

1 **SENATE FLOOR VERSION**

2 February 6, 2024

3 SENATE BILL NO. 1574

By: Floyd

4
5
6 An Act relating to the Oklahoma Open Records Act;
7 amending 51 O.S. 2021, Section 24A.3, as last amended
8 by Section 11, Chapter 271, O.S.L. 2023 (51 O.S.
9 Supp. 2023, Section 24A.3), which relates to
10 definitions; modifying definition; updating statutory
11 reference; updating statutory language; and providing
12 an effective date.

13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 51 O.S. 2021, Section 24A.3, as
15 last amended by Section 11, Chapter 271, O.S.L. 2023 (51 O.S. Supp.
16 2023, Section 24A.3), is amended to read as follows:

17 Section 24A.3. As used in the Oklahoma Open Records Act:

18 1. "Record" means all documents including, but not limited to,
19 any book, paper, photograph, microfilm, data files created by or
20 used with computer software, computer tape, disk, record, sound
21 recording, film recording, video record or other material regardless
22 of physical form or characteristic, created by, received by, under
23 the authority of, or coming into the custody, control or possession
24 of public officials, public bodies or their representatives in
connection with the transaction of public business, the expenditure

1 of public funds or the administering of public property. Record
2 does not mean:

3 a. computer software,

4 b. nongovernment personal effects,

5 c. unless public disclosure is required by other laws or
6 regulations, vehicle movement records of the Oklahoma
7 Transportation Authority obtained in connection with
8 the Authority's electronic toll collection system,

9 d. personal financial information, credit reports or
10 other financial data obtained by or submitted to a
11 public body for the purpose of evaluating credit
12 worthiness, obtaining a license, permit or for the
13 purpose of becoming qualified to contract with a
14 public body,

15 e. any digital audio/video recordings of the toll
16 collection and safeguarding activities of the Oklahoma
17 Transportation Authority,

18 f. any personal information provided by a guest at any
19 facility owned or operated by the Oklahoma Tourism and
20 Recreation Department to obtain any service at the
21 facility or by a purchaser of a product sold by or
22 through the Oklahoma Tourism and Recreation
23 Department,

24

- 1 g. a Department of Defense Form 214 (DD Form 214) filed
2 with a county clerk including any DD Form 214 filed
3 before July 1, 2002,
- 4 h. except as provided for in Section 2-110 of Title 47 of
5 the Oklahoma Statutes:
- 6 (1) any record in connection with a Motor Vehicle
7 Report issued by ~~the Department of Public Safety,~~
8 Service Oklahoma as prescribed in Section 6-117
9 of Title 47 of the Oklahoma Statutes, or
- 10 (2) personal information within driver records, as
11 defined by the Driver's Privacy Protection Act,
12 Title 18 of the United States Code, Sections 2721
13 through 2725, which are stored and maintained by
14 ~~the Department of Public Safety~~ Service Oklahoma,
- 15 i. (1) any portion of any document or information
16 provided to an agency or entity of the state or a
17 political subdivision to obtain licensure under
18 the laws of this state or a political subdivision
19 that contains an applicant's personal address,
20 personal phone number, personal electronic mail
21 address or other contact information. Provided,
22 however, lists of persons licensed, the existence
23 of a license of a person, or a business or
24 commercial address, or other business or

1 commercial information disclosable under state
2 law submitted with an application for licensure
3 shall be public record,

4 (2) division (1) of this subparagraph shall not apply
5 to applications and other documents related to
6 licensure matters that are filed of record in a
7 district court including but not limited to
8 marriage licenses, process server licenses,
9 closing out sale licenses, transient merchant
10 licenses, pool hall licenses, and bail bondsmen
11 registration, or

12 j. an investigative file obtained during an investigation
13 conducted by the State Department of Health under ~~this~~
14 ~~act~~ the Long-Term Care Administrator Licensing Act;

15 2. "Public body" shall include, but not be limited to, any
16 office, department, board, bureau, commission, agency, trusteeship,
17 authority, council, committee, trust or any entity created by a
18 trust, county, city, village, town, township, district, school
19 district, fair board, court, executive office, advisory group, task
20 force, study group or any subdivision thereof, supported in whole or
21 in part by public funds or entrusted with the expenditure of public
22 funds or administering or operating public property, and all
23 committees, or subcommittees thereof. Except for the records
24 required by Section 24A.4 of this title, public body does not mean

1 judges, justices, the Council on Judicial Complaints, the
2 Legislature or legislators. Public body shall not include an
3 organization that is exempt from federal income tax under Section
4 501(c)(3) of the Internal Revenue Code of 1986, as amended, and
5 whose sole beneficiary is a college or university, or an affiliated
6 entity of the college or university, that is a member of The
7 Oklahoma State System of Higher Education. Such organization shall
8 not receive direct appropriations from the ~~Oklahoma~~ Legislature.
9 The following persons shall not be eligible to serve as a voting
10 member of the governing board of the organization:

11 a. a member, officer, or employee of the Oklahoma State
12 Regents for Higher Education,

13 b. a member of the board of regents or other governing
14 board of the college or university that is the sole
15 beneficiary of the organization, or

16 c. an officer or employee of the college or university
17 that is the sole beneficiary of the organization;

18 3. "Public office" means the physical location where public
19 bodies conduct business or keep records;

20 4. "Public official" means any official or employee of any
21 public body as defined herein; and

22 5. "Law enforcement agency" means any public body charged with
23 enforcing state or local criminal laws and initiating criminal
24 prosecutions including, but not limited to, police departments,

1 county sheriffs, the Department of Public Safety, the Oklahoma State
2 Bureau of Narcotics and Dangerous Drugs Control, the Alcoholic
3 Beverage Laws Enforcement Commission, and the Oklahoma State Bureau
4 of Investigation.

5 SECTION 2. This act shall become effective November 1, 2024.

6 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
7 February 6, 2024 - DO PASS
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24