

EHB 1553

THE STATE SENATE
Monday, April 11, 2005

ENGROSSED

House Bill No. 1553

As Amended

ENGROSSED HOUSE BILL NO. 1553 - By: CAREY of the House and GUMM of the Senate.

An Act relating to records; amending 47 O.S. 2001, Sections 2-110, as last amended by Section 7, Chapter 130, O.S.L. 2004 and 2-111 (47 O.S. Supp. 2004, Section 2-110), which relate to creation, organization, and responsibilities of the Department of Public Safety; deleting authority to prepare, deliver, and collect fees for videotape recordings; requiring certain records be provided upon payment of fees; providing for adoption of rules for destruction and retention of records; providing exceptions to certain statutory provisions; amending 47 O.S. 2001, Section 6-117, as last amended by Section 42, Chapter 5, O.S.L. 2004 (47 O.S. Supp. 2004, Section 6-117), which relates to records kept by Department of Public Safety; clarifying language; authorizing release of Motor Vehicle Report; stating contents of Motor Vehicle Report; prohibiting release of driving index; requiring inclusion of certain report in Motor Vehicle Report; amending 51 O.S. 2001, Sections 24A.3, as last amended by Section 1, Chapter 328, O.S.L. 2004, 24A.5, 24A.8, 24A.17 and 24A.18 (51 O.S. Supp. 2004, Section 24A.3), which relate to Oklahoma Open Records Act; modifying definition of certain term; modifying Department of Public Safety exemptions to Oklahoma Open Records Act; modifying records requirements for law enforcement agencies; clarifying fee requirement for computerized format of records; allowing public inspection of certain lists and logs; clarifying meaning of certain phrase; requiring confidentiality of certain records kept by Department of Public Safety; clarifying civil liability provisions; and providing an effective date.

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

1 SECTION 1. AMENDATORY 47 O.S. 2001, Section 2-110, as
2 last amended by Section 7, Chapter 130, O.S.L. 2004 (47 O.S. Supp.
3 2004, Section 2-110), is amended to read as follows:

4 Section 2-110. A. Officers and employees of the Department of
5 Public Safety designated by the Commissioner, for the purpose of
6 administering the motor vehicle laws, are authorized to administer
7 oaths and acknowledge signatures and shall do so without fee.

8 B. The Commissioner and such officers of the Department as the
9 Commissioner may designate are hereby authorized to prepare under
10 the seal of the Department and deliver upon request a certified copy
11 of any record of the Department, charging a fee of Three Dollars
12 (\$3.00) for each record so certified, and every such certified copy
13 shall be admissible in any proceeding in any court in like manner as
14 the original thereof. A certification fee shall be charged:

15 1. Only if the person requesting the record specifically
16 requests that the record be certified; and

17 2. In addition to the copying and reproduction fees provided by
18 the Oklahoma Open Records Act or any other applicable law.

19 C. The Commissioner and any other officers of the Department as
20 the Commissioner may designate are hereby authorized to provide a
21 copy of any record required to be maintained by the Department at no
22 charge to any of the following government agencies when requested in
23 the performance of official governmental duties:

- 1 1. The driver license agency of any other state;
- 2 2. Any court, district attorney or municipal prosecutor in this
3 state or any other state;
- 4 3. Any law enforcement agency in this state or any other state
5 or any federal agency empowered by law to make arrests for public
6 offenses;
- 7 4. Any public school district in this state for purposes of
8 verifying the driving record of a currently employed school bus
9 driver or person making application for employment as a school bus
10 driver; or
- 11 5. Any state agency in this state.

12 D. Any record required to be maintained by the Department may
13 be released to any other entity free of charge when the release of
14 the record would be for the benefit of the public, as determined by
15 the Commissioner or a designee of the Commissioner.

16 E. ~~The Commissioner and any other officers of the Department as~~
17 ~~the Commissioner may designate are hereby authorized to prepare~~
18 ~~copies of videotape recordings which are not exempt law enforcement~~
19 ~~records, as prescribed in Section 24A.8 of Title 51 of the Oklahoma~~
20 ~~Statutes, when held as records of the Department, and deliver upon~~
21 ~~request to any person a copy of a videotape recording, for a fee of~~
22 ~~Twenty-five Dollars (\$25.00) for each copy. Any monies collected by~~
23 ~~the Department pursuant to this subsection shall be deposited to the~~

1 ~~credit of the Department of Public Safety Revolving Fund~~ following
2 records shall be provided by the Department to any authorized
3 recipient, pursuant to the provisions of the Driver's Privacy
4 Protection Act, 18 United States Code, Sections 2721 through 2725,
5 upon payment of the appropriate fees for the records:

6 1. A Motor Vehicle Report, as defined in Section 6-117 of this
7 title; and

8 2. A copy of any driving record related to the Motor Vehicle
9 Report.

