

(Published in The Journal Record April 27, 2022)

ORDINANCE NO. 27,047

AN ORDINANCE RELATING TO THE POLICE DEPARTMENT, AMENDING CHAPTER 43 OF THE OKLAHOMA CITY MUNICIPAL CODE, 2020, BY AMENDING SECTION 43-14.3, MOTOR VEHICLE COLLISION REPORTS; LIMITATIONS ON INSPECTION OF TRAFFIC COLLISION REPORTS; CLASS "A" OFFENSE FOR UNLAWFUL USE; AFFIDAVIT REQUIRED, TO ALLOW AUTHORIZED MEMBERS OF THE POLICE DEPARTMENT TO PREPARE AND SUBMIT A COLLISION REPORT.

ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OKLAHOMA CITY:

SECTION 1. Section 43-14.3 of Division 2 of Article I of Chapter 43 of the Oklahoma City Municipal Code, 2020, is hereby amended to read as follows:

CHAPTER 43

POLICE DEPARTMENT

ARTICLE I. IN GENERAL

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DIVISION 2. - MOTOR VEHICLE COLLISION REPORTS

§ 43-14.3. Motor vehicle collision reports; limitations on inspection of traffic collision reports; Class "a" offense for unlawful use; affidavit required.

- (a) Every Police Officer or duly authorized member of the Police Department who, in the regular course of duty, investigates or receives a report of a motor vehicle collision resulting in injury to or death of a person or total property damage to an apparent extent of \$500.00 or more shall prepare a written report of the collision on the standard collision report form supplied by the Department of Public Safety. Such reports shall be forwarded by the Police Department to the Department of Public Safety within 30 days of the collision or, if the collision results in the death of any person, then within 20 days of the death of the person, whichever time period is lesser.
- (b) Reports of collisions shall be kept confidential for a period of at least 60 days after the date of the collision; provided, the reports shall be made available as soon as practicable upon request to any:
 - (i) party involved in the collision;

- (ii) legal representatives of a party involved in the collision;
 - (iii) State, County or City Law Enforcement Agency;
 - (iv) the Oklahoma Department of Transportation or any county or city transportation or road and highway maintenance agency;
 - (v) licensed insurance agents of a party involved in the collision;
 - (vi) insurer of a party involved in the collision;
 - (vii) insurer to which a party has applied for coverage;
 - (viii) person under contract with an insurer, as described in subparagraph v, vi or vii of this paragraph, to provide claims or underwriting information;
 - (ix) prosecutorial authority;
 - (x) newspaper as defined in 25 O.S. § 106;
 - (xi) radio or television broadcaster;
 - (xii) licensed private investigators employed by a party involved in the collision;
 - (xiii) provider of health services to a party involved in the collision; or;
 - (xiv) any other person entitled to receive a copy of the report by authority of 47 O.S. § 40-102.
- (c) It shall be unlawful and constitute a Class "a" offense for any person to obtain motor vehicle collision reports when said person knows or believes or has reason to know or believe that the ultimate purpose of obtaining said reports is for the use of personal information contained therein for commercial solicitation of persons involved in motor vehicle collisions and/or their family members by any persons and/or entities, including, but not limited to legal or medical professionals or representatives or agents of said professionals.
- (d) For purposes of this section, publication in a legal newspaper or broadcast by the news media for news purposes shall not constitute a use of data for commercial solicitation.
- (e) No motor vehicle collision report shall be released without the execution of an affidavit, which shall be in a form approved by the Chief of Police. Except as provided in paragraphs (g) and (h) of this section, any person requesting a collision report may be required to state, in writing, under penalty of perjury, that the report will not be examined, reproduced or otherwise used for commercial solicitation purposes.
- (f) The Chief of Police is hereby authorized to establish all necessary or appropriate procedures to implement the provisions of this division.
- (g) Publication in a newspaper, as defined in 25 O.S. § 106, or broadcast by news media for news purposes shall not constitute a resale or use of data for trade or commercial solicitation purposes. Because publication by a newspaper, broadcast by news media for news purposes, or obtaining information for verification or settlement of claims by insurance companies is not a resale or use of data for commercial solicitation purposes, an affidavit shall not be required as a condition for allowing a member of a newspaper or licensed broadcast news media, or allowing an agent, or business serving as an agent, to insurance companies, to examine or obtain a copy of a collision report.
- (h) Any agent or business obtaining information for verification or settlement of claims involving persons named in a report shall secure an affidavit annually from each client

stating the information provided to the client shall not be used for commercial solicitation purposes under penalty of law.

- (i) The Police Department shall include the following or a similar notice upon any copy of a collision report furnished to others: "Warning - State Law. Use of contents for commercial solicitation is unlawful."

INTRODUCED AND CONSIDERED in open meeting of the Council of the City of

Oklahoma City the 29th day of March, 2022.

PASSED by the Council and **SIGNED** by the Mayor of the City of Oklahoma City this

26th day of April, 2022.

David Holt
MAYOR

ATTEST: (Seal)

Amy K Simpson
CITY CLERK



REVIEWED for form and legality.

Orval Edwin Jones
Assistant Municipal Counselor