

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 488

By: Bergstrom

AS INTRODUCED

An Act relating to unmanned aerial systems; defining term; prohibiting certain purchase by state agencies after certain date; prohibiting certain purchase by political subdivisions after certain date; directing the Office of Homeland Security to maintain certain list; amending 51 O.S. 2021, Section 24A.5, as last amended by Section 2, Chapter 116, O.S.L. 2024 (51 O.S. Supp. 2024, Section 24A.5), which relates to the Oklahoma Open Records Act; providing for certain assessment to be confidential; updating statutory language; 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 422 of Title 3, unless there is created a duplication in numbering, reads as follows:

As used in this act, "drone or unmanned aerial system" shall mean a powered aerial vehicle that:

1. Does not carry a human operator and is operated autonomously without the possibility of direct human intervention from, within, or on the aircraft; and
2. Uses aerodynamic forces to provide lift.

1 SECTION 2. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 423 of Title 3, unless there is  
3 created a duplication in numbering, reads as follows:

4 A. Effective January 1, 2028, no state agency shall purchase or  
5 otherwise acquire a drone or unmanned aerial system other than those  
6 cleared by the Office of Homeland Security, pursuant to Section 3 of  
7 this act. No state funds shall be used to purchase or otherwise  
8 acquire a drone or unmanned aerial system whose purchase would be  
9 prohibited by the provisions of this subsection. Any contract or  
10 agreement for the acquisition of a drone or unmanned aerial system  
11 not cleared by the Office is void and unenforceable.

12 B. Effective January 1, 2028, no political subdivision of this  
13 state shall purchase or otherwise acquire a drone or unmanned aerial  
14 system other than those cleared by the Office, pursuant to Section 3  
15 of this act. Any contract or agreement for the acquisition of a  
16 drone or unmanned aerial system not cleared by the Office is void  
17 and unenforceable.

18 SECTION 3. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 424 of Title 3, unless there is  
20 created a duplication in numbering, reads as follows:

21 A. On or before January 1, 2028, the Office of Homeland  
22 Security, in consultation with the Oklahoma Department of Aerospace  
23 and Aeronautics and the Purchasing Division of the Office of  
24

1 Management and Enterprise Services, shall create and regularly  
2 maintain a list of drones and unmanned aerial systems that are:

3 1. Cleared by the United States Department of Defense through  
4 its Blue UAS program;

5 2. Determined to be compliant with the requirements of the  
6 National Defense Authorization Act for Fiscal Year 2024, Public Law  
7 118-31;

8 3. Determined by the Office of Homeland Security to, under  
9 normal operating conditions, be unable to transmit data to  
10 unauthorized persons or entities; or

11 4. Otherwise determined by the Department of Public Safety to  
12 present no threat to the security of this state.

13 B. The list shall be updated at least every six (6) months, and  
14 the devices and vendors on the list shall be preferred over other  
15 devices and vendors in state and local procurement actions.

16 C. In creating and maintaining the list, the Office of Homeland  
17 Security shall consult with recognized cybersecurity experts from  
18 the private and public sector to ensure the integrity and security  
19 of all data collected by drones and unmanned aerial systems used in  
20 this state.

21 D. The list shall be a public document. Any documents related  
22 to the assessment process of drones and unmanned aerial systems on  
23 the list shall be required to remain confidential.

1 SECTION 4. AMENDATORY 51 O.S. 2021, Section 24A.5, as  
2 last amended by Section 2, Chapter 116, O.S.L. 2024 (51 O.S. Supp.  
3 2024, Section 24A.5), is amended to read as follows:

4 Section 24A.5. All records of public bodies and public  
5 officials shall be open to any person for inspection, copying, or  
6 mechanical reproduction during regular business hours; provided:

7 1. The Oklahoma Open Records Act, Sections 24A.1 ~~through 24A.30~~  
8 et seq. of this title, does not apply to records specifically  
9 required by law to be kept confidential including:

