

1 ENGROSSED SENATE  
BILL NO. 289

By: Paxton of the Senate

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3 and

4 Frix of the House  
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6 An Act relating to motor vehicles; amending 47 O.S.  
2011, Section 40-102, which relates to traffic  
7 collision reports; modifying definitions; and  
8 providing an effective date.  
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10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

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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, personal information contained in a  
22 collision report to solicit any person named in the  
23 report, or a relative of the person, or to solicit a  
24 professional, business, or commercial relationship

1           that is not pursuant to a request under paragraph 2 of  
2           subsection A of this section. "Commercial  
3           solicitation" does not include publication in a  
4           newspaper, as defined in Section 106 of Title 25 of  
5           the Oklahoma Statutes, or broadcast of information by  
6           news media for news purposes, or obtaining information  
7           for the purpose of verification or settlement of  
8           claims by insurance companies, and

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

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

1 agent or business obtaining information for verification or  
2 settlement of claims involving persons named in a report shall  
3 secure an affidavit annually from each client stating the  
4 information provided to the client shall not be used for commercial  
5 solicitation purposes under penalty of law.

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

10 C. As used in this section:

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

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

23 3. "Personal information", as defined in Section 162 of Title  
24 24 of the Oklahoma Statutes, means the first name or first initial

1 and last name in combination with and linked to any one or more of  
2 the following data elements that relate to a resident of this state,  
3 when the data elements are neither encrypted nor redacted:

- 4 a. social security number,
- 5 b. driver license number or state identification card  
6 number issued in lieu of a driver license, or
- 7 c. financial account number or credit or debit card  
8 number in combination with any required security code,  
9 access code or password that would permit access to  
10 the financial accounts of a resident.

11 Personal information does not include information that is  
12 lawfully obtained from publicly available information or from  
13 federal, state or local government records lawfully made available  
14 to the general public.

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

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Passed the Senate the 11th day of March, 2019.

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Presiding Officer of the Senate

Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
2019.

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Presiding Officer of the House  
of Representatives