

1 ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 1413

By: Brogdon of the Senate

3 and

4 Duncan of the House

5

6

7 (public safety - finger imaging -

8 emergency)

9

10

11 AUTHORS: Add the following House Coauthors: Key, Reynolds, Kern
and Terrill

12

13 AMENDMENT NO. 1. Strike the stricken title, enacting clause and
entire bill and insert

14

15

16 "(public safety - Oklahoma Identity Protection Act -

17 amending 47 O.S., Sections 6-106, 6-110.2 and 6-

18 110.3 - driver licenses - finger imaging - Social

19 Security number - codification -

20 noncodification)

21

22

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

24

1 SECTION 1. NEW LAW A new section of law not to be
2 codified in the Oklahoma Statutes reads as follows:

3 This act shall be known and may be cited as the "Oklahoma
4 Identity Protection Act".

5 SECTION 2. AMENDATORY 47 O.S. 2001, Section 6-106, as
6 last amended by Section 6, Chapter 326, O.S.L. 2007 (47 O.S. Supp.
7 2007, Section 6-106), is amended to read as follows:

8 Section 6-106. A. 1. Every application for a driver license
9 or identification card shall be made by the applicant upon a form
10 furnished by the Department of Public Safety.

11 2. Every original, renewal, or replacement application for a
12 driver license or identification card made by a male applicant who
13 is at least sixteen (16) but less than twenty-six (26) years of age
14 shall include a statement that by submitting the application, the
15 applicant is consenting to registration with the Selective Service
16 System. The pertinent information from the application shall be
17 forwarded by the Department to the Data Management Center of the
18 Selective Service System in order to register the applicant as
19 required by law with the Selective Service System. Any applicant
20 refusing to sign the consent statement shall be denied a driver
21 license or identification card.

22 3. Every applicant for a driver license or identification card
23 shall provide to the Department at the time of application both
24 primary and secondary proofs of identity. The Department shall

1 promulgate rules prescribing forms of primary and secondary
2 identification acceptable for an original Oklahoma driver license.

3 B. Every applicant for a driver license shall state upon the
4 application the following information:

5 1. Full name;

6 2. Date of birth;

7 3. Sex;

8 4. Residence address and county of residence to be displayed on
9 the license;

10 5. Mailing address to be maintained by the Department for the
11 purpose of giving notice, if necessary, as required by Section 2-116
12 of this title;

13 6. Medical information, as determined by the Department, which
14 shall assure the Department that the person is not prohibited from
15 being licensed as provided by paragraph 7 of subsection A of Section
16 6-103 of this title;

17 7. Whether the applicant is deaf or hard-of-hearing;

18 8. A brief description of the applicant, as determined by the
19 Department;

20 9. Whether the applicant has previously been licensed, and, if
21 so, when and by what state or country, and whether any license has
22 ever been suspended or revoked, or whether an application has ever
23 been refused, and, if so, the date of and reason for the suspension,
24 revocation or refusal;

1 10. Whether the applicant is an alien eligible to be considered
2 for licensure and is not prohibited from licensure pursuant to
3 paragraph 9 of subsection A of Section 6-103 of this title;

4 11. Whether the applicant has:

5 a. previously been licensed and, if so, when and by what
6 state or country, and

7 b. held more than one license at the same time during the
8 immediately preceding ten (10) years; and

9 12. ~~Social~~ For commercial driver licenses only, the social
10 security number.

11 No person shall request the Department to use the social security
12 number of that person as the driver license number. Upon renewal or
13 replacement of any driver license issued after the effective date of
14 this act, the licensee shall advise the Department or the motor
15 license agent if the present driver license number of the licensee
16 is the social security number of the licensee. If the driver
17 license number is the social security number, the Department or the
18 motor license agent shall change the driver license number to a
19 computer-generated alphanumeric identification.

