STATE OF OKLAHOMA

2nd Session of the 52nd Legislature (2010)

2ND CONFERENCE COMMITTEE
SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2811 By: Key and Kern of the House

and

Brogdon of the Senate

2ND CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; creating the Biometric and Social Security Number Religious Exemption Act; amending 47 O.S. 2001, Section 6-101, as last amended by Section 1, Chapter 81, O.S.L. 2009 (47 O.S. Supp. 2009, Section 6-101), which relates to driver license class requirements and fees; authorizing collection of fee; directing deposit of fee in the Department of Public Safety Computer Imaging System Revolving Fund; amending 47 O.S. 2001, Section 6-106, as last amended by Section 1 of Enrolled Senate Bill No. 1264 of the 2nd Session of the 52nd Oklahoma Legislature, which relates to application for driver licenses; prohibiting the Department of Public Safety from retaining certain information; amending Section 1, Chapter 159, O.S.L. 2007 (47 O.S. Supp. 2009, Section 6-110.3), which relates to the federal REAL ID Act; deleting requirement that certain data be retrieved and deleted from databases; deleting certain definition; stating when certain provision shall become effective; defining terms; directing the Department of Public Safety to include certain statement on application forms for driver licenses and identification cards; providing certain exemptions to persons who sign exemption form; directing the Department of Public Safety to cease collecting, retaining and disclosing biometric data; providing

procedures for storing and collecting facial images; prohibiting retention of facial images; requiring deletion of facial images and biometric data under certain circumstances; providing exceptions to photograph and fingerprint retention and collection requirements; making certain persons exempt from being issued driver licenses and identification cards that utilize radio frequency identification technology; providing persons and entities immunity from certain liability; providing for codification; providing for noncodification; and providing an effective date.

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

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

This act shall be known and may be cited as the "Biometric and Social Security Number Religious Exemption Act".

SECTION 2. AMENDATORY 47 O.S. 2001, Section 6-101, as last amended by Section 1, Chapter 81, O.S.L. 2009 (47 O.S. Supp. 2009, Section 6-101), is amended to read as follows:

Section 6-101. A. No person, except those hereinafter expressly exempted in Section 6-102 of this title, shall operate any motor vehicle upon a highway in this state unless the person has a valid Oklahoma driver license for the class of vehicle being operated under the provisions of this title. No person shall be permitted to possess more than one valid license at any time.

B. 1. No person shall operate a Class A commercial motor vehicle unless the person is eighteen (18) years of age or older and holds a valid Class A commercial license, except as provided in paragraph 5 of this subsection. Any person holding a valid Class A commercial license shall be permitted to operate motor vehicles in Classes A, B, C and D, except as provided for in paragraph 4 of this subsection.

2. No person shall operate a Class B commercial motor vehicle unless the person is eighteen (18) years of age or older and holds a valid Class B commercial license. Any person holding a valid Class B commercial license shall be permitted to operate motor vehicles in Classes B, C and D, except as provided for in paragraph 4 of this subsection.

3. No person shall operate a Class C commercial motor vehicle unless the person is eighteen (18) years of age or older and holds a valid Class C commercial license. Any person holding a valid Class C commercial license shall be permitted to operate motor vehicles in Classes C and D, except as provided for in paragraph 4 of this subsection.

4. No person under twenty-one (21) years of age shall be licensed to operate any motor vehicle which is required to be placarded for hazardous materials pursuant to 49 C.F.R., Part 172, subpart F; provided, a person eighteen (18) years of age or older may be licensed to operate a farm vehicle which is required to be

placarded for hazardous materials pursuant to 49 C.F.R., Part 172, subpart F.

5. A person at least seventeen (17) years of age who successfully completes all examinations required by law may be issued by the Department:

a. a restricted Class A commercial license which shall grant to the licensee the privilege to operate a Class A or Class B commercial motor vehicle for harvest purposes or a Class D motor vehicle, or

b. a restricted Class B commercial license which shall grant to the licensee the privilege to operate a Class B commercial motor vehicle for harvest purposes or a Class D motor vehicle.

6. No person shall operate a Class D motor vehicle unless the person is sixteen (16) years of age or older and holds a valid Class D license, except as provided for in Section 6-102 or 6-105 of this title. Any person holding a valid Class D license shall be permitted to operate motor vehicles in Class D only.

