

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 3570

By: Manger

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7 COMMITTEE SUBSTITUTE

8 An Act relating to motor vehicles; defining terms;
9 allowing the use of automatic license plate readers
10 for certain purposes; disallowing certain uses;
11 requiring law enforcement agencies take certain
12 actions prior to use; stating certain match is not
13 reasonable suspicion; requiring officer make certain
14 visual confirmation; requiring certain information be
15 purged; making certain exception; disallowing the
16 sale of information; requiring certain information be
17 made public; amending 69 O.S. 2021, Section 1208, as
18 amended by Section 1, Chapter 335, O.S.L. 2023 (69
19 O.S. Supp. 2023, Section 1208), which relates to
20 structures in rights-of-way prohibited; defining
21 terms; allowing law enforcement placement of
22 automatic license plate readers on highway rights-of-
23 way; providing for codification; and providing an
24 effective date.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 15-133 of Title 47, unless there
is created a duplication in numbering, reads as follows:

A. As used in this section:

1 1. "Automatic license plate reader system" means a system of
2 one or more fixed or mobile cameras combined with computer
3 algorithms to convert images of license plates and vehicles into
4 computer-readable data; and

5 2. "Highway rights-of-way" means the state and interstate
6 highway systems being maintained by the Oklahoma Department of
7 Transportation.

8 B. 1. Except as provided in Sections 7-606.1 and 7-606.2 of
9 Title 47 of the Oklahoma Statutes, operation of and access to an
10 automatic license plate reader system by law enforcement shall be
11 for official law enforcement purposes only, and shall only be used
12 to scan, detect, and identify vehicles and license plate numbers for
13 the purpose of identifying:

- 14 a. stolen vehicles,
- 15 b. vehicles involved in an active investigation,
- 16 c. vehicles associated with wanted, missing, or
17 endangered persons, or
- 18 d. vehicles that register as a match within the National
19 Crime Information Center and any other relevant
20 federal, state, or local databases.

21 Other than as provided in Section 7-606.1 and 7-606.2 of Title 47 of
22 the Oklahoma Statutes, automatic license plate readers shall not be
23 used to enforce state or local traffic violations or issue citations
24 for such violations.

1 2. Prior to using an automatic license plate reader system, the
2 municipal or state law enforcement agency that intends to use the
3 technology shall:

4 a. confirm that the automatic license plate reader system
5 meets all requirements of this section,

6 b. establish a policy governing its use in accordance
7 with this section that includes a training process for
8 the officers that will use it and an auditing schedule
9 to ensure proper use, and

10 c. obtain a permit from the Department before installing
11 an automatic license plate reader system on a state or
12 interstate highway. The Department shall issue
13 permits to law enforcement agencies that meet
14 standards set by the Department.

15 3. A positive match by an automatic license plate reader system
16 alone shall not constitute reasonable suspicion as grounds for a law
17 enforcement officer to stop the vehicle. Prior to stopping a
18 vehicle based on identification within the automatic license plate
19 reader system database, the officer shall immediately visually
20 confirm that the license plate on the vehicle matches the image of
21 the license plate displayed on the automatic license plate reader
22 system and that the stop meets criteria laid out in the law
23 enforcement agency's policies.

1 4. Records of license plates and vehicles recorded by an
2 automatic license plate reader system shall be purged from the
3 database or system within thirty (30) days of their capture in such
4 a manner that they are destroyed and not recoverable, unless the
5 record is a part of an ongoing investigation, in which case the data
6 may be retained until final disposition of the matter in accordance
7 with applicable records retention laws.

8 5. Captured license plate data obtained for the purposes
9 identified in paragraph 1 of this subsection shall not be sold for
10 commercial or marketing purposes.

11 C. A law enforcement agency that installs or uses any automatic
12 license plate reader system, pursuant to this section, shall make
13 the following information public:

14 1. A log of its use, to be updated on a monthly basis,
15 displaying at least the aggregate number of vehicles on which data
16 was collected for each month of use and a list of all state and
17 federal databases with which the data were compared, unless the
18 existence of the database itself is not public; and

19 2. The law enforcement agency's automatic license plate reader
20 system policy.

21 SECTION 2. AMENDATORY 69 O.S. 2021, Section 1208, as
22 amended by Section 1, Chapter 335, O.S.L. 2023 (69 O.S. Supp. 2023,
23 Section 1208), is amended to read as follows:

1 Section 1208. ~~(a)~~ A. The rights-of-way acquired by the
2 Department of Transportation or a county shall be held inviolate for
3 state highway, departmental, or county purposes, and no physical or
4 functional encroachments or uses shall be permitted within such
5 rights-of-way.

6 ~~(b)~~ B. It shall be unlawful for any person to construct,
7 maintain or operate any gasoline pump, driveway canopy, building,
8 sign, fence, post, or any thing or structure on or overhanging any
9 right-of-way, or upon or overhanging any street occupied by a
10 designated state or federal highway, or county roads and the
11 construction or maintaining of any such thing or structure on or
12 overhanging any federal or state highway or county roads shall
13 constitute a public nuisance, which may be summarily abated by the
14 Commission or board of county commissioners or its officers, agents,
15 servants and employees in the manner provided in this article.

16 ~~(c)~~ C. This section shall not apply to the lawful use of such
17 rights-of-way for the erection and operation of facilities of a
18 public utility, or companies engaged in the activities defined in
19 Section 137.1 of Title 52 of the Oklahoma Statutes.

20 D. 1. As used in this subsection:

21 a. "automatic license plate reader system" means a system
22 of one or more fixed or mobile cameras combined with
23 computer algorithms to convert images of license
24 plates and vehicles into computer-readable data, and

1 b. "highway rights-of-way" means the state and interstate
2 highway systems maintained by the Oklahoma Department
3 of Transportation.

4 2. In accordance with applicable state and federal laws
5 governing the use and management of highway rights-of-way, and
6 subject to the approval of the Federal Highway Administration as
7 required by federal law, license plate reader systems operated by
8 law enforcement agencies shall be allowed on highway rights-of-way
9 for the purpose of aiding in criminal investigations or searches for
10 missing or endangered persons to the extent that such use is
11 consistent with the continued use, operations, maintenance, and
12 safety of the highway facility and does not interfere with the free
13 and safe flow of traffic.

14 SECTION 3. This act shall become effective November 1, 2024.

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