10 F. 1. The provisions of subsections B ~~and~~, D, and E of this
11 section and the Open Records Act shall not apply to the release of
12 personal information ~~on the~~ from any driving record of any person ~~or~~
13 ~~application for an original, renewal, or replacement driver license~~
14 ~~or identification card.~~ Such personal information shall be
15 confidential except as provided for in this subsection or in the
16 provisions of the Driver's Privacy Protection Act, 18 United States
17 Code, Sections 2721 through 2725. Upon written request to the
18 Commissioner of Public Safety by a law enforcement agency or another
19 state's or country's driver licensing agency for personal
20 information on a specific individual, as named or otherwise
21 identified in the written request, to be used in the official
22 capacity of the agency, the Commissioner may release such personal
23 information to the agency pursuant to the provisions of the Driver's

1 Privacy Protection Act, 18 United States Code, Sections 2721 through
2 2725.

3 2. For the purposes of this subsection, "personal information"
4 means information which identifies a person, including but not
5 limited to a photograph or image in computerized format of the
6 person, fingerprint image in computerized format, signature or
7 signature in computerized format, social security number, residence
8 address, mailing address, and medical or disability information.

9 SECTION 2. AMENDATORY 47 O.S. 2001, Section 2-111, is
10 amended to read as follows:

11 Section 2-111. A. All records of the Department, other than
12 those declared by law to be confidential for the use of the
13 Department, shall be open to public inspection during office hours.

14 B. The Commissioner ~~may destroy any~~ shall supervise the
15 maintaining of all records of the Department ~~which have been~~
16 ~~maintained on file for five (5) years which he may deem obsolete and~~
17 ~~of no further service~~ and shall adopt rules concerning the
18 destruction and retention of records. Records of the Department
19 shall not be subject to the provisions of:

20 1. Sections 305 through 317 of Title 67 of the Oklahoma
21 Statutes or be transferred to the custody or control of the State
22 Archives Commission;

23 2. Section 590 of Title 21 of the Oklahoma Statutes; or

1 3. The Records Management Act, Sections 201 through 215 of
2 Title 67 of the Oklahoma Statutes.

3 The Commissioner may, pursuant to an adopted rule, order destruction
4 of records deemed to be no longer of value to the Department in
5 carrying out the powers and duties of the Department.

6 C. 1. The Commissioner may cause any or all records kept by
7 the Department of Public Safety to be photographed,
8 microphotographed, photostated, reproduced on film, or stored on
9 computer storage medium. The film or reproducing material shall be
10 of durable material, and the device used to reproduce the records on
11 the film or reproducing material shall accurately reproduce and
12 perpetuate the original records in all detail.

13 2. The photostatic copy, photograph, microphotograph,
14 photographic film or computerized image of the original records
15 shall be deemed to be an original record for all purposes and shall
16 be admissible as evidence in all courts or administrative agencies.
17 A facsimile, exemplification, or certified copy thereof shall be
18 deemed to be a transcript, exemplification, or certified copy of the
19 original.

20 3. The photostatic copies, photographs, microphotographs,
21 reproductions on film, or computerized images shall be placed in
22 conveniently accessible files and provisions made for preserving,
23 examining, and using ~~such~~ the copies, photographs, microphotographs,

1 reproductions on film and computerized images. The Commissioner of
2 Public Safety is empowered to authorize the disposal, archival
3 storage, or destruction of the original records or papers.

4 SECTION 3. AMENDATORY 47 O.S. 2001, Section 6-117, as
5 last amended by Section 42, Chapter 5, O.S.L. 2004 (47 O.S. Supp.
6 2004, Section 6-117), is amended to read as follows:

7 Section 6-117. A. The Department of Public Safety shall file
8 every application for a driver license or identification card
9 received by ~~it~~ the Department and shall maintain suitable indexes
10 containing:

11 1. All applications denied and on each thereof note the reasons
12 for ~~such~~ the denial;

13 2. All applications granted;

14 3. The name of every person whose driving privilege has been
15 suspended, revoked, cancelled, or disqualified by the Department and
16 after each such name note the reasons for ~~such~~ the action. Any
17 notation of suspension of ~~a person's~~ the driving privilege of a
18 person for reason of nonpayment of a fine shall be removed from the
19 driving record after the person has paid the fine and the ~~person's~~
20 driving privilege of the person is reinstated as provided for by
21 law; and

22 4. ~~By the~~ The county of residence, the name, date of birth, and
23 mailing address of each person residing in that county who is

1 eighteen (18) years of age or older, and who is the holder of a
2 current driver license or a current identification card issued by
3 the Department of Public Safety for the purpose of ascertaining
4 names of all persons qualified for jury service as required by
5 Section 18 of Title 38 of the Oklahoma Statutes.

