

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 CONFERENCE COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL 1144

By: Dahm of the Senate

and

Walker of the House

6  
7  
8  
9 CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to license plates; creating the  
11 "Automatic License Plate Reader Privacy Act";  
12 providing definitions; prohibiting certain use of  
13 automatic license plate reader systems; providing  
14 exceptions to restrictions; prescribing certain  
15 preservation and access; stipulating reporting  
16 requirements; requiring certain compliance; defining  
17 penalties; requiring certain privacy; providing for  
18 codification; and providing an effective date.

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

20 SECTION 1. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 1139.2 of Title 47, unless there  
22 is created a duplication in numbering, reads as follows:

23 This act shall be known and may be cited as the "Automatic  
24 License Plate Reader Privacy Act".

SECTION 2. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 1139.3 of Title 47, unless there  
is created a duplication in numbering, reads as follows:

1 As used in the Automatic License Plate Reader Privacy Act:

2 1. "Automatic license plate reader system" means a system of  
3 one or more mobile or fixed automated high-speed cameras used in  
4 combination with computer algorithms to convert images of license  
5 plates into computer-readable data;

6 2. "Captured plate data" means the global positioning system  
7 (GPS) coordinates, date and time, photograph, license plate number  
8 and any other data captured by or derived from any automatic license  
9 plate reader system;

10 3. "Secured area" means an area, enclosed by clear boundaries,  
11 to which access is limited and not open to the public and entry is  
12 only obtainable through specific access-control points;

13 4. "Alert" means data held by the Department of Public Safety,  
14 the state Criminal Justice Information System, the National Crime  
15 Information Center, the Federal Bureau of Investigation Kidnappings  
16 and Missing Persons database, United States Department of Justice  
17 National Missing Persons Database (NamUS), and license plate numbers  
18 captured by the automatic license plate reader system that are  
19 relevant and material to an ongoing criminal or missing persons  
20 investigation; and

21 5. "Governmental entity" means a department or agency of the  
22 state or a political subdivision thereof, or an individual acting  
23 for or on behalf of the state or a political subdivision thereof.  
24

1 SECTION 3. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1139.4 of Title 47, unless there  
3 is created a duplication in numbering, reads as follows:

4 A. Except as provided in subsection B of this section or as  
5 provided in Section 7 of this act, it shall be unlawful for any  
6 person acting on behalf of a governmental entity to use an automatic  
7 license plate reader system.

8 B. An automatic license plate reader system may be used by a  
9 person acting on behalf of a governmental entity as follows:

10 1. By state, county or municipal law enforcement agencies for  
11 the comparison of captured plate data with data held by the  
12 Department of Public Safety, the state Criminal Justice Information  
13 System, the National Crime Information Center, the Federal Bureau of  
14 Investigation Kidnappings and Missing Persons database, United  
15 States Department of Justice National Missing Persons Database  
16 (NamUS), and license plate numbers captured by the automatic license  
17 plate reader system that are relevant and material to an ongoing  
18 criminal or missing persons investigation for the purpose of  
19 identifying:

- 20 a. outstanding parking or traffic violations,
- 21 b. an unregistered or uninsured vehicle, pursuant to the  
22 Uninsured Vehicle Enforcement Program,

23  
24

- c. a vehicle in violation of the inspection requirements set forth in Section 1113 of Title 47 of the Oklahoma Statutes,
- d. a vehicle in violation of any other vehicle registration requirement,
- e. a vehicle registered to an individual for whom there is an outstanding felony warrant,
- f. a vehicle associated with a missing person,
- g. a vehicle that has been reported as stolen, or
- h. a vehicle that is relevant and material to an ongoing criminal investigation;

2. By parking enforcement entities for regulating the use of parking facilities;

3. For the purpose of controlling access to secured areas; or

4. For the purpose of electronic toll collection.

C. Any person convicted of violating any provision of this act shall be guilty of a misdemeanor and punishable by a fine not to exceed Five Hundred Dollars (\$500.00).

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1139.5 of Title 47, unless there is created a duplication in numbering, reads as follows:

Captured plate data obtained for the purposes described in subsection B of Section 3 of this act shall not be used or shared for any other purpose and shall not be retained except:

1 1. As evidence under subsection B of Section 3 of this act;

2 2. As part of an ongoing investigation, provided that captured  
3 plate data is confirmed as matching an alert and is destroyed at the  
4 conclusion of an investigation that does not result in any criminal  
5 charges being filed, or any criminal action undertaken in the matter  
6 involving the captured plate data.

7 SECTION 5. NEW LAW A new section of law to be codified  
8 in the Oklahoma Statutes as Section 1139.6 of Title 47, unless there  
9 is created a duplication in numbering, reads as follows:

10 A. Captured plate data shall not be collected and maintained by  
11 a governmental entity unless such information directly relates to  
12 criminal conduct or activity as provided in subsection B of Section  
13 3 of this act and there is reasonable suspicion based on articulable  
14 facts that the subject of the information is or may be involved in  
15 criminal conduct or activity.

