

SUBCOMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2943 _____
Of the printed Bill
Page _____ Section _____ Lines _____
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: Jason Nelson

Reading Clerk

1 3STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 PROPOSED SUBCOMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2943

By: Kern

7 PROPOSED SUBCOMMITTEE SUBSTITUTE

8
9 An Act relating to motor vehicles; creating the
10 Biometric Driver License Religious Exemption Act;
11 amending 47 O.S. 2001, Section 6-106, as last amended
12 by Section 6, Chapter 326, O.S.L. 2007 (47 O.S. Supp.
13 2009, Section 6-106), which relates to application
14 for driver licenses; deleting Selective Service
15 System registration requirements; prohibiting the
16 Department of Public Safety from retaining certain
17 information; modifying driver license and
18 identification card application requirements;
19 prohibiting the collection, retention or disclosure
20 of Social Security numbers; directing the Department
21 of Public Safety to include certain statement on
22 application forms for driver licenses and
23 identification cards; authorizing collection and
24 disclosure of Social Security number under certain
circumstances; providing procedures for applying for
certain exemption; defining terms; directing the
Department of Public Safety to modify existing
computer software to meet certain standards;
providing procedures for storing and collecting
facial images; directing the deletion of certain
images; authorizing disclosure of facial image to law
enforcement officers or certain law enforcement
agencies; directing the Department of Public Safety
to establish locations for driver license
examinations; providing time limitation for deletion
of Social Security numbers and biometric information;
authorizing fee increases; providing for collection
of fees; making certain collection or retention
procedures permissible; prohibiting the use of radio
frequency identification technology; providing for

1 codification; providing for noncodification; and
2 providing an effective date.

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 "Biometric
8 Driver License Religious Exemption Act".

9 SECTION 2. AMENDATORY 47 O.S. 2001, Section 6-106, as
10 last amended by Section 6, Chapter 326, O.S.L. 2007 (47 O.S. Supp.
11 2009, Section 6-106), is amended to read as follows:

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

15 ~~2. Every original, renewal, or replacement application for a~~
16 ~~driver license or identification card made by a male applicant who~~
17 ~~is at least sixteen (16) but less than twenty six (26) years of age~~
18 ~~shall include a statement that by submitting the application, the~~
19 ~~applicant is consenting to registration with the Selective Service~~
20 ~~System. The pertinent information from the application shall be~~
21 ~~forwarded by the Department to the Data Management Center of the~~
22 ~~Selective Service System in order to register the applicant as~~
23 ~~required by law with the Selective Service System. Any applicant~~
24

1 ~~refusing to sign the consent statement shall be denied a driver~~
2 ~~license or identification card.~~

3 ~~3.~~ Every applicant for a driver license or identification card
4 shall provide to the Department at the time of application both
5 primary and secondary proofs of identity. The Department shall
6 promulgate rules prescribing forms of primary and secondary
7 identification acceptable for an original Oklahoma driver license.
8 The Department shall not retain information collected from any form
9 of identification where such retention is prohibited by law.

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

12 1. Full name;

13 2. Date of birth;

14 3. Sex;

15 4. ~~Residence address and county~~ County of residence to be
16 displayed on the license;

17 5. Mailing address to be displayed on the license. The
18 residence address of the applicant shall be maintained by the
19 Department for the purpose of giving notice, if necessary, as
20 required by Section 2-116 of this title;

21 6. Medical information, as determined by the Department, which
22 shall assure the Department that the person is not prohibited from
23 being licensed as provided by paragraph 7 of subsection A of Section
24 6-103 of this title;

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

2 8. A brief description of the applicant, as determined by the
3 Department;

4 9. Whether the applicant has previously been licensed, and, if
5 so, when and by what state or country, and whether any license has
6 ever been suspended or revoked, or whether an application has ever
7 been refused, and, if so, the date of and reason for the suspension,
8 revocation or refusal;

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

12 11. Whether the applicant has:

13 a. previously been licensed and, if so, when and by what
14 state or country, and

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

17 12. Social Security number only if the applicant is requesting
18 the issuance of a commercial driver license.