6 B. The Department shall file all collision reports and
7 abstracts of court records of convictions received by it pursuant to
8 the laws of this state and maintain convenient records of ~~such~~ the
9 records and reports or make suitable notations in order that an
10 individual record of a person showing the convictions of ~~such~~ the
11 person and the traffic collisions in which the person has been
12 involved shall be readily ascertainable and available for the
13 consideration of the Department of Public Safety upon any
14 application for a driver license or renewal of a driver license and
15 at other suitable times. Any abstract, index or other entry
16 relating to a driving record according to the licensing authority in
17 another state or a province of Canada may be posted upon the driving
18 record of any resident of this state when notice thereof is received
19 by documentation or by electronic transmission. The individual
20 record of a person shall not include any collision reports and
21 abstracts of court records involving a collision in which the person
22 was not issued a citation or if a citation is issued and ~~said~~ the
23 person was not convicted.

1 C. 1. The Commissioner and ~~such~~ the officers of the Department
2 as the Commissioner may designate are hereby authorized to prepare
3 under the seal of the Department and deliver upon request a copy of
4 any collision report on file with the Department, charging a fee of
5 Seven Dollars (\$7.00). However, the Department shall not be
6 required to furnish personal information from ~~a driver record~~ the
7 collision report which is contrary to the provisions of the Driver's
8 Privacy Protection Act, 18 United States Code, Sections 2721 through
9 2725.

10 2. Notwithstanding the provisions of paragraph 1 of this
11 subsection, the Department is authorized to enter into contracts to
12 supply information regarding vehicles reported to be involved in
13 collisions. For each ~~such~~ vehicle, the information shall be limited
14 to that which only describes the vehicle and the collision. The
15 Department shall not be required to provide any information
16 regarding the owner or operator of the vehicle or any information
17 which would conflict with Section 2-110 or Section 1109 of this
18 title.

19 D. The Department of Public Safety or any motor license agent
20 upon request shall prepare and furnish ~~a summary~~ to any authorized
21 ~~person of the driving record~~ a Motor Vehicle Report of any person
22 subject to the provisions of the motor vehicle laws of this state.
23 However, the Department shall not be required to furnish personal

1 information from a driving record contrary to the provisions of the
2 Driver's Privacy Protection Act, 18 United States Code, Sections
3 2721 through 2725. ~~Said summary~~ The Motor Vehicle Report shall be a
4 summary of the driving record of the person and shall include the
5 enumeration of any motor vehicle collisions, reference to
6 convictions for violations of motor vehicle laws, and any action
7 taken against the ~~person's~~ privilege of the person to operate a
8 motor vehicle, as shown by the files of the Department for the three
9 (3) years preceding the date of the request. The Department shall
10 not be required to release to any person, in whole or in part and in
11 any format, a driving index, as described in subsection A of this
12 section, except as otherwise provided for by law. For each ~~summary~~
13 Motor Vehicle Report furnished by the Department of Public Safety,
14 the Department shall collect the sum of Ten Dollars (\$10.00). For
15 each ~~summary~~ Motor Vehicle Report furnished by a motor license
16 agent, the agent shall collect the sum of Ten Dollars (\$10.00),
17 Eight Dollars (\$8.00) of which shall be paid to the Oklahoma Tax
18 Commission for deposit in the General Revenue Fund in the State
19 Treasury and Two Dollars (\$2.00) of which shall be retained by the
20 motor license agent. Persons sixty-five (65) years of age or older
21 shall not be required to pay a fee for their own ~~driving record~~
22 ~~summary~~ Motor Vehicle Report furnished by the Department or a motor
23 license agent. For purposes of this subsection, a Motor Vehicle

1 Report shall include a report which indicates that no driving record
2 is on file with the Department of Public Safety for the information
3 received by the Department in the request for the Motor Vehicle
4 Report.

