety, the
12 Department shall collect the sum of Fifteen Dollars
13 (\$15.00), Twelve Dollars (\$12.00) of which shall be
14 deposited in the General Revenue Fund and Three
15 Dollars (\$3.00) of which shall be deposited in the
16 Department of Public Safety Revolving Fund. For each
17 Motor Vehicle Report furnished by a motor license
18 agent, the agent shall collect the sum of Fifteen
19 Dollars (\$15.00), Ten Dollars and seventeen cents
20 (\$10.17) of which shall be paid to the Oklahoma Tax
21 Commission for deposit in the General Revenue Fund in
22 the State Treasury, Two Dollars and eighty-three cents
23 (\$2.83) of which shall be deposited in the Department
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1 of Public Safety Revolving Fund and Two Dollars
2 (\$2.00) of which shall be retained by the motor
3 license agent.

4 d. Beginning November 1, 2015, and in all subsequent
5 years, for each Motor Vehicle Report furnished by the
6 Department of Public Safety, the Department shall
7 collect the sum of Twelve Dollars and fifty cents
8 (\$12.50), Ten Dollars (\$10.00) of which shall be
9 deposited in the General Revenue Fund and Two Dollars
10 and fifty cents (\$2.50) of which shall be deposited in
11 the Department of Public Safety Revolving Fund. For
12 each Motor Vehicle Report furnished by a motor license
13 agent, the agent shall collect the sum of Twelve
14 Dollars and fifty cents (\$12.50), Eight Dollars and
15 twenty-one cents (\$8.21) of which shall be paid to the
16 Oklahoma Tax Commission for deposit in the General
17 Revenue Fund in the State Treasury, Two Dollars and
18 twenty-nine cents (\$2.29) of which shall be deposited
19 in the Department of Public Safety Revolving Fund and
20 Two Dollars (\$2.00) of which shall be retained by the
21 motor license agent.

22 3. Persons sixty-five (65) years of age or older shall not be
23 required to pay a fee for their own Motor Vehicle Report furnished
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1 by the Department or a motor license agent. For purposes of this
2 subsection, a Motor Vehicle Report shall include a report which
3 indicates that no driving record is on file with the Department of
4 Public Safety for the information received by the Department in the
5 request for the 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. The
15 notification system shall include electronic delivery of a Motor
16 Vehicle Report at least annually for any employee who is a
17 commercial driver licensee or who operates a commercial motor
18 vehicle, as required by 49 C.F.R., Section 391.25. All monies
19 received by the Commissioner of Public Safety and the officers and
20 employees of the Department pursuant to this subsection shall be
21 deposited in the Department of Public Safety Restricted Revolving
22 Fund; provided, the fee received for electronic delivery of a Motor
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1 Vehicle Report shall be deposited as provided in subsection G of
2 this section.

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

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

21 SECTION 2. This act shall become effective July 1, 2013.

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

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4 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 02/28/2013 -
5 DO PASS, As Amended and Coauthored.

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