19 No person shall request the Department to use the social security
20 number of that person as the driver license number. Upon renewal or
21 replacement of any driver license issued after the effective date of
22 this act, the licensee shall advise the Department or the motor
23 license agent if the present driver license number of the licensee
24 is the Social Security number of the licensee. If the driver

1 license number is the Social Security number, the Department or the
2 motor license agent shall change the driver license number to a
3 computer-generated alphanumeric identification.

4 C. In addition to the requirements of subsections A and B of
5 this section, every applicant for a commercial driver license with a
6 hazardous material endorsement shall submit to a security threat
7 assessment performed by the Transportation Security Administration
8 of the Department of Homeland Security as required by and pursuant
9 to 49 C.F.R., Part 1572, which shall be used to determine whether
10 the applicant is eligible for the endorsement pursuant to federal
11 law and regulation.

12 The Department of Public Safety shall notify each commercial
13 driving school of the passage of this section, and each commercial
14 driving school shall notify prospective students of its school of
15 the hazardous material endorsement requirement.

16 D. Whenever application is received from a person previously
17 licensed in another jurisdiction, the Department shall request a
18 copy of the driving record from the other jurisdiction and,
19 effective September 1, 2005, from all other jurisdictions in which
20 the person was licensed within the immediately previous ten (10)
21 years. When received, the driving record shall become a part of the
22 driving record of the person in this state with the same force and
23 effect as though entered on the driver's record in this state in the
24 original instance. The Department is prohibited from collecting,

1 retaining or disclosing a Social Security number received from
2 another jurisdiction, agency or other entity, for the purpose of
3 issuing a noncommercial driver license or identification card. The
4 Department shall collect a Social Security number for the issuance
5 of a commercial driver license.

6 E. Whenever the Department receives a request for a driving
7 record from another licensing jurisdiction, the record shall be
8 forwarded without charge.

9 SECTION 3. 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. Upon the effective date of this act, any state agency or
13 department charged with motor vehicle registration or operation, the
14 issuance or renewal of driver licenses, or the issuance or renewal
15 of any identification cards, shall modify the application for the
16 issuance of an original or renewal, noncommercial driver license,
17 learner permit, intermediate Class D license or identification card
18 to include the following statement:

19 "BIOMETRIC AND SOCIAL SECURITY NUMBER RELIGIOUS EXEMPTION"

20 "Because of my religious beliefs, I object to enrollment in an
21 international biometric identification system including, but not
22 limited to, facial recognition and digital fingerprinting, that
23 directly connects my body to identification, the linking of my
24 Social Security number to biometric identification, personal

1 biometric information sharing and to identification using radio
2 frequency identification technology (RFID) or similar technologies."

3 B. Any applicant, signing, or by other means indicating
4 agreement with the "BIOMETRIC AND SOCIAL SECURITY NUMBER RELIGIOUS
5 EXEMPTION," shall be exempt from supplying a Social Security number,
6 to be retained by the Department, for the issuance of an original,
7 replacement or renewal, noncommercial driver license, learner
8 permit, intermediate Class D license, or identification card. Any
9 applicant signing, or by other means indicating agreement with the
10 exemption shall be exempt from supplying biometric data, a biometric
11 sample or biometric template. The Department of Public Safety shall
12 be prohibited from collecting, retaining or disclosing the Social
13 Security number, biometric sample, biometric template or biometric
14 data of the applicant that may be obtained from, or disclosed to,
15 any other entity with the exception that a Social Security number
16 shall be provided to the Department for the express purpose of child
17 support enforcement and that the Social Security number shall only
18 be collected for direct entry into a database and access to the
19 Social Security number is limited to the Department of Human
20 Services for child support enforcement. No access to the database,
21 containing the Social Security number, shall be granted to any other
22 entity and that the Social Security number is only retained in such
23 a database for no more than seventy-two (72) hours and at such time,

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1 or before, is permanently deleted. At no time shall the Department
2 retain a Social Security number of an applicant to the exemption.