5 E. All monies received by the Commissioner of Public Safety and
6 the officers and employees of the Department shall be remitted to
7 the State Treasurer to be credited to the General Revenue Fund in
8 the State Treasury except as otherwise provided for by law.

9 SECTION 4. AMENDATORY 51 O.S. 2001, Section 24A.3, as
10 last amended by Section 1, Chapter 328, O.S.L. 2004 (51 O.S. Supp.
11 2004, Section 24A.3), is amended to read as follows:

12 Section 24A.3 As used in this act:

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

23 a. computer software,

1 **b.** nongovernment personal effects ~~or,~~
2 **c.** unless public disclosure is required by other laws or
3 regulations, vehicle movement records of the Oklahoma
4 Transportation Authority obtained in connection with
5 the Authority's electronic toll collection system,
6 **d.** personal financial information, credit reports or
7 other financial data obtained by or submitted to a
8 public body for the purpose of evaluating credit
9 worthiness, obtaining a license, permit, or for the
10 purpose of becoming qualified to contract with a
11 public body. ~~"Record" does not mean,~~
12 **e.** any digital audio/video recordings of the toll
13 collection and safeguarding activities of the Oklahoma
14 Transportation Authority. ~~"Record" does not mean any,~~
15 **f.** any personal information provided by a guest at any
16 facility owned or operated by the Oklahoma Tourism and
17 Recreation Department or the Board of Trustees of the
18 Quartz Mountain Arts and Conference Center and Nature
19 Park to obtain any service at ~~such~~ the facility or by
20 a purchaser of a product sold by or through the
21 Oklahoma Tourism and Recreation Department or the
22 Quartz Mountain Arts and Conference Center and Nature
23 Park. ~~"Record" does not mean,~~

1 public funds or administering or operating public property, and all
2 committees, or subcommittees thereof. Except for the records
3 required by Section 24A.4 of this title, "public body" does not mean
4 judges, justices, the Council on Judicial Complaints, the
5 Legislature, or legislators;

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

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

10 5. "Law enforcement agency" means any public body charged with
11 enforcing state or local criminal laws and initiating criminal
12 prosecutions, including, but not limited to, police departments,
13 county sheriffs, the Department of Public Safety, the Oklahoma State
14 Bureau of Narcotics and Dangerous Drugs Control, the Alcoholic
15 Beverage Laws Enforcement Commission, and the Oklahoma State Bureau
16 of Investigation.

17 SECTION 5. AMENDATORY 51 O.S. 2001, Section 24A.5, is
18 amended to read as follows:

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

1 1. The Oklahoma Open Records Act, ~~Section~~ Sections 24A.1 ~~et~~
2 ~~seq.~~ through 24A.28 of this title, does not apply to records
3 specifically required by law to be kept confidential including:

- 4 a. records protected by a state evidentiary privilege
5 such as the attorney-client privilege, the work
6 product immunity from discovery and the identity of
7 informer privileges, ~~or~~
- 8 b. records of what transpired during meetings of a public
9 body lawfully closed to the public such as executive
10 sessions authorized under the Oklahoma Open Meeting
11 Act, Section 301 et seq. of Title 25 of the Oklahoma
12 Statutes, ~~or~~
- 13 c. personal information within driver records as defined
14 by the Driver's Privacy Protection Act, 18 United
15 States Code, Sections 2721 through 2725, or
- 16 d. information in the files of the Board of Medicolegal
17 Investigations obtained pursuant to Sections 940 and
18 941 of Title 63 of the Oklahoma Statutes that may be
19 hearsay, preliminary unsubstantiated investigation-
20 related findings, or confidential medical information.

21 2. Any reasonably segregable portion of a record containing
22 exempt material shall be provided after deletion of the exempt
23 portions, ~~;~~ i provided however, the ~~Oklahoma~~ Department of Public

1 Safety shall not be required to assemble for the requesting person
2 specific information ~~requested from the Oklahoma Department of~~
3 ~~Public Safety's Driver License file,~~ in any format, from driving
4 records relating to ~~persons~~ any person whose ~~names~~ name and ~~dates~~
5 date of birth or whose driver license ~~numbers are~~ number is not
6 furnished by the requesting person.

7 The Oklahoma State Bureau of Investigation shall not be required to
8 assemble for the requesting person any criminal history records
9 relating to persons whose names and dates of birth are not furnished
10 by the requesting person.

