

1 ENGROSSED SENATE  
2 BILL NO. 1733

By: Treat and Howard of the  
Senate

3 and

4 McCall of the House  
5  
6

7 An Act relating to the Oklahoma Open Records Act;  
8 amending 51 O.S. 2021, Section 24A.3, which relates  
9 to definitions; modifying definitions; and providing  
10 an effective date.

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

12 SECTION 1. AMENDATORY 51 O.S. 2021, Section 24A.3, is  
13 amended to read as follows:

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

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

- a. computer software,
- b. nongovernment personal effects,
- c. unless public disclosure is required by other laws or regulations, vehicle movement records of the Oklahoma Transportation Authority obtained in connection with the Authority's electronic toll collection system,
- d. personal financial information, credit reports or other financial data obtained by or submitted to a public body for the purpose of evaluating credit worthiness, obtaining a license, permit, or for the purpose of becoming qualified to contract with a public body,
- e. any digital audio/video recordings of the toll collection and safeguarding activities of the Oklahoma Transportation Authority,
- f. any personal information provided by a guest at any facility owned or operated by the Oklahoma Tourism and Recreation Department ~~or the Board of Trustees of the Quartz Mountain Arts and Conference Center and Nature Park~~ to obtain any service at the facility or by a purchaser of a product sold by or through the Oklahoma Tourism and Recreation Department ~~or the Quartz Mountain Arts and Conference Center and Nature Park,~~

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, or

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                         as prescribed in Section 6-117 of Title 47 of the  
9                         Oklahoma Statutes, or

10                  (2) personal information within driver records, as  
11                         defined by the Driver's Privacy Protection Act,  
12                         18 United States Code, Sections 2721 through  
13                         2725, which are stored and maintained by the  
14                         Department of Public Safety;

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  
21 or in part by public funds or entrusted with the expenditure of  
22 public 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, 2022.

6 Passed the Senate the 8th day of March, 2022.

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Presiding Officer of the Senate

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10 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,

11 2022.

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Presiding Officer of the House  
of Representatives

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