

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 289

By: Paxton

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5
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2011, Section 40-102, which relates to traffic
9 collision reports; modifying definition; and
10 providing an effective date.

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

12 SECTION 1. AMENDATORY 47 O.S. 2011, Section 40-102, is
13 amended to read as follows:

14 Section 40-102. A. 1. Every law enforcement officer who, in
15 the regular course of duty, investigates or receives a report of a
16 traffic collision resulting in injury to or death of a person or
17 total property damage to an apparent extent of Five Hundred Dollars
18 (\$500.00) or more shall prepare a written report of the collision on
19 the standard collision report form supplied by the Department of
20 Public Safety. The reports shall be forwarded within thirty (30)
21 days of the collision or, if the collision results in the death of
22 any person, then within twenty (20) days of the death of the person,
23 whichever time period is lesser, by the law enforcement agency
24 preparing the report to the Department of Public Safety.

1 2. Reports of collisions shall be kept confidential for a
2 period of sixty (60) days after the date of the collision; provided,
3 the reports shall be made available as soon as practicable upon
4 request to any:

- 5 a. party involved in the collision,
- 6 b. legal representatives of a party involved in the
7 collision,
- 8 c. state, county or city law enforcement agency,
- 9 d. the Department of Transportation or any county or city
10 transportation or road and highway maintenance agency,
- 11 e. licensed insurance agents of a party involved in the
12 collision,
- 13 f. insurer of a party involved in the collision,
- 14 g. insurer to which a party has applied for coverage,
- 15 h. person under contract with an insurer, as described in
16 subparagraph e, f or g of this paragraph, to provide
17 claims or underwriting information,
- 18 i. prosecutorial authority,
- 19 j. newspaper as defined in Section 106 of Title 25 of the
20 Oklahoma Statutes,
- 21 k. radio or television broadcaster,
- 22 l. licensed private investigators employed by a party
23 involved in the collision, or

1 m. provider of health services to a party involved in the
2 collision.

3 3. Any person who knowingly violates this section and obtains
4 or provides information made confidential by this section is guilty
5 of a misdemeanor and shall be fined no more than Two Thousand Five
6 Hundred Dollars (\$2,500.00). Second and subsequent offenses shall
7 carry a penalty of imprisonment in the county jail for not more than
8 thirty (30) days.

9 B. 1. No public employee or officer shall allow a person to
10 examine or reproduce a collision report or any related investigation
11 report if examination or reproduction of the report is sought for
12 the purpose of making a commercial solicitation. Any person
13 requesting a collision report may be required to state, in writing,
14 under penalty of perjury, that the report will not be examined,
15 reproduced or otherwise used for commercial solicitation purposes.
16 It shall be unlawful and constitute a misdemeanor for any person to
17 obtain or use information from a collision report or a copy thereof
18 for the purpose of making a commercial solicitation.

19 2. As used in this subsection:

20 a. "commercial solicitation" means any attempt to use, or
21 offer for use, information contained in a collision
22 report to solicit any person named in the report, or a
23 relative of the person, ~~or to solicit~~ a professional,
24 business, or commercial relationship. "Commercial
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1 solicitation" does not include publication in a
2 newspaper, as defined in Section 106 of Title 25 of
3 the Oklahoma Statutes, or broadcast of information by
4 news media for news purposes, or obtaining information
5 for the purpose of verification or settlement of
6 claims by insurance companies, and

7 b. "collision report" means any report regarding a motor
8 vehicle collision which has been submitted by an
9 individual or investigating officer on a form
10 prescribed or used by the Department of Public Safety
11 or local police department.

12 3. Publication in a newspaper, as defined in Section 106 of
13 Title 25 of the Oklahoma Statutes, or broadcast by news media for
14 news purposes shall not constitute a resale or use of data for trade
15 or commercial solicitation purposes. Because publication by a
16 newspaper, broadcast by news media for news purposes, or obtaining
17 information for verification or settlement of claims by insurance
18 companies is not a resale or use of data for commercial solicitation
19 purposes, an affidavit shall not be required as a condition for
20 allowing a member of a newspaper or broadcast news media, or
21 allowing an agent, or business serving as an agent, to insurance
22 companies, to examine or obtain a copy of a collision report. Any
23 agent or business obtaining information for verification or
24 settlement of claims involving persons named in a report shall

1 secure an affidavit annually from each client stating the
2 information provided to the client shall not be used for commercial
3 solicitation purposes under penalty of law.

4 4. The Department and local police departments shall include
5 the following or a similar notice upon any copy of a collision
6 report furnished to others: "Warning - State Law. Use of contents
7 for commercial solicitation is unlawful."

8 C. As used in this section:

9 1. "Newspaper" means a legal newspaper as defined in Section
10 106 of Title 25 of the Oklahoma Statutes, provided that the primary
11 purpose of the newspaper is not the publication of personally
12 identifying information concerning parties involved in the traffic
13 collision; and

14 2. "Provider of health services" means any person that provides
15 health care services to the injured person under a license,
16 certification or registration issued pursuant to Title 59 of the
17 Oklahoma Statutes, or any hospital or related institution that
18 offers or provides health care services under a license issued
19 pursuant to Section 1-702 et seq. of Title 63 of the Oklahoma
20 Statutes.

21 SECTION 2. This act shall become effective November 1, 2019.

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