11 3. Any request for a record which contains individual records
12 of persons, and the cost of copying, reproducing or certifying ~~such~~
13 each individual record ~~which~~ is otherwise prescribed by state law,
14 the cost may be assessed for each individual record, or portion
15 thereof requested as prescribed by state law. Otherwise, a public
16 body may charge a fee only for recovery of the reasonable, direct
17 costs of ~~document~~ record copying, or mechanical reproduction.
18 Notwithstanding any state or local provision to the contrary, in no
19 instance shall ~~said document~~ the record copying fee exceed twenty-
20 five cents (\$0.25) per page for ~~documents~~ records having the
21 dimensions of eight and one-half (8 1/2) by fourteen (14) inches or
22 smaller, or a maximum of One Dollar (\$1.00) per copied page for a
23 certified copy. However, if the request:

1 a. is solely for commercial purpose, or
2 b. would clearly cause excessive disruption of the ~~public~~
3 ~~body's~~ essential functions of the public body,
4 then the public body may charge a reasonable fee to recover the
5 direct cost of ~~document~~ record search and copying; however,
6 publication in a newspaper or broadcast by news media for news
7 purposes shall not constitute a resale or use of ~~data~~ a record for
8 trade or commercial purpose and charges for providing copies of
9 electronic data to the news media for a news purpose shall not
10 exceed the direct cost of making the copy. The fee charged by the
11 Department of Public Safety for a copy in a computerized format of a
12 record of the Department shall not exceed the direct cost of making
13 the copy unless the fee for the record is otherwise set by law.

14 Any public body establishing fees under this act shall post a
15 written schedule of ~~said~~ the fees at its principal office and with
16 the county clerk.

17 In no case shall a search fee be charged when the release of
18 ~~said documents~~ records is in the public interest, including, but not
19 limited to, release to the news media, scholars, authors and
20 taxpayers seeking to determine whether those entrusted with the
21 affairs of the government are honestly, faithfully, and competently
22 performing their duties as public servants.

1 The fees shall not be used for the purpose of discouraging
2 requests for information or as obstacles to disclosure of requested
3 information.

4 4. The land description tract index of all recorded instruments
5 concerning real property required to be kept by the county clerk of
6 any county shall be available for inspection or copying in
7 accordance with the provisions of the Oklahoma Open Records Act;
8 provided, however, ~~such~~ the index shall not be copied ~~and/or~~ or
9 mechanically reproduced for the purpose of sale of ~~such~~ the
10 information.

11 5. A public body must provide prompt, reasonable access to its
12 records but may establish reasonable procedures which protect the
13 integrity and organization of its records and to prevent excessive
14 disruptions of its essential functions.

15 6. A public body shall designate certain persons who are
16 authorized to release records of the public body for inspection,
17 copying, or mechanical reproduction. At least one ~~such~~ person shall
18 be available at all times to release records during the regular
19 business hours of the public body.

20 **SECTION 6. AMENDATORY 51 O.S. 2001, Section 24A.8, is**
21 **amended to read as follows:**

22 Section 24A.8 A. Law enforcement agencies shall make available
23 for public inspection, if kept, the following records:

1 1. An arrestee description, including the name, date of birth,
2 address, race, sex, physical description, and occupation of the
3 arrestee;

4 2. Facts concerning the arrest, including the cause of arrest
5 and the name of the arresting officer;

6 3. A chronological list of incidents pertaining to the arrest,
7 including initial offense report information showing the offense,
8 date, time, general location, officer, and a brief summary of what
9 occurred; and

10 4. Radio logs, including a chronological listing of the calls
11 dispatched.

12 B. Law enforcement agencies shall make available for public
13 inspection, if kept, the following records:

14 1. Conviction information, including the name of any person
15 convicted of a criminal offense;

16 ~~4.~~ 2. Disposition of all warrants, including orders signed by a
17 judge of any court commanding a law enforcement officer to arrest a
18 particular person;

19 ~~5. A chronological list of incidents, including initial offense~~
20 ~~report information showing the offense, date, time, general~~
21 ~~location, officer and a brief summary of what occurred;~~

1 ~~6.~~ 3. A crime summary, including ~~a departmental~~ an agency
2 summary of crimes reported and public calls for service by
3 classification or nature and number;

4 ~~7.~~ Radio logs, including a chronological listing of the calls
5 ~~dispatched;~~ and

6 ~~8.~~ 4. Jail registers, including jail blotter data or jail
7 booking information recorded on persons at the time of incarceration
8 showing the name of each prisoner with the date and cause of ~~his~~
9 commitment, the authority committing the prisoner, whether committed
10 for a criminal offense, a description of the prisoner, and the date
11 or manner of ~~his~~ discharge or escape of the prisoner.