3 An individual may make an application for the exemption as a
4 replacement for a noncommercial driver license or identification
5 card at any time or as a renewal of a noncommercial driver license
6 or identification card up to six (6) months in advance of the
7 expiration date of the driver license or identification card. Any
8 individual unable to make an application for the exemption in person
9 may make the application by mail, accompanied by proof of
10 identification, notarized request for exemption, and appropriate
11 fees. Upon receipt of an application, received by mail, the
12 Department shall mail the individual the requested noncommercial
13 driver license or identification card that is in compliance with
14 this section. Any existing facial image, if present, that is to be
15 used for such issuance shall be modified by the Department to comply
16 with the photo resolution provisions of this section or shall be
17 permanently deleted from the database of the Department after
18 printing the document. A modified facial image, made to comply with
19 the photo resolution provisions of this section, is not required to
20 have a white background.

21 C. For purposes of this section, "biometric data", "biometric
22 sample" and "biometric template" include, but are not limited to:

23 1. Facial feature pattern characteristics;

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- 1 2. Computerized facial image or hard copy of the same that when
2 scanned by electronic means may be used to create a computerized
3 facial image that exceeds an uncompressed photographic resolution
4 where the width of the head is forty-nine (49) pixels or more of
5 resolution, which corresponds to a maximum full image width of
6 eighty-five (85) pixels or more of resolution, and an image height
7 of one hundred six (106) pixels or more of resolution;
- 8 3. Voice data used for comparing live speech with a previously
9 created speech model of the voice of a person;
- 10 4. Iris recognition data containing color or texture patterns
11 or codes;
- 12 5. Retinal scans, reading through the pupil to measure blood
13 vessels lining the retina;
- 14 6. Behavior characteristics of a handwritten signature, such as
15 shape, speed, pressure, pen angle, or sequence;
- 16 7. Fingerprints, palm prints, and other methods for measuring
17 or recording ridge pattern or fingertip characteristics;
- 18 8. Keystroke dynamics, measuring pressure applied to key pads;
- 19 9. Hand geometry, measuring hand characteristics, including the
20 shape and length of fingers, in three dimensions; and
- 21 10. Deoxyribonucleic acid (DNA) or ribonucleic acid (RNA).
- 22 D. Upon the effective date of this act, the Department shall
23 cease all biometric comparisons and collection of any biometric
24 data, biometric sample or biometric template of an applicant that

1 signs or indicates by other means agreement with the exemption. The
2 Department shall require the appropriate driver license vendor to
3 provide software capable of complying with the provisions of this
4 section or modify existing computer software used for collecting
5 facial images of an applicant requesting the exemption so that
6 facial images collected after the effective date of this act do not
7 exceed an uncompressed photographic resolution where the width of
8 the head is forty-nine (49) pixels or more of resolution, which
9 corresponds to a maximum full image width of eighty-five (85) pixels
10 or more and a maximum image height of one hundred and six (106)
11 pixels or more. The Department shall store facial images that
12 comply with this subsection in a separate database that is not
13 accessible by any other governmental or nongovernmental entity. The
14 facial images shall not be subject to biometric comparisons. Facial
15 images collected in compliance with this section shall be collected
16 using a white background. No facial image shall be collected using
17 a blue background so that facial images collected in compliance with
18 this section may be more readily distinguished from facial images
19 previously collected at a higher resolution. The Department shall
20 not require an applicant for the exemption to remove prescription
21 corrective eyeglasses or to provide a specific facial expression
22 when a facial image is collected. The Department is prohibited from
23 retaining more than one facial image of the individual applying for
24 an exemption and shall not collect any additional images at the time

1 of a driving examination or when an identification card or
2 noncommercial driver license is issued or renewed, unless a previous
3 attempt to collect a full frontal view of the facial image of the
4 individual failed, for purposes of identification by a human. Only
5 the facial image to be printed on the identification card or
6 noncommercial driver license shall be retained by the Department.
7 Any additional facial image collected at the time of examination or
8 issuance, not used for printing and retention shall be permanently
9 and immediately deleted at that time. A facial image collected by a
10 driver license examiner, tag agent, or the Department shall be the
11 image used for licensing or identifying the individual so that the
12 individual shall not be subjected to collection of an additional
13 facial image at the time of issuance. The Department may indicate,
14 by a box or other means, that the noncommercial driver license or
15 identification card was issued as a religious exemption. The
16 Department may disclose the facial image of an applicant only to a
17 law enforcement officer or law enforcement agency under the
18 jurisdiction of the state, provided, that access to the facial image
19 is limited to one name, one record and one facial image, and that
20 the requesting law enforcement officer or law enforcement agency
21 does not retain the facial image.

