

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1414

By: Brogdon

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5  
6 AS INTRODUCED

7 An Act relating to public safety; amending Section 1,  
8 Chapter 159, O.S.L. 2007 and 47 O.S. 2001, Section 6-  
9 111, as last amended by Section 2, Chapter 328,  
10 O.S.L. 2007 (47 O.S. Supp. 2007, Sections 6-110.3 and  
11 6-111), which relate to collection of biometric data  
12 for driver licenses and required driver license  
13 information; requiring state agencies to retrieve and  
14 secure certain computerized images; establishing  
15 maximum resolution for certain computerized images;  
16 and declaring an emergency.

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

18 SECTION 1. 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  
approximately Eight Million Dollars (\$8,000,000.00) in added expense  
and inconvenience to our state, and was adopted by the United States

1 Congress in violation of the principles of federalism contained in  
2 the Tenth Amendment to the United States Constitution.

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

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

16 C. Any biometric data previously collected, obtained, or  
17 retained in connection with motor vehicle registration or operation,  
18 the issuance or renewal of driver licenses, or the issuance or  
19 renewal of any identification cards by any department or agency of  
20 this state charged with those activities shall be retrieved and  
21 deleted from any and all databases. The provisions of this  
22 subsection shall not apply to any data collected, obtained or  
23 retained for a purpose other than complying with the REAL ID Act of  
24 2005.

1       D. Any computerized image obtained in connection with the  
2 issuance or renewal of driver licenses, or the issuance or renewal  
3 of any identification cards by any department or agency of this  
4 state charged with those activities which exceeds a resolution of  
5 twenty-seven (27) pixels between eye centers and which has been  
6 shared with any person or entity, public or private, for any purpose  
7 other than compliance with a court order shall be retrieved and  
8 secured by the department or agency which originally obtained the  
9 image.

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

- 12       1. Facial feature pattern characteristics;
- 13       2. Voice data used for comparing live speech with a previously  
14 created speech model of a person's voice;
- 15       3. Iris recognition data containing color or texture patterns  
16 or codes;
- 17       4. Retinal scans, reading through the pupil to measure blood  
18 vessels lining the retina;
- 19       5. Behavior characteristics of a handwritten signature, such as  
20 shape, speed, pressure, pen angle, or sequence;
- 21       6. Fingerprints, palm prints, and other methods for measuring  
22 or recording ridge pattern or fingertip characteristics;
- 23       7. Keystroke dynamics, measuring pressure applied to key pads;

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

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

4 SECTION 2. AMENDATORY 47 O.S. 2001, Section 6-111, as  
5 last amended by Section 2, Chapter 328, O.S.L. 2007 (47 O.S. Supp.  
6 2007, Section 6-111), is amended to read as follows:

7 Section 6-111. A. 1. The Department of Public Safety shall,  
8 upon payment of the required fee, issue to every applicant  
9 qualifying therefore a Class A, B, C or D driver license or  
10 identification card as applied for, which license or card shall bear  
11 thereon a distinguishing alphanumeric identification assigned to the  
12 licensee or cardholder, date of issuance and date of expiration of  
13 the license or card, the full name, signature or computerized  
14 signature, date of birth, mailing address, sex, a color photograph  
15 or computerized image of the licensee or cardholder and security  
16 features as determined by the Department. The photograph or image  
17 shall depict a full front unobstructed view of the entire face of  
18 the licensee or cardholder. The resolution of a computerized image  
19 of a licensee or cardholder shall not exceed twenty-seven (27)  
20 pixels between eye centers. When any person is issued both a driver  
21 license and an identification card, the Department shall ensure the  
22 information on both the license and the card are the same, unless  
23 otherwise provided by law.

1           2. A driver license or identification card issued by the  
2 Department on or after March 1, 2004, shall bear thereon the county  
3 of residence of the licensee or cardholder.

4           3. The Department may cancel the distinguishing number, when  
5 that distinguishing number is another person's Social Security  
6 number, assign a new distinguishing alphanumeric identification, and  
7 issue a new license or identification card without charge to the  
8 licensee or cardholder.

9           4. The Department may promulgate rules for inclusion of the  
10 height and a brief description of the licensee or cardholder on the  
11 face of the card or license identifying the licensee or cardholder  
12 as deaf or hard-of-hearing.

13           5. It is unlawful for any person to apply, adhere, or otherwise  
14 attach to a driver license or identification card any decal,  
15 sticker, label, or other attachment. Any law enforcement officer is  
16 authorized to remove and dispose of any unlawful decal, sticker,  
17 label, or other attachment from the driver license of a person. The  
18 law enforcement officer, the employing agency of the officer, the  
19 Department of Public Safety, and the State of Oklahoma shall be  
20 immune from any liability for any loss suffered by the licensee,  
21 cardholder, or the owner of the decal, sticker, label, or other  
22 attachment caused by the removal and destruction of the decal,  
23 sticker, label, or other attachment.