16 B. Any collected and maintained data shall not be retained  
17 beyond the expiration of the statute of limitations as provided by  
18 law for the criminal conduct or activity, unless the data continues  
19 to be necessary evidence in a pending criminal case.

20 C. A governmental entity may use captured plate data when it is  
21 relevant and material to an ongoing criminal or missing persons  
22 investigation.

1           SECTION 6.           NEW LAW           A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1139.7 of Title 47, unless there  
3 is created a duplication in numbering, reads as follows:

4           Any governmental entity that uses automatic license plate reader  
5 systems pursuant to subsection B of Section 3 of this act shall:

6           1. Adopt a policy governing use of the system and conspicuously  
7 post the policy on the governmental entity's Internet website;

8           2. Adopt a privacy policy to ensure that captured plate data is  
9 not shared in violation of this act or any other law, and  
10 conspicuously post the privacy policy on the governmental entity's  
11 Internet website; and

12           3. Report annually on its automatic license plate reader  
13 practices and usage to the state or local body that governs the  
14 governmental entity. The report must be conspicuously posted on the  
15 governmental entity's Internet website. The report shall include:

- 16           a. the number of license plates scanned;
- 17           b. the names of lists against which captured plate data  
18           was checked, and the number of confirmed matches and  
19           the number of matches that upon further investigation  
20           did not correlate to an alert; and
- 21           c. the number of matches that resulted in arrest and  
22           prosecution.

23  
24

1           SECTION 7.           NEW LAW           A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1139.8 of Title 47, unless there  
3 is created a duplication in numbering, reads as follows:

4           A. The use by a state agency of an automatic license plate  
5 reader system in conjunction with the operation of a port of entry  
6 or weigh station, as defined in Section 1201 of Title 47 of the  
7 Oklahoma Statutes, for the purpose of enforcing motor carrier or  
8 commercial motor vehicle requirements is exempted from the  
9 requirements set forth in paragraph B of Section 3 and Sections 4  
10 and 5 of this act, except as provided in this section.

11           B. Any state agency using automatic license plate reader  
12 systems at a port of entry or weigh station for the purpose  
13 described in subsection A of this section shall retain captured  
14 plate data in a secured system for no longer than one (1) year with  
15 the exception of data required for use as evidence in an  
16 administrative investigation or proceeding to enforce motor carrier  
17 or commercial motor vehicle requirements. Captured plate data  
18 retained longer than one (1) year under this exception shall be  
19 deleted in accordance with Oklahoma Records Management Act  
20 provisions applicable to documents utilized in administrative  
21 investigations or proceedings.

22           C. Any state agency using automatic license plate reader  
23 systems at a port of entry or weigh station for the purpose  
24 described in subsection A of this section may share captured plate

1 data with any other Oklahoma state agency involved in the operation  
2 of ports of entry or weigh stations where the purpose of the  
3 information sharing is the enforcement of motor carrier or  
4 commercial motor vehicle requirements. If requested captured plate  
5 data is to be used by the requesting agency for purposes other than  
6 motor carrier or commercial vehicle enforcement or the captured  
7 plate data is requested by a governmental entity not involved in the  
8 operation of ports of entry or weigh stations, or if the captured  
9 plate data is requested by an individual, the requirements set forth  
10 in subsections A and B of Section 5 of this act shall apply to the  
11 data request.

12 SECTION 8. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 1139.9 of Title 47, unless there  
14 is created a duplication in numbering, reads as follows:

15 No captured plate data and no evidence derived therefrom may be  
16 received in evidence in any trial, hearing or other proceeding in or  
17 before any court, grand jury, department, officer, agency,  
18 regulatory body, legislative committee or other authority of the  
19 State of Oklahoma or political subdivision thereof, if the  
20 disclosure of that information would be in violation of any  
21 applicable provision of this act.

22 SECTION 9. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 1139.10 of Title 47, unless  
24 there is created a duplication in numbering, reads as follows:



1       A. Captured plate data shall not be considered a public record  
2 for the purposes of the Oklahoma Open Records Act and may only be  
3 disclosed to the person to whom the vehicle is registered, or with  
4 the prior written consent of the person to whom the vehicle is  
5 registered.

6       B. Upon the presentation to an appropriate governmental entity  
7 of a valid, outstanding protection order protecting the driver of a  
8 vehicle jointly registered with or registered solely in the name of  
9 the individual against whom the order was issued, captured plate  
10 data may not be disclosed except pursuant to subsection B of Section  
11 3 of this act.

12       SECTION 10. This act shall become effective November 1, 2016.

13  
14       55-2-3415       BH       5/26/2016 3:58:45 PM

15  
16  
17  
18  
19  
20  
21  
22  
23  
24