

FLOOR AMENDMENT  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB1413  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the printed Bill  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: \_\_\_\_\_

Amendment submitted by: Rex Duncan

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 FLOOR SUBSTITUTE  
4 FOR ENGROSSED

5 SENATE BILL NO. 1413

By: Brogdon of the Senate

and

Duncan of the House

6  
7  
8  
9 FLOOR SUBSTITUTE

10 An Act relating to public safety; creating the  
11 Oklahoma Identity Protection Act; amending 47 O.S.  
12 2001, Section 6-110.2, as last amended by Section 15,  
13 Chapter 311, O.S.L. 2006 and Section 1, Chapter 159,  
14 O.S.L. 2007 (47 O.S. Supp. 2007, Sections 6-110.2 and  
15 6-110.3), which relate to computerized finger imaging  
16 and biometric data; making submission of finger  
17 imaging optional; prohibiting submission of finger  
18 images of certain persons unless authorized;  
19 requiring certain form be signed prior to submitting  
20 finger image; prohibiting access by state or federal  
21 agencies to certain images without court order;  
22 requiring the Department of Public Safety to retrieve  
23 and secure certain information; prohibiting certain  
24 departments and agencies from collecting, obtaining  
or retaining computerized facial images in connection  
with the issuance or renewal of driver licenses that  
exceed certain resolution; requiring agency to  
attempt to re-collect and secure certain images;  
requiring Department of Public Safety to remove  
certain software from computer systems; prohibiting  
reinstallment of computer software; removing  
requirement for providing a Social Security number  
when applying for a driver license, learner permit or  
identification card; prohibiting the request for a  
Social Security number on application forms;  
authorizing removal of Social Security number from  
records upon request; providing for codification;

1 providing for noncodification; and declaring an  
2 emergency.

3  
4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

9 SECTION 2. AMENDATORY 47 O.S. 2001, Section 6-110.2, as  
10 last amended by Section 15, Chapter 311, O.S.L. 2006 (47 O.S. Supp.  
11 2007, Section 6-110.2), is amended to read as follows:

12 Section 6-110.2 A. The Department of Public Safety shall  
13 implement a procedure for computerized finger imaging by means of an  
14 inkless finger image scanning device ~~and shall require~~ which will  
15 allow every applicant for an original, renewal or replacement driver  
16 license or identification card who so desires to submit to finger  
17 imaging for the purposes of proof of identity and to ensure the  
18 security of the driver license or identification card issued to the  
19 applicant. Nothing in this section shall be construed to compel any  
20 applicant to submit to finger imaging.

21 B. No unemancipated person under eighteen (18) years of age  
22 shall ~~be issued a driver license or identification card by the~~  
23 ~~Department unless~~ submit to finger imaging unless the legal  
24 custodial parent or legal guardian of the person signs an

1 authorization form, prescribed and furnished by the Department,  
2 authorizing the finger imaging of the person ~~and signed by the legal~~  
3 ~~custodial parent or legal guardian of the person, is in the~~  
4 ~~possession of the Department.~~

5 C. Before an applicant may provide a finger image, the  
6 applicant shall sign a consent form, furnished by the Department,  
7 which provides that the applicant is voluntarily submitting to  
8 finger imaging for the purpose of receiving an original, renewal or  
9 replacement driver license or identification card. The consent form  
10 shall state that the Department of Public Safety will retain the  
11 finger image and shall not release the finger image to any agency of  
12 the state or federal government without a court order.

13 D. No law enforcement agency of the state or federal government  
14 other than the Department of Public Safety shall have access to any  
15 information collected through the use of computerized finger  
16 imaging, or to computerized images obtained pursuant to Section 6-  
17 111 of this title, without first obtaining a court order from a  
18 judge of competent jurisdiction. Each application for an order  
19 authorizing the access to any information collected through the use  
20 of computerized finger imaging, or to computerized images obtained  
21 pursuant to Section 6-111 of this title, shall be made in writing  
22 upon oath or affirmation to a judge of competent jurisdiction. Each  
23 application shall establish probable cause for belief that a named  
24 individual is committing, has committed or is about to commit a

1 particular violation of law. Any computerized finger imaging  
2 information or computerized image obtained pursuant to Section 6-111  
3 of this title which has been shared with any person or entity,  
4 public or private, for any purpose other than compliance with a  
5 court order pursuant to this subsection shall be retrieved and  
6 secured by the Department.