1           6. The Department of Public Safety shall develop by rule an  
2 alternative procedure whereby a person applying for a renewal or  
3 replacement Class D license or identification card, when the person  
4 satisfactorily demonstrates to the Department the inability to  
5 appear personally to be photographed because the person is not in  
6 the state at the time of renewal or at a time a replacement is  
7 required by the person, may be issued a license or card; provided,  
8 immediately upon returning to Oklahoma, the person shall obtain a  
9 replacement license or card as provided in Section 6-114 of this  
10 title.

11           B. The Department may issue a temporary permit to an applicant  
12 for a driver license permitting such applicant to operate a motor  
13 vehicle while the Department is completing its investigation and  
14 determination of all facts relative to such applicant's privilege to  
15 receive a license. Such permit must be in the immediate possession  
16 of the driver while operating a motor vehicle, and it shall be  
17 invalid when the applicant's driver license has been issued or for  
18 good cause has been refused.

19           C. 1. The Department may issue a restricted commercial driver  
20 license to seasonal drivers eighteen (18) years of age or older for  
21 any of the following specific farm-related service industries:

- 22           a. farm retail outlets and suppliers,
- 23           b. agri-chemical businesses,
- 24           c. custom harvesters, and

1           d.    livestock feeders.

2   The applicant shall hold a valid Oklahoma driver license and shall  
3   meet all the requirements for a commercial driver license.  The  
4   restricted commercial driver license shall not exceed a total of one  
5   hundred eighty (180) days within any twelve-month period.

6           2.  The restricted commercial driver license shall not be valid  
7   for operators of commercial motor vehicles beyond one hundred fifty  
8   (150) miles from the place of business or the farm currently being  
9   served.  Such license shall be limited to Class B vehicles.  Holders  
10  of such licenses who transport hazardous materials which are  
11  required to be placarded shall be limited to the following:

12           a.  diesel fuel in quantities of one thousand (1,000)  
13               gallons or less,

14           b.  liquid fertilizers in vehicles with total capacities  
15               of three thousand (3,000) gallons or less, and

16           c.  solid fertilizers that are not mixed with any organic  
17               substance.

18  No other placarded hazardous materials shall be transported by  
19  holders of such licenses.

20           D.  1.  The Department shall develop a procedure whereby a  
21  person applying for an original, renewal or replacement Class A, B,  
22  C or D driver license or identification card who is required to  
23  register as a convicted sex offender with the Department of  
24  Corrections pursuant to the provisions of the Sex Offenders

1 Registration Act and who the Department of Corrections designates as  
2 an aggravated or habitual offender pursuant to subsection J of  
3 Section 584 of Title 57 of the Oklahoma Statutes shall be issued a  
4 license or card bearing the words "Sex Offender".

5 2. The Department shall notify every person subject to  
6 registration under the provisions of ~~this act~~ Section 1-101 et seq.  
7 of this title who holds a current Class A, B, C or D driver license  
8 or identification card that such person is required to surrender the  
9 license or card to the Department within one hundred eighty (180)  
10 days from the date of the notice.

11 3. Upon surrendering the license or card for the reason set  
12 forth in this subsection, application may be made with the  
13 Department for a replacement license or card bearing the words "Sex  
14 Offender".

15 4. Failure to comply with the requirements set forth in such  
16 notice shall result in cancellation of the person's license or card.  
17 Such cancellation shall be in effect for one (1) year, after which  
18 time the person may make application with the Department for a new  
19 license or card bearing the words "Sex Offender". Continued use of  
20 a canceled license or card shall constitute a misdemeanor and shall,  
21 upon conviction thereof, be punishable by a fine of not less than  
22 Twenty-five Dollars (\$25.00), nor more than Two Hundred Dollars  
23 (\$200.00). When an individual is no longer required to register as  
24 a convicted sex offender with the Department of Corrections pursuant

1 to the provisions of the Sex Offenders Registration Act, the  
2 individual shall be eligible to receive a driver license or  
3 identification card which does not bear the words "Sex Offender".

4 E. Nothing in subsection D of this section shall be deemed to  
5 impose any liability upon or give rise to a cause of action against  
6 any employee, agent or official of the Department of Corrections for  
7 failing to designate a sex offender as an aggravated or habitual  
8 offender pursuant to subsection J of Section 584 of Title 57 of the  
9 Oklahoma Statutes.

10 SECTION 3. It being immediately necessary for the preservation  
11 of the public peace, health and safety, an emergency is hereby  
12 declared to exist, by reason whereof this act shall take effect and  
13 be in full force from and after its passage and approval.

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