20 C. In addition to the requirements of subsections A and B of
21 this section, every applicant for a commercial driver license with a
22 hazardous material endorsement shall submit to a security threat
23 assessment performed by the Transportation Security Administration
24 of the Department of Homeland Security as required by and pursuant

1 to 49 C.F.R., Part 1572, which shall be used to determine whether
2 the applicant is eligible for the endorsement pursuant to federal
3 law and regulation.

4 The Department of Public Safety shall notify each commercial
5 driving school of the passage of this section, and each commercial
6 driving school shall notify prospective students of its school of
7 the hazardous material endorsement requirement.

8 D. Whenever application is received from a person previously
9 licensed in another jurisdiction, the Department shall request a
10 copy of the driving record from the other jurisdiction and,
11 effective September 1, 2005, from all other jurisdictions in which
12 the person was licensed within the immediately previous ten (10)
13 years. When received, the driving record shall become a part of the
14 driving record of the person in this state with the same force and
15 effect as though entered on the driver's record in this state in the
16 original instance.

17 E. Whenever the Department receives a request for a driving
18 record from another licensing jurisdiction, the record shall be
19 forwarded without charge.

20 SECTION 3. AMENDATORY 47 O.S. 2001, Section 6-110.2, as
21 last amended by Section 15, Chapter 311, O.S.L. 2006 (47 O.S. Supp.
22 2007, Section 6-110.2), is amended to read as follows:

23 Section 6-110.2 A. The Department of Public Safety shall
24 implement a procedure for computerized finger imaging by means of an

1 inkless finger image scanning device ~~and shall require~~ which will
2 allow every applicant for an original, renewal or replacement driver
3 license or identification card who so desires to submit to finger
4 imaging for the purposes of proof of identity and to ensure the
5 security of the driver license or identification card issued to the
6 applicant. Nothing in this section shall be construed to compel any
7 applicant to submit to finger imaging.

8 B. No unemancipated person under eighteen (18) years of age
9 shall ~~be issued a driver license or identification card by the~~
10 ~~Department unless~~ submit to finger imaging unless the legal
11 custodial parent or legal guardian of the person signs an
12 authorization form, prescribed and furnished by the Department,
13 authorizing the finger imaging of the person and signed by the legal
14 custodial parent or legal guardian of the person, is in the
15 possession of the Department.

16 C. Before an applicant may provide a finger image, the
17 applicant shall sign a consent form, furnished by the Department,
18 which provides that the applicant is voluntarily submitting to
19 finger imaging for the purpose of receiving an original, renewal or
20 replacement driver license or identification card. The consent form
21 shall state that the Department of Public Safety will retain the
22 finger image and shall not release the finger image to any agency of
23 the state or federal government without a court order.

24

1 D. No law enforcement agency of the state or federal government
2 other than the Department of Public Safety shall have access to any
3 information collected through the use of computerized finger imaging
4 without first obtaining a court order from a judge of competent
5 jurisdiction. Each application for an order authorizing the access
6 to any information collected through the use of computerized finger
7 imaging shall be made in writing upon oath or affirmation to a judge
8 of competent jurisdiction. Each application shall establish
9 probable cause for belief that a named individual is committing, has
10 committed or is about to commit a particular violation of law. Any
11 computerized finger imaging information obtained pursuant to Section
12 6-111 of this title which has been shared with any person or entity,
13 public or private, for any purpose other than compliance with a
14 court order pursuant to this subsection shall be retrieved and
15 secured by the Department.

16 ~~D.~~ E. The Commissioner of Public Safety shall adopt rules as
17 may be necessary to carry out the provisions of this section.

18 SECTION 4. AMENDATORY Section 1, Chapter 159, O.S.L.
19 2007 (47 O.S. Supp. 2007, Section 6-110.3), is amended to read as
20 follows:

21 Section 6-110.3 A. 1. The Legislature finds that the
22 enactment into law by the United States Congress of the federal REAL
23 ID Act of 2005, Public Law Number 109-13, is inimical to the
24 security and well-being of the people of Oklahoma, will cause

1 approximately Eight Million Dollars (\$8,000,000.00) in added expense
2 and inconvenience to our state, and was adopted by the United States
3 Congress in violation of the principles of federalism contained in
4 the Tenth Amendment to the United States Constitution.

