

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3109

By: Gann

AS INTRODUCED

An Act relating to motor vehicles; creating the Motorist Expectation of Privacy Act of 2024; amending 47 O.S. 2021, Section 7-606.1, which relates to the Uninsured Vehicle Enforcement Program; deleting requirement that collected data may be used for other legal purposes; providing for noncodification; 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 not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Motorist Expectation of Privacy Act of 2024".

SECTION 2. AMENDATORY 47 O.S. 2021, Section 7-606.1, is amended to read as follows:

Section 7-606.1 A. There is hereby created the Uninsured Vehicle Enforcement Program.

B. The Uninsured Vehicle Enforcement Program shall be implemented and administered by the district attorneys of the State of Oklahoma within their respective districts or at the District

1 Attorneys Council. To implement this program, the use of technology
2 and software to aid in detection of offenses involving uninsured
3 motorists is necessary and district attorneys and participating law
4 enforcement agencies shall have the authority to enter into
5 contractual agreements with automated license plate reader providers
6 to provide necessary technology, equipment and maintenance thereof.

7 C. 1. Participating law enforcement agencies may use automatic
8 license plate reader systems utilizing individual automatic license
9 plate reader system units to access and collect data for the
10 investigation, detection, analysis or enforcement of Oklahoma's
11 Compulsory Insurance Law.

12 2. To accomplish the purposes of the program, law enforcement
13 agencies shall be allowed to access the online verification system
14 for motor vehicle liability policies to establish compliance with
15 the Compulsory Insurance Law as provided in Section 7-600.2 of ~~Title~~
16 ~~47 of the Oklahoma Statutes~~ this title.

17 3. Access to the system shall be restricted to authorized law
18 enforcement agency users in the program; provided, any entity with
19 which a contract is executed to provide necessary technology,
20 equipment and maintenance for purposes of the program shall be
21 authorized, as necessary, to collaborate for required updates and
22 maintenance of their software.

1 4. Any data collected and stored by law enforcement pursuant to
2 the program shall be considered evidence if noncompliance with the
3 Compulsory Insurance Law is confirmed.

4 D. A law enforcement officer may verify by sworn affidavit that
5 a photograph generated by an automatic license plate reader system
6 unit identifies a particular vehicle operating on or having been
7 operated on a public road, highway, street, turnpike, other public
8 place or upon any private road, street, alley or lane which provides
9 access to one or more single-family or multifamily dwellings and
10 that the online verification system shows that the vehicle was
11 uninsured at the time such vehicle was being operated. The
12 affidavit shall constitute probable cause for prosecution under
13 applicable state law.

14 E. Data collected or retained through the use of an automated
15 license plate reader system pursuant to the program shall be
16 retained by a law enforcement agency when the data is being used as
17 evidence of a violation of the Compulsory Insurance Law; provided,
18 when the data is no longer needed as evidence of a violation, the
19 data shall be deleted or destroyed.

20 F. Data collected or retained through the use of an automated
21 license plate reader system shall not be used by any individual or
22 agency for purposes other than enforcement of the Compulsory
23 Insurance Law ~~or as otherwise permitted by law.~~

1 1. No law enforcement agency or other entity authorized to
2 operate under this program shall sell captured license plate data
3 for any purpose or share it for any purpose not expressly authorized
4 by this section.

5 2. Any and all data collected, retained or shared through the
6 use of an automated license plate reader system, except data
7 retained as evidence of a violation of the Compulsory Insurance Law,
8 shall be exempt from the Oklahoma Open Records Act.

9 G. The provisions of the program shall not apply to, or be
10 construed or interpreted in a manner to prohibit the use of, any
11 other automated license plate reader system by an individual or
12 private legal entity for purposes not otherwise prohibited by law.

13 H. The provisions of the program shall not be implemented until
14 such time that the Insurance Department verifies that the following
15 conditions have been met:

16 1. At least ~~Ninety-Five Percent~~ ninety-five percent (95%) of
17 the personal lines auto insurance market in the state participates
18 in the Oklahoma Compulsory Insurance Verification System using a
19 real-time web portal system; and

20 2. The Oklahoma Compulsory Insurance Verification System is
21 updated in such a way to allow for the provisions of the program to
22 be implemented without interrupting or impeding any other lawful
23 uses of the system.

1 I. Following the implementation of the program and every year
2 thereafter, the District Attorneys Council shall publish an annual
3 report for the previous fiscal year of the Uninsured Vehicle
4 Enforcement Program by September 1. An electronic copy of the
5 report shall be distributed to the President Pro Tempore of the
6 Oklahoma State Senate and the Speaker of the Oklahoma House of
7 Representatives and the chairs of the House and Senate
8 Appropriations Committees. The report shall comprise an evaluation
9 of program operations, and may include any information and
10 recommendations for improvement of the program deemed appropriate by
11 the entity submitting the report.

12 J. For purposes of this section:

13 1. "Automatic license plate reader system" means a system of
14 one or more mobile or law-enforcement-controlled cameras combined
15 with computer algorithms to convert images of registration plates
16 into computer-readable data;

17 2. "Law enforcement agency" includes the district attorney's
18 office of any county, the Department of Public Safety, the sheriff's
19 office of any county, and the chiefs of police of any city or town
20 having a population of more than one hundred thousand (100,000)
21 residents; and

22 3. "Program" means the Uninsured Vehicle Enforcement Program.
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1 SECTION 3. This act shall become effective November 1, 2024.

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