

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED  
5 SENATE BILL NO. 1729

By: Laster, Gumm, Coates and  
Sykes of the Senate

6 and

7 Jett of the House

8  
9 COMMITTEE SUBSTITUTE

10 An Act relating to the Oklahoma Open Records Act;  
11 amending 51 O.S. 2001, Section 24A.3, as last amended  
12 by Section 4, Chapter 199, O.S.L. 2005 (51 O.S. Supp.  
13 2009, Section 24A.3), which relates to definitions;  
14 modifying certain definitions; and providing an  
15 effective date.

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

17 SECTION 1. AMENDATORY 51 O.S. 2001, Section 24A.3, as  
18 last amended by Section 4, Chapter 199, O.S.L. 2005 (51 O.S. Supp.  
19 2009, Section 24A.3), is amended to read as follows:

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

21 1. "Record" means all documents, including, but not limited to,  
22 any book, paper, photograph, microfilm, data files created by or  
23 used with computer software, computer tape, disk, record, sound  
24 recording, film recording, video record or other material regardless

1 of physical form or characteristic, created by, received by, under  
2 the authority of, or coming into the custody, control or possession  
3 of public officials, public bodies, or their representatives in  
4 connection with the transaction of public business, the expenditure  
5 of public funds or the administering of public property. "Record"  
6 does not mean:

- 7 a. computer software,
- 8 b. nongovernment personal effects,
- 9 c. unless public disclosure is required by other laws or  
10 regulations, vehicle movement records of the Oklahoma  
11 Transportation Authority obtained in connection with  
12 the Authority's electronic toll collection system,
- 13 d. personal financial information, credit reports or  
14 other financial data obtained by or submitted to a  
15 public body for the purpose of evaluating credit  
16 worthiness, obtaining a license, permit, or for the  
17 purpose of becoming qualified to contract with a  
18 public body,
- 19 e. any digital audio/video recordings of the toll  
20 collection and safeguarding activities of the Oklahoma  
21 Transportation Authority,
- 22 f. any personal information provided by a guest at any  
23 facility owned or operated by the Oklahoma Tourism and  
24 Recreation Department or the Board of Trustees of the

1 Quartz Mountain Arts and Conference Center and Nature  
2 Park to obtain any service at the facility or by a  
3 purchaser of a product sold by or through the Oklahoma  
4 Tourism and Recreation Department or the Quartz  
5 Mountain Arts and Conference Center and Nature Park,  
6 g. a Department of Defense Form 214 (DD Form 214) filed  
7 with a county clerk, including any DD Form 214 filed  
8 before the effective date of this act, ~~or~~  
9 h. except as provided for in Section 2-110 of Title 47 of  
10 the Oklahoma Statutes,  
11 (1) any record in connection with a Motor Vehicle  
12 Report issued by the Department of Public Safety,  
13 as prescribed in Section 6-117 of Title 47 of the  
14 Oklahoma Statutes,  
15 (2) personal information within driver records, as  
16 defined by the Driver's Privacy Protection Act,  
17 18 United States Code, Sections 2721 through  
18 2725, which are stored and maintained by the  
19 Department of Public Safety, or  
20 (3) audio or video recordings of the Department of  
21 Public Safety, or  
22 i. unless public disclosure is required by other laws,  
23 any personal information concerning individual library  
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1           customers who are minors obtained by or submitted to a  
2           public library;

3           2. "Public body" shall include, but not be limited to, any  
4 office, department, board, bureau, commission, agency, trusteeship,  
5 authority, council, committee, trust or any entity created by a  
6 trust, county, city, village, town, township, district, school  
7 district, fair board, court, executive office, advisory group, task  
8 force, study group, or any subdivision thereof, supported in whole  
9 or in part by public funds or entrusted with the expenditure of  
10 public funds or administering or operating public property, and all  
11 committees, or subcommittees thereof. For purposes of this act,  
12 "public body" shall include the Oklahoma Secondary Schools

13 Activities Association. Except for the records required by Section  
14 24A.4 of this title, "public body" does not mean judges, justices,  
15 the Council on Judicial Complaints, the Legislature, or legislators;

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

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

20           5. "Law enforcement agency" means any public body charged with  
21 enforcing state or local criminal laws and initiating criminal  
22 prosecutions, including, but not limited to, police departments,  
23 county sheriffs, the Department of Public Safety, the Oklahoma State  
24 Bureau of Narcotics and Dangerous Drugs Control, the Alcoholic

1 Beverage Laws Enforcement Commission, and the Oklahoma State Bureau  
2 of Investigation.

3 SECTION 2. This act shall become effective November 1, 2010.  
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