

1 **SENATE FLOOR VERSION**

2 February 25, 2015

3 **AS AMENDED**

4 SENATE BILL NO. 141

5 By: Stanislawski

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

8
9 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

10 SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-117, as
11 amended by Section 1, Chapter 249, O.S.L. 2012 (47 O.S. Supp. 2014,
12 Section 6-117), is amended to read as follows:

13 Section 6-117. A. The Department of Public Safety shall file
14 every application for a driver license or identification card
15 received by the Department and shall maintain suitable indexes
16 containing:

17 1. All applications denied and on each thereof note the reasons
18 for the denial;

19 2. All applications granted;

20 3. The name of every person whose driving privilege has been
21 suspended, revoked, cancelled, or disqualified by the Department and
22 after each such name note the reasons for the action. Any notation
23 of suspension of the driving privilege of a person for reason of
24 nonpayment of a fine shall be removed from the driving record after

1 the person has paid the fine and the driving privilege of the person
2 is reinstated as provided for by law;

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

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

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

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

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

- 10 a. beginning on July 1, 2011, through June 30, 2013,
11 Fifteen Dollars (\$15.00), of which Eight Dollars
12 (\$8.00) shall be deposited by the Commissioner to the
13 credit of the Department of Public Safety Revolving
14 Fund and, in addition to other purposes authorized by
15 law, the expenditures from that fund of monies derived
16 from the Eight Dollars (\$8.00) pursuant to this
17 subparagraph shall be used to fund any Oklahoma
18 Highway Patrol Trooper Academy provided by the
19 Department. Any remaining funds shall be deposited in
20 an account to be utilized exclusively for future
21 expenses directly related to the operation of an
22 Oklahoma Highway Patrol Academy, and
23 b. beginning on July 1, 2013, and any year thereafter,
24 Seven Dollars (\$7.00).

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

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

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

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

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

12 The Department shall establish a procedure whereby Motor Vehicle
13 Reports may be purchased at a bulk rate resulting in a lower cost
14 per individual report. Such bulk rate shall be established so that
15 no reduction occurs in the amount attributable to the Motor Vehicle
16 Report fee deposited in the General Revenue Fund or the Department
17 of Public Safety Revolving Fund for FY 2016.

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

- 20 1. Who has a Class A, B or C driver license; and
- 21 2. Who operates a commercial motor vehicle in the course of his
22 or her employment with the employer, may automatically be notified,
23 pursuant to a fee schedule established by the Department, should the
24 driving record of a person reflect a traffic conviction in any court

1 or an administrative action by the Department which alters the
2 status of the commercial driving privileges of the person. The
3 notification system shall include electronic delivery of a Motor
4 Vehicle Report at least annually for any employee who is a
5 commercial driver licensee or who operates a commercial motor
6 vehicle, as required by 49 C.F.R., Section 391.25. All monies
7 received by the Commissioner of Public Safety and the officers and
8 employees of the Department pursuant to this subsection shall be
9 deposited in the Department of Public Safety Restricted Revolving
10 Fund; provided, the fee received for electronic delivery of a Motor
11 Vehicle Report shall be deposited as provided in subsection G of
12 this section.

13 F. The Commissioner is authorized to establish a procedure for
14 reviewing the driving records of state residents who are existing
15 policyholders of any insurance company licensed to operate in this
16 state during specified periods of time and producing a report which
17 identifies the policyholders which have had violation and/or status
18 changes to their driving records during such time period. The
19 Department may sell such report to the insurance company or its
20 agent at a fee to be set by the Department. Any such report sold by
21 the Department shall only consist of information otherwise lawfully
22 obtainable by the insurance company or its agent. The fee shall be
23 sufficient to recover all costs incurred by the Department and
24 insure that there will be no net revenue loss to the state. Such

1 fee shall be deposited in the Department of Public Safety Revolving
2 Fund.

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

7 SECTION 2. This act shall become effective November 1, 2015.

8 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
9 February 25, 2015 - DO PASS AS AMENDED

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