

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3570

By: Manger

AS INTRODUCED

An Act relating to motor vehicles; defining terms; allowing the use of automatic license plate readers for certain purposes; disallowing certain uses; requiring law enforcement agencies take certain actions prior to use; stating certain match is not reasonable suspicion; requiring officer make certain visual confirmation; requiring certain information be purged; making certain exception; disallowing the sale of information; requiring certain information be made public; amending 69 O.S. 2021, Section 1208, as amended by Section 1, Chapter 335, O.S.L. 2023 (69 O.S. Supp. 2023, Section 1208), which relates to structures in rights-of-way prohibited; defining terms; allowing law enforcement placement of automatic license plate readers on highway rights-of-way; requiring Department of Transportation promulgate certain rules; 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. Operation of and access to an automatic license plate
9 reader system by law enforcement shall be for official law
10 enforcement purposes only, and shall only be used to scan, detect,
11 and identify vehicles and license plate numbers for the purpose of
12 identifying:

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

20 Automatic license plate readers shall not be used to enforce state
21 or local traffic violations or issue citations for such violations.

22 2. Prior to using an automatic license plate reader system, the
23 municipal or state law enforcement agency that intends to use the
24 technology shall:
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- a. confirm that the automatic license plate reader system meets all requirements of this section,
- b. establish a policy governing its use in accordance with this section that includes a training process for the officers that will use it and an auditing schedule to ensure proper use, and
- c. obtain a permit from the Department of Transportation (Department) before installing an automatic license plate reader system on a state or interstate highway. The Department shall promulgate rules providing for the issuance of such permits for automatic license plate reader systems installed on highway rights-of-way.

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

4. Records of license plates and vehicles recorded by an automatic license plate reader system shall be purged from the

1 database or system within ninety (90) days of their capture in such
2 a manner that they are destroyed and not recoverable, unless the
3 record is a part of an ongoing investigation, in which case the data
4 may be retained until final disposition of the matter in accordance
5 with applicable records retention laws.

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

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

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

17 2. The law enforcement agency's automatic license plate reader
18 system policy.

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

22 Section 1208. ~~(a)~~ A. The rights-of-way acquired by the
23 Department of Transportation or a county shall be held inviolate for
24 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 ~~(e)~~ 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.
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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. The Department shall promulgate rules
11 providing for the issuance of permits to law enforcement agencies
12 for license plate reader systems installed in highway rights-of-way.

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

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