

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 60th Legislature (2025)

4 HOUSE BILL 2095

 By: Menz

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6
7 AS INTRODUCED

8 An Act relating to the Oklahoma Open Records Act;
9 amending 51 O.S. 2021, Section 24A.5, as last amended
10 by Section 2, Chapter 116, O.S.L. 2024 (51 O.S. Supp.
11 2024, Section 24A.5), which relates to the
12 inspection, copying, and mechanical reproduction of
13 records; modifying records response procedures; and
14 providing an effective date.

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

16 SECTION 1. AMENDATORY 51 O.S. 2021, Section 24A.5, as
17 last amended by Section 2, Chapter 116, O.S.L. 2024 (51 O.S. Supp.
18 2024, Section 24A.5), is amended to read as follows:

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

22 1. The Oklahoma Open Records Act, Sections 24A.1 through 24A.30
23 of this title, does not apply to records specifically required by
24 law to be kept confidential including:

- 1 a. records protected by a state evidentiary privilege
2 such as the attorney-client privilege, the work
3 product immunity from discovery and the identity of
4 informer privileges,
- 5 b. records of what transpired during meetings of a public
6 body lawfully closed to the public such as executive
7 sessions authorized under the Oklahoma Open Meeting
8 Act,
- 9 c. personal information within driver records as defined
10 by the Driver's Privacy Protection Act, 18 United
11 States Code, Sections 2721 through 2725,
- 12 d. information in the files of the Board of Medicolegal
13 Investigations obtained pursuant to Sections 940 and
14 941 of Title 63 of the Oklahoma Statutes that may be
15 hearsay, preliminary unsubstantiated investigation-
16 related findings, or confidential medical information,
- 17 e. any test forms, question banks and answer keys
18 developed for state licensure examinations, but
19 specifically excluding test preparation materials or
20 study guides,
- 21 f. last names, addresses, Social Security numbers or tax
22 identification numbers, and proof of identification
23 submitted to the Oklahoma Lottery Commission by
24 persons claiming a lottery prize,

- 1 g. unless public disclosure is required by other laws or
2 regulations, vehicle movement records of the Oklahoma
3 Transportation Authority obtained in connection with
4 the Authority's electronic toll collection system,
5 h. personal financial information, credit reports, or
6 other financial data obtained by or submitted to a
7 public body for the purpose of evaluating credit
8 worthiness, obtaining a license, permit, or for the
9 purpose of becoming qualified to contract with a
10 public body,
11 i. any digital audio/video recordings of the toll
12 collection and safeguarding activities of the Oklahoma
13 Transportation Authority,
14 j. any personal information provided by a guest at any
15 facility owned or operated by the Oklahoma Tourism and
16 Recreation Department to obtain any service at the
17 facility or by a purchaser of a product sold by or
18 through the Oklahoma Tourism and Recreation
19 Department,
20 k. a Department of Defense Form 214 (DD Form 214) filed
21 with a county clerk, including any DD Form 214 filed
22 before July 1, 2002,
23 l. except as provided for in Section 2-110 of Title 47 of
24 the Oklahoma Statutes:

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

5 (2) personal information within driver records, as
6 defined by the Driver's Privacy Protection Act,
7 18 U.S.C., Sections 2721 through 2725, which are
8 stored and maintained by the Department of Public
9 Safety,

10 m. any portion of any document or information provided to
11 an agency or entity of the state or a political
12 subdivision to obtain licensure under the laws of this
13 state or a political subdivision that contains an
14 applicant's personal address, personal phone number,
15 personal email address, any government-issued
16 identification numbers, or other contact information;
17 provided, however, lists of persons licensed, the
18 existence of a license of a person, or a business or
19 commercial address, or other business or commercial
20 information disclosable under state law submitted with
21 an application for licensure shall be public record,
22 unless the business or commercial address is the same
23 as the applicant's personal address, except when the
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1 applicant permits in writing the disclosure of the
2 address,

- 3 n. an investigative file obtained during an investigation
4 conducted by the State Department of Health into
5 violations of the Long-Term Care Administrator
6 Licensing Act under Title 63 of the Oklahoma Statutes,
7 or
8 o. documents, evidence, materials, records, reports,
9 complaints, or other information in the possession or
10 control of the Attorney General or Insurance
11 Department pertaining to an evaluation, examination,
12 investigation, or review made pursuant to the
13 provisions of the Patient's Right to Pharmacy Choice
14 Act, the Pharmacy Audit Integrity Act, or Sections 357
15 through 360 of Title 59 of the Oklahoma Statutes;

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

20 3. Any reasonably segregable portion of a record containing
21 exempt material shall be provided after deletion of the exempt
22 portions; provided however, the Department of Public Safety shall
23 not be required to assemble for the requesting person specific
24 information, in any format, from driving records relating to any

1 person whose name and date of birth or whose driver license number
2 is not furnished by the requesting person.

3 The Oklahoma State Bureau of Investigation shall not be required
4 to assemble for the requesting person any criminal history records
5 relating to persons whose names, dates of birth, and other
6 identifying information required by the Oklahoma State Bureau of
7 Investigation pursuant to administrative rule are not furnished by
8 the requesting person;

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

- 21 a. is solely for commercial purpose, or
- 22 b. would clearly cause excessive disruption of the
23 essential functions of the public body,

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

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

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

20 The fees shall not be used for the purpose of discouraging
21 requests for information or as obstacles to disclosure of requested
22 information;

23 5. The land description tract index of all recorded instruments
24 concerning real property required to be kept by the county clerk of

1 any county shall be available for inspection or copying in
2 accordance with the provisions of the Oklahoma Open Records Act;
3 provided, however, the index shall not be copied or mechanically
4 reproduced for the purpose of sale of the information;

5 6. A public body must provide prompt, reasonable access to its
6 records but may establish reasonable procedures which protect the
7 integrity and organization of its records and to prevent excessive
8 disruptions of its essential functions. A delay in providing access
9 to records shall be limited solely to the time required for
10 preparing the requested documents and the avoidance of excessive
11 disruptions of the public body's essential functions. In no event
12 may production of a current request for records be unreasonably
13 delayed until after completion of a prior records request that will
14 take substantially longer than the current request. Any public body
15 which makes the requested records available on the Internet shall
16 meet the obligation of providing prompt, reasonable access to its
17 records as required by this paragraph. Public bodies shall respond
18 to a records request within thirty (30) business days of receipt;
19 and

20 7. A public body shall designate certain persons who are
21 authorized to release records of the public body for inspection,
22 copying, or mechanical reproduction. At least one person shall be
23 available at all times to release records during the regular
24 business hours of the public body.

1 SECTION 2. This act shall become effective November 1, 2025.

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3 COMMITTEE REPORT BY: COMMITTEE ON GOVERNMENT OVERSIGHT, dated
4 03/06/2025 - DO PASS.
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