22 E. The Department shall establish locations so that no
23 applicant for the exemption shall have to travel more than seventy-
24 five (75) miles within the state for the purpose of a driving test

1 or examination, or to be photographed or issued an original, renewal
2 or replacement noncommercial driver license or identification card.
3 Cameras and software used in those locations must be able to collect
4 a facial image in compliance with the provisions of this section.
5 All such locations shall be so indicated and included in all lists
6 that identify locations for examination or issuance of noncommercial
7 driver licenses or identification cards.

8 F. Upon receipt of an application for exemption, the Department
9 shall, within ninety (90) days of receiving said application,
10 permanently delete from all active databases, archival or backup
11 storage databases, that are in the possession of the Department or
12 of any third party relating to those activities, any social security
13 number, biometric data, biometric sample, biometric template, or
14 facial image, not in compliance with this section, that were
15 previously collected, obtained or retained from any applicant.

16 G. The Department may collect from an applicant of the
17 exemption, an increased fee for the issuance of an original, renewal
18 or replacement noncommercial driver license or identification card.
19 The fee increase shall not exceed fifty percent (50%) of the cost of
20 a similar identification document that does not comply with the
21 requirements of this section. The additional collection of such fee
22 shall expire five (5) years from the effective date of this act.
23 Any increase in fees collected shall not exceed the actual increase
24 in cost to the Department incurred for the implementation of this

1 act and such additional fees shall be collected and used by the
2 Department for the purpose of implementing this act. Such fees
3 shall not be used by any other agency or department of the state for
4 any other purpose.

5 H. The provisions of this section shall not be construed as
6 preventing the following:

7 1. The collection or retention of photographs or fingerprints,
8 including for biometric comparisons, for the purpose of enforcing
9 laws relating to serious traffic offenses including, but not limited
10 to, driving while intoxicated, reckless driving, negligent homicide
11 with the use of a motor vehicle, operating a motor vehicle after
12 being declared a habitual motor vehicle offender, or any other
13 offense for which a physical custody arrest is required;

14 2. The use of finger imaging software, and related equipment,
15 only at specific locations designated by the Department, where
16 fingerprints are collected for the purpose of performing criminal
17 record checks required under federal regulations governing the
18 issuance of hazardous materials endorsements on driver licenses and
19 the taking, and retention, of fingerprints for that express purpose;

20 3. The use, collection, storage or disclosure of a Social
21 Security number relating to a commercial driver license;

22 4. Requesting and receiving motor vehicle and driver license
23 records or from having legal access to information in the possession
24 of the Department by law enforcement agencies, provided that such

1 access and requests for such information are specific to individual
2 records and individual persons; or

3 5. Enforcement of laws relating to child support, provided that
4 such enforcement does not require the collection, retention or
5 disclosure of a social security number of an applicant to the
6 Department.

7 I. Any person who has signed or indicated by other means
8 agreement with the exemption shall be exempt from the issuance of a
9 noncommercial driver license or identification card that utilizes
10 the technology known as "Radio Frequency Identification", "RFID",
11 "Radio Frequency Technology", or "RFT", or similar technologies or
12 devices, that are capable of storing and transmitting personally
13 identifiable information or unique numbers, codes, or algorithms
14 which directly correlate to personal information held in another
15 location, database, or device. This subsection shall not be
16 construed as applying to devices used for identifying persons
17 relating to punishment for criminal offenses, where such
18 identification uses are allowed by law, or for such devices used for
19 toll road passes.

20 SECTION 4. This act shall become effective December 31, 2011.

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22 52-2-9791 GRS 02/14/10

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