- 10 a. records protected by a state evidentiary privilege  
11 such as the attorney-client privilege, the work  
12 product immunity from discovery and the identity of  
13 informer privileges,
- 14 b. records of what transpired during meetings of a public  
15 body lawfully closed to the public such as executive  
16 sessions authorized under the Oklahoma Open Meeting  
17 Act,
- 18 c. personal information within driver records as defined  
19 by the Driver's Privacy Protection Act, 18 United  
20 States Code, Sections 2721 through 2725,
- 21 d. information in the files of the Board of Medicolegal  
22 Investigations obtained pursuant to Sections 940 and  
23 941 of Title 63 of the Oklahoma Statutes that may be  
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- 1 hearsay, preliminary unsubstantiated investigation-  
2 related findings, or confidential medical information,  
3 e. any test forms, question banks, and answer keys  
4 developed for state licensure examinations, but  
5 specifically excluding test preparation materials or  
6 study guides,  
7 f. last names, addresses, Social Security numbers, or tax  
8 identification numbers, and proof of identification  
9 submitted to the Oklahoma Lottery Commission by  
10 persons claiming a lottery prize,  
11 g. unless public disclosure is required by other laws or  
12 regulations, vehicle movement records of the Oklahoma  
13 Transportation Authority obtained in connection with  
14 the Authority's electronic toll collection system,  
15 h. personal financial information, credit reports, or  
16 other financial data obtained by or submitted to a  
17 public body for the purpose of evaluating credit  
18 worthiness, obtaining a license, permit, or for the  
19 purpose of becoming qualified to contract with a  
20 public body,  
21 i. any digital audio/video recordings of the toll  
22 collection and safeguarding activities of the Oklahoma  
23 Transportation Authority,

1 j. any personal information provided by a guest at any  
2 facility owned or operated by the Oklahoma Tourism and  
3 Recreation Department to obtain any service at the  
4 facility or by a purchaser of a product sold by or  
5 through the Oklahoma Tourism and Recreation  
6 Department,

7 k. a Department of Defense Form 214 (DD Form 214) filed  
8 with a county clerk, including any DD Form 214 filed  
9 before July 1, 2002,

10 l. except as provided for in Section 2-110 of Title 47 of  
11 the Oklahoma Statutes:

12 (1) any record in connection with a Motor Vehicle  
13 Report issued by the Department of Public Safety,  
14 as prescribed in Section 6-117 of Title 47 of the  
15 Oklahoma Statutes, or

16 (2) personal information within driver records, as  
17 defined by the Driver's Privacy Protection Act,  
18 18 U.S.C., Sections 2721 through 2725, which are  
19 stored and maintained by the Department of Public  
20 Safety,

21 m. any portion of any document or information provided to  
22 an agency or entity of the state or a political  
23 subdivision to obtain licensure under the laws of this  
24 state or a political subdivision that contains an

1 applicant's personal address, personal phone number,  
2 personal email address, any government-issued  
3 identification numbers, or other contact information;  
4 provided, however, lists of persons licensed, the  
5 existence of a license of a person, or a business or  
6 commercial address, or other business or commercial  
7 information disclosable under state law submitted with  
8 an application for licensure shall be public record,  
9 unless the business or commercial address is the same  
10 as the applicant's personal address, except when the  
11 applicant permits in writing the disclosure of the  
12 address,

13 n. an investigative file obtained during an investigation  
14 conducted by the State Department of Health into  
15 violations of the Long-Term Care Administrator  
16 Licensing Act under Title 63 of the Oklahoma Statutes,

17 ~~or~~

18 o. documents, evidence, materials, records, reports,  
19 complaints, or other information in the possession or  
20 control of the Attorney General or Insurance  
21 Department pertaining to an evaluation, examination,  
22 investigation, or review made pursuant to the  
23 provisions of the Patient's Right to Pharmacy Choice  
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1 Act, the Pharmacy Audit Integrity Act, or Sections 357  
2 through 360 of Title 59 of the Oklahoma Statutes, or  
3 p. any documents related to the assessment process of  
4 drones and unmanned aerial systems, pursuant to  
5 Section 3 of this act;

6 2. All Social Security numbers included in a record may be  
7 confidential regardless of the person's status as a public employee  
8 or private individual and may be redacted or deleted prior to  
9 release of the record by the public body;

10 3. Any reasonably segregable portion of a record containing  
11 exempt material shall be provided after deletion of the exempt  
12 portions; provided however, the Department of Public Safety shall  
13 not be required to assemble for the requesting person specific  
14 information, in any format, from driving records relating to any  
15 person whose name and date of birth or whose driver license number  
16 is not furnished by the requesting person.