12 ~~B.~~ C. Except for the records listed in ~~subsection~~ subsections A
13 and B of this section and those made open by other state or local
14 laws, law enforcement agencies may deny access to law enforcement
15 records except where a court finds that the public interest or the
16 interest of an individual outweighs the reason for denial.

17 ~~C.~~ D. Nothing contained in this section imposes any new
18 recordkeeping requirements. Law enforcement records shall be kept
19 for as long as is now or may hereafter be specified by law. Absent
20 a legal requirement for the keeping of a law enforcement record for
21 a specific time period, law enforcement agencies shall maintain
22 their records for so long as needed for administrative purposes.

1 ~~D.~~ E. Registration files maintained by the Department of
2 Corrections pursuant to the provisions of the Sex Offenders
3 Registration Act shall be made available for public inspection in a
4 manner to be determined by the Department.

5 ~~E.~~ F. The Council on Law Enforcement Education and Training
6 (C.L.E.E.T.) shall keep confidential all records it maintains
7 pursuant to Section 3311 of Title 70 of the Oklahoma Statutes and
8 deny release of records relating to any employed or certified full-
9 time officer, reserve officer, retired officer or other person;
10 teacher lesson plans, tests and other teaching materials; and
11 personal communications concerning individual students except under
12 the following circumstances:

- 13 1. To verify the current certification status of any peace
14 officer;
- 15 2. As may be required to perform the duties imposed by Section
16 3311 of Title 70 of the Oklahoma Statutes;
- 17 3. To provide to any peace officer copies of the records of
18 that peace officer upon submitting a written request;
- 19 4. To provide final orders of administrative proceedings where
20 an adverse action was taken against a peace officer; and
- 21 5. Pursuant to an order of the district court of the State of
22 Oklahoma.

23 G. The Department of Public Safety shall keep confidential:

1 1. All records it maintains pursuant to its authority under
2 Title 47 of the Oklahoma Statutes relating to the Oklahoma Highway
3 Patrol Division, the Communications Division, and other divisions of
4 the Department relating to:

5 a. training, lesson plans, teaching materials, tests, and
6 test results,

7 b. policies, procedures, and operations, any of which are
8 of a tactical nature, and

9 c. the following information from radio logs:

10 (1) telephone numbers,

11 (2) addresses other than the location of incidents to
12 which officers are dispatched, and

13 (3) personal information which is contrary to the
14 provisions of the Driver's Privacy Protection
15 Act, 18 United States Code, Sections 2721 through
16 2725; and

17 2. For the purpose of preventing identity theft and invasion of
18 law enforcement computer systems, except as provided in Title 47 of
19 the Oklahoma Statutes, all driving records.

20 SECTION 7. AMENDATORY 51 O.S. 2001, Section 24A.17, is
21 amended to read as follows:

22 Section 24A.17 A. Any public official who willfully violates
23 any provision of the Oklahoma Open Records Act, upon conviction,

1 shall be guilty of a misdemeanor, and shall be punished by a fine
2 not exceeding Five Hundred Dollars (\$500.00) or by imprisonment in
3 the county jail for a period not exceeding one (1) year, or by both
4 such fine and imprisonment.

5 B. Any person denied access to ~~a record~~ records of a public
6 body or public official ~~may~~:

7 1. May bring a civil suit for declarative ~~and/or~~ or injunctive
8 relief, or both, which shall be limited to the records originally
9 sought and denied; and, if

10 2. If successful, shall be entitled to reasonable attorney
11 fees.

12 C. If the public body or public official successfully defends a
13 civil suit and the court finds that the suit was clearly frivolous,
14 the public body or public official shall be entitled to reasonable
15 attorney fees.

16 ~~C.~~ D. A public body or public official shall not be civilly
17 liable for damages for providing access to records as allowed under
18 the Oklahoma Open Records Act.

19 SECTION 8. AMENDATORY 51 O.S. 2001, Section 24A.18, is
20 amended to read as follows:

21 Section 24A.18 Except as may be required in Section 4 24A.4 of
22 this ~~act~~ title, this act does not impose any additional
23 recordkeeping requirements on public bodies or public officials.

1 SECTION 9. This act shall become effective November 1, 2005.
2 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 4-5-05 - DO PASS,
3 As Amended.