C. Any person issued a driver license pursuant to this section may exercise the privilege thereby granted upon all streets and highways in this state.

D. No person shall operate a motorcycle or motor-driven cycle without having a valid Class A, B, C or D license with a motorcycle endorsement. Except as otherwise provided by law, any new applicant

for an original driver license shall be required to successfully complete a written examination, vision examination, and driving examination for a motorcycle as prescribed by the Department of Public Safety to be eligible for a motorcycle endorsement thereon. The driving examination for a motorcycle may be waived by the Department of Public Safety upon verification that the person has successfully completed a certified Motorcycle Safety Foundation rider course approved by the Department.

E. Except as otherwise provided by law, any person who lawfully possesses a valid Oklahoma driver license which is eligible for renewal shall be required to successfully complete a written examination, vision examination, and driving examination for a motorcycle as prescribed by the Department to be eligible for a motorcycle endorsement; provided, however, the Department may waive all such examinations until July 1, 2000, upon satisfactory proof that the applicant has regularly operated a motorcycle or motor-driven cycle for a minimum of two (2) years immediately preceding the application.

F. 1. Any person eighteen (18) years of age or older may apply for a restricted Class A, B or C commercial license. The Department, after the applicant has passed all parts of the examination for a Class D license and has successfully passed all parts of the examination for a Class A, B or C commercial license other than the driving examination, may issue to the applicant a

restricted driver license which shall entitle the applicant having immediate possession of the license to operate a Class A, B or C commercial motor vehicle upon the public highways solely for the purpose of behind-the-wheel training in accordance with rules promulgated by the Department.

2. This restricted driver license shall be issued for a period as provided in Section 6-115 of this title; provided, such restricted license may be suspended, revoked, canceled, or denied at the discretion of the Department for violation of the restrictions, for failing to give the required or correct information on the application, or for violation of any traffic laws of this state pertaining to the operation of a motor vehicle. Except as otherwise provided, the lawful possessor of a restricted license who has been issued a restricted license for a minimum of thirty (30) days may have the restriction requiring an accompanying driver removed by satisfactorily completing a driver's examination; provided, the removal of a restriction shall not authorize the operation of a Class A, B or C commercial motor vehicle if such operation is otherwise prohibited by law.

G. 1. The fee charged for an approved application for an original Oklahoma driver license or an approved application for the addition of an endorsement to a current valid Oklahoma driver license shall be assessed in accordance with the following schedule:

Class A Commercial License $25.00

Class B Commercial License	$15.00
Class C Commercial License	$15.00
Class D License	~~$ 4.00~~ $5.00
Motorcycle Endorsement	$ 4.00

2. Notwithstanding the provisions of Section 1104 of this title, all monies collected from the fees charged for Class A, B and C commercial licenses pursuant to the provisions of this subsection shall be deposited in the General Revenue Fund of this state.

3. One Dollar ($1.00) from the Class D License fee shall be deposited to the Department of Public Safety Computer Imaging System Revolving Fund to be disbursed between the Department of Public Safety and the Department of Human Services, as provided for in an interagency agreement, for the purpose of information collection and administration pursuant to Section 240.12 of Title 56 of the Oklahoma Statutes.

H. The fee charged for any failed examination shall be Four Dollars ($4.00) for any license classification. Notwithstanding the provisions of Section 1104 of this title, all monies collected from such examination fees pursuant to the provisions of this subsection shall be deposited in the General Revenue Fund of this state.

I. 1. In addition to any fee charged pursuant to the provisions of subsection G of this section, the fee charged for the issuance or renewal of an Oklahoma license which is not in a

computerized image format shall be in accordance with the following schedule:

Class A Commercial License	$40.50
Class B Commercial License	$40.50
Class C Commercial License	$30.50
Class D License	~~$20.50~~ $21.50

Notwithstanding the provisions of Section 1104 of this title, of each fee charged pursuant to this paragraph:

a. Five Dollars and fifty cents ($5.50) shall be deposited to the Trauma Care Assistance Revolving Fund created in Section 1-2530.9 of Title 63 of the Oklahoma Statutes, ~~and~~

b. Five Dollars and seventy-five cents ($5.75) shall be deposited to the Department of Public Safety Computer Imaging System Revolving Fund to be used solely for the purpose of administration and maintenance of the computerized imaging system of the Department, and

c. One Dollar ($1.00) from the Class D License fee shall be deposited to the Department of Public Safety Computer Imaging System Revolving Fund to be disbursed between the Department of Public Safety and the Department of Human Services, as provided for in an interagency agreement, for the purpose of information

collection and administration pursuant to Section 240.12 of Title 56 of the Oklahoma Statutes.

