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February 19, 2014

COMMITTEE SUBSTITUTE  
FOR

SENATE BILL NO. 1476

By: Stanislawski of the Senate

and

# Joyner of the House

[ motor vehicle reports - records kept by the  
Department of Public Safety - effective date ]

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. 2013, 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

1 nonpayment of a fine shall be removed from the driving record after  
2 the person has paid the fine and the driving privilege of the person  
3 is reinstated as provided for by law;

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

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

14 B. The Department shall file all collision reports and  
15 abstracts of court records of convictions received by it pursuant to  
16 the laws of this state and maintain convenient records of the  
17 records and reports or make suitable notations in order that an  
18 individual record of a person showing the convictions of the person  
19 and the traffic collisions in which the person has been involved  
20 shall be readily ascertainable and available for the consideration  
21 of the Department of Public Safety upon any application for a driver  
22 license or renewal of a driver license and at other suitable times.  
23 Any abstract, index or other entry relating to a driving record  
24 according to the licensing authority in another state or a province

1 of Canada may be posted upon the driving record of any resident of  
2 this state when notice thereof is received by documentation or by  
3 electronic transmission. The individual record of a person shall  
4 not include any collision reports and abstracts of court records  
5 involving a collision in which the person was not issued a citation  
6 or if a citation is issued and the person was not convicted.

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

11 a. beginning on July 1, 2011, through June 30, 2013,  
12 Fifteen Dollars (\$15.00), of which Eight Dollars  
13 (\$8.00) shall be deposited by the Commissioner to the  
14 credit of the Department of Public Safety Revolving  
15 Fund and, in addition to other purposes authorized by  
16 law, the expenditures from that fund of monies derived  
17 from the Eight Dollars (\$8.00) pursuant to this  
18 subparagraph shall be used to fund any Oklahoma  
19 Highway Patrol Trooper Academy provided by the  
20 Department. Any remaining funds shall be deposited in  
21 an account to be utilized exclusively for future  
22 expenses directly related to the operation of an  
23 Oklahoma Highway Patrol Academy, and  
24

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

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

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

16          D.   The Department of Public Safety or any motor license agent  
17     upon request shall prepare and furnish to any authorized person a  
18     Motor Vehicle Report of any person subject to the provisions of the  
19     motor vehicle laws of this state. However, the Department shall not  
20     be required to furnish personal information from a driving record  
21     contrary to the provisions of the Driver's Privacy Protection Act,  
22     18 United States Code, Sections 2721 through 2725. The Motor  
23     Vehicle Report shall be a summary of the driving record of the  
24     person and shall include the enumeration of any motor vehicle

1 collisions, reference to convictions for violations of motor vehicle  
2 laws, and any action taken against the privilege of the person to  
3 operate a motor vehicle, as shown by the files of the Department for  
4 the three (3) years preceding the date of the request. The  
5 Department shall not be required to release to any person, in whole  
6 or in part and in any format, a driving index, as described in  
7 subsection A of this section, except as otherwise provided for by  
8 law. For each Motor Vehicle Report furnished by the Department of  
9 Public Safety, the Department shall collect the sum of Twenty-five  
10 Dollars (\$25.00), unless the Motor Vehicle Report is for a  
11 commercial driver license, then the Department shall collect the sum  
12 of Fifteen Dollars (\$15.00), ~~Twenty Dollars (\$20.00)~~ Ten Dollars  
13 (\$10.00) of which shall be deposited in the General Revenue Fund and  
14 Five Dollars (\$5.00) shall be deposited in the Department of Public  
15 Safety Revolving Fund. For each Motor Vehicle Report furnished by a  
16 motor license agent, the agent shall collect the sum of Twenty-five  
17 Dollars (\$25.00), unless the Motor Vehicle Report is for a  
18 commercial driver license, then the Department shall collect the sum  
19 of Fifteen Dollars (\$15.00), ~~Eighteen Dollars (\$18.00)~~ Eight Dollars  
20 (\$8.00) of which shall be paid to the Oklahoma Tax Commission for  
21 deposit in the General Revenue Fund in the State Treasury, Five  
22 Dollars (\$5.00) shall be deposited in the Department of Public  
23 Safety Revolving Fund and Two Dollars (\$2.00) of which shall be  
24 retained by the motor license agent. Persons sixty-five (65) years

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

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

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

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

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 that there will be no net revenue loss to the state. Such  
15 fee shall be deposited in the Department of Public Safety Revolving  
16 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 November 1, 2014.

22 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS  
23 February 19, 2014 - DO PASS AS AMENDED  
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