

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 59th Legislature (2024)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 3570

By: Manger

7  
8                                   COMMITTEE SUBSTITUTE

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

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:

24

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.

16           COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/27/2024 -  
17           DO PASS, As Amended.