2. In addition to any fee charged pursuant to the provisions of subsection G of this section, the fee charged for the issuance or renewal of an Oklahoma license which is in a computerized image format shall be in accordance with the following schedule:

Class A Commercial License	$41.50
Class B Commercial License	$41.50
Class C Commercial License	$31.50
Class D License	~~$21.50~~ $22.50

Notwithstanding the provisions of Section 1104 of this title, of each fee charged pursuant to the provisions of this paragraph:

a. Five Dollars and fifty cents ($5.50) shall be deposited to the Trauma Care Assistance Revolving Fund created in Section 330.97 of Title 63 of the Oklahoma Statutes, ~~and~~

b. Six Dollars and seventy-five cents ($6.75) shall be deposited to the Department of Public Safety Computer Imaging System Revolving Fund to be used solely for the purpose of administration and maintenance of the computerized imaging system of the Department, and

c. One Dollar ($1.00) from the Class D License fee shall be deposited to the Department of Public Safety Computer Imaging System Revolving Fund to be disbursed

between the Department of Public Safety and the Department of Human Services, as provided for in an interagency agreement, for the purpose of information collection and administration pursuant to Section 240.12 of Title 56 of the Oklahoma Statutes.

J. All original and renewal driver licenses shall expire as provided in Section 6-115 of this title.

K. Any person sixty-two (62) years of age or older during the calendar year of issuance of a Class D license or motorcycle endorsement shall be charged the following prorated fee:

Age 62	$11.25
Age 63	$ 7.50
Age 64	$ 3.75
Age 65	-0-

L. No person who has been honorably discharged from active service in any branch of the Armed Forces of the United States or Oklahoma National Guard and who has been certified by the United States Department of Veterans Affairs, its successor, or the Armed Forces of the United States to be a disabled veteran in receipt of compensation at the one-hundred-percent rate for a permanent disability sustained through military action or accident resulting from disease contracted while in such active service shall be charged a fee for the issuance or renewal of an Oklahoma driver license.

M. The Department of Public Safety and the Oklahoma Tax Commission are authorized to promulgate rules for the issuance and renewal of driver licenses authorized pursuant to the provisions of Sections 6-101 through 6-309 of this title. Applications, upon forms approved by the Department of Public Safety, for such licenses shall be handled by the motor license agents; provided, the Department of Public Safety is authorized to assume these duties in any county of this state. Each motor license agent accepting applications for driver licenses shall receive Two Dollars ($2.00) to be deducted from the total collected for each license or renewal application accepted. The two-dollar fee received by the motor license agent shall be used for operating expenses.

N. Notwithstanding the provisions of Section 1104 of this title and subsection M of this section and except as provided in subsections G and I of this section, the first Sixty Thousand Dollars ($60,000.00) of all monies collected pursuant to this section shall be paid by the Oklahoma Tax Commission to the State Treasurer to be deposited in the General Revenue Fund of the State Treasury.

The next Five Hundred Thousand Dollars ($500,000.00) of monies collected pursuant to this section shall be paid by the Tax Commission to the State Treasurer to be deposited each fiscal year under the provisions of this section to the credit of the Department of Public Safety Revolving Fund for the purpose of the Statewide Law

Enforcement Communications System. All other monies collected in excess of Five Hundred Sixty Thousand Dollars ($560,000.00) each fiscal year shall be apportioned as provided in Section 1104 of this title, except as otherwise provided in this section.

O. The Department of Public Safety shall implement a procedure whereby images displayed on licenses and identification cards issued pursuant to the provisions of Sections 6-101 through 6-309 of this title are maintained by the Department to create photographs or computerized images which may be used only:

1. By a law enforcement agency for purposes of criminal investigations, missing person investigations, or any law enforcement purpose which is deemed necessary by the Commissioner of Public Safety;

2. By the driver licensing agency of another state for its official purpose; and

3. As provided in Section 2-110 of this title.

The computer system and related equipment acquired for this purpose must conform to industry standards for interoperability and open architecture. The Department of Public Safety may promulgate rules to implement the provisions of this subsection.

