

FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3570 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Tom Gann _____

Reading Clerk

1 STATE OF OKLAHOMA

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

3 FLOOR SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 3570

6 By: Manger

7 FLOOR SUBSTITUTE

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

1 A. As used in this section:

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

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

9 3. "Hotlist" means the Amber Alert data set as published by the
10 National Center for Missing and Exploited Children or the National
11 Crime Information Center data set;

12 4. "Hotlist Check" means an automated process by which the
13 automatic license plate reader system conducts a one-to-many
14 comparison of captured license plate data against a hotlist;

15 5. "Manual Search" means a search conducted by a law
16 enforcement officer or authorized personnel in which a vehicle's
17 properties, such as license plate number, make, model, or color,
18 presence of bumper stickers or other factors are manually entered
19 into a database or system to retrieve information related to the
20 vehicle's legal status, registration, associated alerts, travel
21 patterns, or for other purposes; and

22 6. "Secondary Record" means a record created or retained as a
23 result of a query against a hotlist, including but not limited to
24 queries conducted through an automated hotlist check or a manual

1 search. This includes any data or logs generated or maintained by a
2 third party, or by the original querying entity, that document the
3 facts and details of the query, irrespective of the data retention
4 practices of the entity conducting the original search. A secondary
5 record encompasses any form of documentation or data retention that
6 occurs outside of the immediate operational use of the query
7 results, by either the entity conducting the query or by any third-
8 party recipient of the query data.

9 B. 1. Except as provided in Sections 7-606.1 and 7-606.2 of
10 Title 47 of the Oklahoma Statutes, operation of and access to an
11 automatic license plate reader system by law enforcement shall be
12 for official law enforcement purposes only, and shall only be used
13 to conduct hotlist checks or manual searches. Manual searches shall
14 only be conducted subsequent to the issuance of a warrant. Such a
15 warrant shall be issued in accordance with Sections 1221 through
16 1241 of Title 22 of the Oklahoma Statutes, by an authorized judicial
17 official, who deems probable cause to exist and when the automatic
18 license plate reader system is deployed within the jurisdiction of
19 that official. Other than as provided in Section 7-606.1 and 7-
20 606.2 of Title 47 of the Oklahoma Statutes, automatic license plate
21 readers shall not be used to enforce state or local traffic
22 violations or issue citations for such violations.

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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 who will use it and an auditing schedule
9 to ensure proper use, and

10 c. obtain a permit from the Department of Transportation
11 before installing an automatic license plate reader
12 system on a state or interstate highway. The
13 Department shall issue permits to law enforcement
14 agencies that meet 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. Data captured and stored by
8 automatic license plate reader systems shall be secured in a data
9 center, located within the State of Oklahoma, that adheres to the
10 highest standards of security, logging, and encryption to ensure the
11 integrity and confidentiality of the information. Specifically, all
12 data shall be encrypted in transmission and at rest, utilizing
13 industry-recognized encryption protocols to safeguard against
14 unauthorized access. The data center shall meet or exceed the
15 requirements set forth by recognized standards such as ISO/IEC
16 27001, ensuring comprehensive security measures, including but not
17 limited to, physical security, access control, and regular security
18 assessments. Additionally, detailed access logs shall be
19 maintained, documenting all instances of data access, retrieval,
20 modification, or deletion, to provide a clear audit trail for
21 oversight and accountability purposes while not creating secondary
22 records that could be used to re-create queries of data generated by
23 automatic license plate reader systems.

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

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

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

12 2. The law enforcement agency's automatic license plate reader
13 system policy;

14 3. A list of all manual searches conducted. This list shall
15 specify the identifier for the case or investigation necessitating
16 the search, the corresponding warrant identifier, the identity of
17 the judicial official issuing the warrant, the time and date of the
18 search and the officer conducting the search;

19 4. The aggregate number of matches produced through automated
20 hotlist checks and manual searches;

21 5. The number of instances in which the agency made contact
22 with the vehicle, its operator, or owner subsequent to a match; and
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1 6. The total number of cases wherein a citation was issued or a
2 charge was filed as a direct result of a hotlist check or manual
3 search match, including specific identification of each case.

4 D. A law enforcement agency shall not:

5 1. Create or allow to be created any secondary record;

6 2. Prior to the filing of a legal action, share any element of
7 data, generated by an automatic license plate reader system, with
8 any contractor, other government entity or person not directly
9 employed by the agency having direct jurisdiction at the site of the
10 automatic license plate reader system's deployment. Provided, the
11 prohibitions of this paragraph shall not apply to a judicial officer
12 solicited for the issuance of a warrant or district attorney
13 official responsible for filing and prosecuting charges; or

14 3. Allow any element of data generated by an automatic license
15 plate reader system to be transmitted on transmission lines or
16 stored on computer equipment not located within the State of
17 Oklahoma.

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

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

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

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

17 D. 1. As used in this subsection:

- 18 a. "automatic license plate reader system" means a system
19 of one or more fixed or mobile cameras combined with
20 computer algorithms to convert images of license
21 plates and vehicles into computer-readable data, and
22 b. "highway rights-of-way" means the state and interstate
23 highway systems maintained by the Oklahoma Department
24 of Transportation.

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

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

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