17 The Oklahoma State Bureau of Investigation shall not be required  
18 to assemble for the requesting person any criminal history records  
19 relating to persons whose names, dates of birth, and other  
20 identifying information required by the Oklahoma State Bureau of  
21 Investigation pursuant to administrative rule are not furnished by  
22 the requesting person;

23 4. Any request for a record which contains individual records  
24 of persons, and the cost of copying, reproducing, or certifying each



1 individual record is otherwise prescribed by state law, the cost may  
2 be assessed for each individual record, or portion thereof requested  
3 as prescribed by state law. Otherwise, a public body may charge a  
4 fee only for recovery of the reasonable, direct costs of record  
5 copying, or mechanical reproduction. Notwithstanding any state or  
6 local provision to the contrary, in no instance shall the record  
7 copying fee exceed twenty-five cents (\$0.25) per page for records  
8 having the dimensions of eight and one-half (8 1/2) by fourteen (14)  
9 inches or smaller, or a maximum of One Dollar (\$1.00) per copied  
10 page for a certified copy. However, if the request:

- 11 a. is solely for commercial purpose, or
- 12 b. would clearly cause excessive disruption of the  
13 essential functions of the public body,

14 then the public body may charge a reasonable fee to recover the  
15 direct cost of record search and copying; however, publication in a  
16 newspaper or broadcast by news media for news purposes shall not  
17 constitute a resale or use of a record for trade or commercial  
18 purpose and charges for providing copies of electronic data to the  
19 news media for a news purpose shall not exceed the direct cost of  
20 making the copy. The fee charged by the Department of Public Safety  
21 for a copy in a computerized format of a record of the Department  
22 shall not exceed the direct cost of making the copy unless the fee  
23 for the record is otherwise set by law.

1 Any public body establishing fees under this act shall post a  
2 written schedule of the fees at its principal office and with the  
3 county clerk.

4 In no case shall a search fee be charged when the release of  
5 records is in the public interest, including, but not limited to,  
6 release to the news media, scholars, authors and taxpayers seeking  
7 to determine whether those entrusted with the affairs of the  
8 government are honestly, faithfully, and competently performing  
9 their duties as public servants.

10 The fees shall not be used for the purpose of discouraging  
11 requests for information or as obstacles to disclosure of requested  
12 information;

13 5. The land description tract index of all recorded instruments  
14 concerning real property required to be kept by the county clerk of  
15 any county shall be available for inspection or copying in  
16 accordance with the provisions of the Oklahoma Open Records Act;  
17 provided, however, the index shall not be copied or mechanically  
18 reproduced for the purpose of sale of the information;

19 6. A public body must provide prompt, reasonable access to its  
20 records but may establish reasonable procedures which protect the  
21 integrity and organization of its records and to prevent excessive  
22 disruptions of its essential functions. A delay in providing access  
23 to records shall be limited solely to the time required for  
24 preparing the requested documents and the avoidance of excessive

1 disruptions of the public body's essential functions. In no event  
2 may production of a current request for records be unreasonably  
3 delayed until after completion of a prior records request that will  
4 take substantially longer than the current request. Any public body  
5 which makes the requested records available on the Internet shall  
6 meet the obligation of providing prompt, reasonable access to its  
7 records as required by this paragraph; and

8 7. A public body shall designate certain persons who are  
9 authorized to release records of the public body for inspection,  
10 copying, or mechanical reproduction. At least one person shall be  
11 available at all times to release records during the regular  
12 business hours of the public body.

13 SECTION 5. This act shall become effective November 1, 2025.

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