SECTION 3. AMENDATORY 47 O.S. 2001, Section 6-106, as last amended by Section 1 of Enrolled Senate Bill No. 1264 of the 2nd Session of the 52nd Oklahoma Legislature, is amended to read as follows:

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

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

3. Every applicant for a driver license or identification card shall provide to the Department at the time of application both primary and secondary proofs of identity. The Department shall promulgate rules prescribing forms of primary and secondary identification acceptable for an original Oklahoma driver license.

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

1. Full name;

2. Date of birth;

3. Sex;

4. Residence address or mailing address and county of residence to be displayed on the license;

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

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

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

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

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

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

11. Whether the applicant has:

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

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

12. Social security number.

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

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

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

D. Whenever application is received from a person previously licensed in another jurisdiction, the Department shall request a copy of the driving record from the other jurisdiction and, effective September 1, 2005, from all other jurisdictions in which the person was licensed within the immediately previous ten (10) years. When received, the driving record shall become a part of the driving record of the person in this state with the same force and effect as though entered on the driver's record in this state in the original instance. Unless otherwise provided by law, the Department is prohibited from collecting, retaining or disclosing a Social Security number received from another jurisdiction, agency or other entity, for the purpose of issuing a Class D driver license, learner permit, intermediate Class D driver license, or identification card.

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

F. To facilitate compliance with the provisions of this section, the Department of Public Safety shall collect from applicants and transmit to the Department of Human Services the identification, location and other information described in Section 240.12 of Title 56 of the Oklahoma Statutes. Data shall not be purged from the computer system of the Department of Public Safety until after the requisite data has been successfully transferred to the Department of Human Services.

SECTION 4. AMENDATORY Section 1, Chapter 159, O.S.L. 2007 (47 O.S. Supp. 2009, Section 6-110.3), is amended to read as follows:

Section 6-110.3 A. 1. The Legislature finds that the enactment into law by the United States Congress of the federal REAL ID Act of 2005, Public Law Number 109-13, is inimical to the 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 Congress in violation of the principles of federalism contained in the Tenth Amendment to the United States Constitution.

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

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

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

~~D. For purposes of this section, "biometric data" includes, but is not limited to:~~

~~1. Facial feature pattern characteristics;~~

~~2. Voice data used for comparing live speech with a previously created speech model of a person's voice;~~

~~3. Iris recognition data containing color or texture patterns or codes;~~

~~4. Retinal scans, reading through the pupil to measure blood vessels lining the retina;~~

~~5. Behavior characteristics of a handwritten signature, such as shape, speed, pressure, pen angle, or sequence;~~

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

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

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

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

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

A. This section shall become effective with the implementation of the next new contract for a driver license and identification card vendor, but in any case no later than January 1, 2012. The contract shall contain procedures and provide for software necessary to meet the requirements of this section.

B. For the purposes of this section:

1. "Biometric data", "biometric sample" or "biometric template" means, but is not limited to:

a. facial feature pattern characteristics,

b. a computerized facial image, or a hard copy of a facial image that, when scanned by electronic means, may be used to create a computerized facial image, which exceeds an uncompressed photographic resolution where the width of the head is forty-nine (49) pixels or more of resolution, which corresponds to a maximum full image width of eighty-five (85) pixels or more of resolution, and an image height of one hundred six (106) pixels or more of resolution,

c. voice data used for comparing live speech with a previously created speech model of the voice of a person,

d. iris recognition data containing color or texture patterns or codes,

e. retinal scans, reading through the pupil to measure blood vessels lining the retina,

f. behavior characteristics of a handwritten signature, such as shape, speed, pressure, pen angle, or sequence,

g. fingerprints, palm prints, and other methods for measuring or recording ridge pattern or fingertip characteristics,

h. keystroke dynamics, measuring pressure applied to key pads,

i. hand geometry, measuring hand characteristics, including the shape and length of fingers, in three dimensions, and

j. deoxyribonucleic acid (DNA) or ribonucleic acid (RNA);

2. "Class D driver license" means an original, renewal, or replacement Class D driver license, a learner permit, or an intermediate Class D driver license issued by the Department of

Public Safety in accordance with Section 6-101 et. seq of Title 47 of the Oklahoma Statutes;

3. "Exemption" means the exemption as described in subsection C of this section; and

4. "Identification card" means an original, renewal, or replacement identification card issued by the Department of Public Safety in accordance with Section 6-105.3 of Title 47 of the Oklahoma Statutes.