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

9 SECTION 3. AMENDATORY Section 1, Chapter 159, O.S.L.  
10 2007 (47 O.S. Supp. 2007, Section 6-110.3), is amended to read as  
11 follows:

12 Section 6-110.3 A. 1. The Legislature finds that the  
13 enactment into law by the United States Congress of the federal REAL  
14 ID Act of 2005, Public Law Number 109-13, is inimical to the  
15 security and well-being of the people of Oklahoma, will cause  
16 approximately Eight Million Dollars (\$8,000,000.00) in added expense  
17 and inconvenience to our state, and was adopted by the United States  
18 Congress in violation of the principles of federalism contained in  
19 the Tenth Amendment to the United States Constitution.

20 2. The State of Oklahoma shall not participate in the  
21 implementation of the REAL ID Act of 2005. The Department of Public  
22 Safety is hereby directed not to implement the provisions of the  
23 REAL ID Act of 2005 and to report to the Governor and the  
24 Legislature any attempt by agencies or agents of the United States

1 Department of Homeland Security to secure the implementation of the  
2 REAL ID Act of 2005 through the operations of that or any other  
3 state department.

4 B. No department or agency of the state charged with motor  
5 vehicle registration or operation, the issuance or renewal of driver  
6 licenses, or the issuance or renewal of any identification cards  
7 shall collect, obtain, or retain any data in connection with  
8 activities related to complying with the REAL ID Act of 2005.

9 C. Any biometric data previously collected, obtained, or  
10 retained in connection with motor vehicle registration or operation,  
11 the issuance or renewal of driver licenses, or the issuance or  
12 renewal of any identification cards by any department or agency of  
13 this state charged with those activities shall be retrieved and  
14 permanently deleted from any and all databases. ~~The provisions of~~  
15 ~~this subsection shall not apply to any data collected, obtained or~~  
16 ~~retained for a purpose other than complying with the REAL ID Act of~~  
17 ~~2005.~~

18 D. No department or agency of the state charged with motor  
19 vehicle registration or operation, the issuance or renewal of driver  
20 licenses, or the issuance or renewal of any identification cards  
21 shall collect, obtain, or retain any computerized facial image of an  
22 individual in connection with the issuance or renewal of driver  
23 licenses or identification cards that exceeds an uncompressed  
24 photographic resolution where the width of the head is 48 pixels or

1 more of resolution, which corresponds to a maximum full image width  
2 of 84 pixels and an image height of 105 pixels. The agency shall  
3 make every attempt to re-collect any images of higher resolution  
4 that have been shared with any person or entity, public or private,  
5 for any purpose other than compliance with a court order and any  
6 image, so retrieved, shall be secured by the department or agency  
7 which originally obtained the image. The image shall then be  
8 subject to the conditions contained within this subsection. The  
9 Department of Public Safety shall permanently remove all computer  
10 software relating to biometric facial image recognition from all  
11 computer systems used in the issuance of driver licenses or  
12 identification cards. Such software shall not be reinstalled after  
13 its removal.

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

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

1       6. Fingerprints, palm prints, and other methods for measuring  
2 or recording ridge pattern or fingertip characteristics;

3       7. Keystroke dynamics, measuring pressure applied to key pads;

4       8. Hand geometry, measuring hand characteristics, including the  
5 shape and length of fingers, in three (3) dimensions; and

6       9. Deoxyribonucleic acid (DNA) and/or ribonucleic acid (RNA).

7       SECTION 4.       NEW LAW       A new section of law to be codified  
8 in the Oklahoma Statutes as Section 6-110.4 of Title 47, unless  
9 there is created a duplication in numbering, reads as follows:

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

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

20       C. For persons that previously supplied a Social Security  
21 number to the Department of Public Safety and who desire to have the  
22 Social Security number removed from the records of the Department,  
23 the application form shall also include a box that may be checked  
24 indicating that the Department is to permanently remove the Social

1 Security number previously collected and retained by the Department.  
2 A person who desires to have the Social Security number of the  
3 person removed may use the application form for this purpose at any  
4 time. The Department of Public Safety, and its agents, shall comply  
5 with the request to remove the Social Security number within ten  
6 (10) days of the request permanently removing the Social Security  
7 number from any documents or electronic records.

8 SECTION 5. It being immediately necessary for the preservation  
9 of the public peace, health and safety, an emergency is hereby  
10 declared to exist, by reason whereof this act shall take effect and  
11 be in full force from and after its passage and approval.

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13 51-2-11211 GRS 04/22/08

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