5 2. The State of Oklahoma shall not participate in the
6 implementation of the REAL ID Act of 2005. The Department of Public
7 Safety is hereby directed not to implement the provisions of the
8 REAL ID Act of 2005 and to report to the Governor and the
9 Legislature any attempt by agencies or agents of the United States
10 Department of Homeland Security to secure the implementation of the
11 REAL ID Act of 2005 through the operations of that or any other
12 state department.

13 B. No department or agency of the state charged with motor
14 vehicle registration or operation, the issuance or renewal of driver
15 licenses, or the issuance or renewal of any identification cards
16 shall collect, obtain, or retain any data in connection with
17 activities related to complying with the REAL ID Act of 2005.

18 C. Any biometric data previously collected, obtained, or
19 retained in connection with motor vehicle registration or operation,
20 the issuance or renewal of driver licenses, or the issuance or
21 renewal of any identification cards by any department or agency of
22 this state charged with those activities shall be retrieved and
23 permanently deleted from any and all databases. ~~The provisions of~~
24 ~~this subsection shall not apply to any data collected, obtained or~~

1 ~~retained for a purpose other than complying with the REAL ID Act of~~
2 ~~2005.~~

3 D. No department or agency of the state charged with motor
4 vehicle registration or operation, the issuance or renewal of driver
5 licenses, or the issuance or renewal of any identification cards
6 shall collect, obtain, or retain any facial image of an individual
7 in connection with the issuance or renewal of driver licenses or
8 identification cards that exceeds an uncompressed photographic
9 resolution where the width of the head is 48 pixels or more of
10 resolution, which corresponds to a maximum full image width of 84
11 pixels and an image height of 105 pixels. The Department of Public
12 Safety shall permanently remove all computer software relating to
13 biometric facial image recognition from all computer systems used in
14 the issuance of driver licenses or identification cards. Such
15 software shall not be reinstalled after its removal.

16 E. For purposes of this section, "biometric data" includes, but
17 is not limited to:

- 18 1. Facial feature pattern characteristics;
- 19 2. Voice data used for comparing live speech with a previously
20 created speech model of a person's voice;
- 21 3. Iris recognition data containing color or texture patterns
22 or codes;
- 23 4. Retinal scans, reading through the pupil to measure blood
24 vessels lining the retina;

- 1 5. Behavior characteristics of a handwritten signature, such as
- 2 shape, speed, pressure, pen angle, or sequence;
- 3 6. Fingerprints, palm prints, and other methods for measuring
- 4 or recording ridge pattern or fingertip characteristics;
- 5 7. Keystroke dynamics, measuring pressure applied to key pads;
- 6 8. Hand geometry, measuring hand characteristics, including the
- 7 shape and length of fingers, in three (3) dimensions; and
- 8 9. Deoxyribonucleic acid (DNA) and/or ribonucleic acid (RNA).

9 SECTION 5. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 6-110.4 of Title 47, unless
11 there is created a duplication in numbering, reads as follows:

12 A. An applicant for a new or renewal Class D driver license,
13 learner permit or identification card shall not be required to
14 provide the Social Security number of the person in the application.
15 The applicant shall not be prevented from obtaining a Class D driver
16 license, learner permit or identification card because the person
17 does not provide a Social Security number.

18 B. Upon the effective date of this act, the application form
19 for the issuance of a new or renewal Class D driver license, learner
20 permit or identification card shall no longer request a Social
21 Security number.

22 C. For persons that previously supplied a Social Security
23 number to the Department of Public Safety and who desire to have the
24 Social Security number removed from the records of the Department,

