

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 HOUSE BILL 2635

 By: Babinec

7 AS INTRODUCED

8 An Act relating to public safety; amending 47 O.S.
9 2011, Section 6-117, as last amended by Section 1,
10 Chapter 150, O.S.L. 2017 (47 O.S. Supp. 2017, Section
11 6-117), which relates to records to be kept by the
12 Department of Public Safety; limiting how certain
13 reports may be deemed; making certain report
14 ineligible for expungement; and providing an
15 effective date.

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

16 SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-117, as
17 last amended by Section 1, Chapter 150, O.S.L. 2017 (47 O.S. Supp.
18 2017, Section 6-117), is amended to read as follows:

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

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

1 2. All applications granted;

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

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

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

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

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

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

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 deposited in
2 an account to be utilized exclusively for future
3 expenses directly related to the operation of an
4 Oklahoma Highway Patrol Academy, and

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

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

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

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

1 contrary to the provisions of the Driver's Privacy Protection Act,
2 18 United States Code, Sections 2721 through 2725. The Motor
3 Vehicle Report shall be a summary of the driving record of the
4 person and shall include the enumeration of any motor vehicle
5 collisions, reference to convictions for violations of motor vehicle
6 laws, and any action taken against the privilege of the person to
7 operate a motor vehicle, as shown by the files of the Department for
8 the three (3) years preceding the date of the request. The Motor
9 Vehicle Report, to include any record or information associated with
10 the Motor Vehicle Report, shall not be deemed a "public civil
11 record" as defined in Section 18 of Title 22 of the Oklahoma
12 Statutes, and shall not be subject to expungement. The Department
13 shall not be required to release to any person, in whole or in part
14 and in any format, a driving index, as described in subsection A of
15 this section, except as otherwise provided for by law. For each
16 Motor Vehicle Report furnished by the Department of Public Safety,
17 the Department shall collect the sum of Twenty-five Dollars
18 (\$25.00), Twenty Dollars (\$20.00) of which shall be deposited in the
19 General Revenue Fund and Five Dollars (\$5.00) shall be deposited in
20 the Department of Public Safety Revolving Fund. For each Motor
21 Vehicle Report furnished by a motor license agent, the agent shall
22 collect the sum of Twenty-five Dollars (\$25.00), Eighteen Dollars
23 (\$18.00) of which shall be paid to the Oklahoma Tax Commission for
24 deposit in the General Revenue Fund in the State Treasury, Five

1 Dollars (\$5.00) shall be deposited in the Department of Public
2 Safety Revolving Fund and Two Dollars (\$2.00) of which shall be
3 retained by the motor license agent. Persons sixty-five (65) years
4 of age or older shall not be required to pay a fee for their own
5 Motor Vehicle Report furnished by the Department or a motor license
6 agent. For purposes of this subsection, a Motor Vehicle Report
7 shall include a report which indicates that no driving record is on
8 file with the Department of Public Safety for the information
9 received by the Department in the request for the Motor Vehicle
10 Report.

11 E. The Department of Public Safety may develop procedures
12 whereby an acting agent of an employer or an employer of a person:

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

14 2. Who operates a commercial, company-owned or personal motor
15 vehicle during the course of business in the course of his or her
16 employment with the employer, may automatically be notified,
17 pursuant to a fee schedule established by the Department, should the
18 driving record of a person reflect a traffic conviction in any court
19 or an administrative action by the Department which alters the
20 status of the commercial driving privileges of the person, or any
21 other change to the driving status. The notification system shall
22 include electronic delivery of a Motor Vehicle Report at least
23 annually for any employee who is a commercial driver licensee or who
24 operates a commercial motor vehicle, as required by 49 C.F.R.,

1 Section 391.25, or who operates a company-owned or personal motor
2 vehicle during the course of business. All monies received by the
3 Commissioner of Public Safety and the officers and employees of the
4 Department pursuant to this subsection shall be deposited in the
5 Department of Public Safety Restricted Revolving Fund. For each
6 Motor Vehicle Report furnished by the Department, through the
7 electronic notification system, the Department shall collect the sum
8 of Twenty-five Dollars (\$25.00); Eighteen Dollars (\$18.00) of which
9 shall be deposited in the General Revenue Fund in the State
10 Treasury. Five Dollars (\$5.00) shall be deposited in the Department
11 of Public Safety Revolving Fund. Two Dollars (\$2.00) shall be
12 retained by the Department or its authorized agent for the purpose
13 of development and maintenance of the electronic notification
14 system.

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 November 1, 2018.

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11 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02/14/2018 - DO
12 PASS.

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