C. The Department of Public Safety shall modify the application for the issuance of a Class D driver license or an identification card to contain a statement of exemption, to include the following language:

"BIOMETRIC AND SOCIAL SECURITY NUMBER RELIGIOUS EXEMPTION" "Because of my religious beliefs, I object to enrollment in an international biometric identification system including, but not limited to, facial recognition and digital finger printing, that directly connects my body to identification, the linking of my Social Security number to biometric identification, personal biometric information sharing and to identification using radio frequency identification technology (RFID) or similar technologies."

D. 1. Any applicant who has signed the exemption, or by other means has indicated agreement with and acceptance of the exemption, shall be exempt from supplying biometric data to the Department of Public Safety.

2. A current Class D driver licensee or identification card holder may make an application for a replacement or renewal of the license or identification card for the purpose of signing the exemption at any time in accordance with applicable laws regarding issuance, renewal or replacement of a Class D driver license or an identification card.

3. Any applicant who has signed the exemption, or by other means has indicated agreement with and acceptance of the exemption when applying for the issuance, renewal or replacement of a Class D driver license or an identification card, shall be exempt from having the Social Security number of the applicant retained in an active database by the Department of Public Safety for longer than seventy-two (72) hours, or until such time the Social Security number is disclosed to the Department of Human Services. Upon receipt of an application for exemption, the Department of Public Safety shall, within ninety (90) days of receiving the application, permanently delete from all active databases, archival, or backup storage databases that are in the possession of the Department, any Social Security number that was previously collected, obtained or retained from the applicant. The Department of Public Safety shall be prohibited from retaining the Social Security number in an active database longer than seventy-two (72) hours or until such time the Social Security number is disclosed to the Department of Human Services.

4. An individual may make an application for the exemption as a replacement for a noncommercial driver license or identification card at any time or as a renewal of a noncommercial driver license or identification card up to twelve (12) months in advance of the expiration date of the driver license or identification card. Any individual that is out-of-state and unable to make an application for the exemption in person may make the application by mail, accompanied by proof of identification and appropriate fees. Upon receipt of an application, received by mail, the Department shall mail the individual the requested noncommercial driver license or identification card that is in compliance with this section. Any existing facial image, if present, that is to be used for such issuance shall be modified by the Department to comply with the photo resolution provisions of this section or shall be permanently deleted from the database of the Department after printing the document. A modified facial image, made to comply with the photo resolution provisions of this section, is not required to have a white background.

E. The Department of Public Safety shall cease collecting, retaining or disclosing biometric data, biometric samples or biometric templates from and making biometric comparisons of an applicant who has signed the exemption. The Department shall store facial images of applicants who sign the exemption:

1. In the format where the facial image collected does not exceed an uncompressed photographic resolution where the width of the head is forty-nine (49) pixels or more of resolution, which corresponds to a maximum full image width of eighty-five (85) pixels or more and a maximum image height of one hundred and six (106) pixels or more; and

2. In a separate database that is not accessible by any other governmental or nongovernmental entity.

F. The facial image of an applicant who has signed the exemption shall be collected by the Department of Public Safety in compliance with this section, and:

1. Shall be collected using a white background; and

2. Shall not be collected using a blue background so that the image may be more readily distinguished from facial images collected at a higher resolution and subjected to facial recognition.

G. The Department of Public Safety shall not require an applicant who has signed the exemption to remove prescription corrective eyeglasses when the Department collects a facial image of the applicant; provided, the applicant shall be prohibited from wearing sunglasses of any kind when the Department collects a facial image of the applicant.

H. The Department of Public Safety shall not retain at any time more than one facial image of an applicant who has signed the exemption. Only the facial image printed on the most current Class

D driver license or identification card issued to the applicant shall be retained by the Department. All previously collected images of the applicant shall be permanently and immediately deleted as provided in subsection I of this section, and the collection by the Department of Public Safety of any new facial image of the applicant who has signed the exemption shall cause any previous facial image to be permanently and immediately deleted. The Department of Public Safety may disclose the facial image of an applicant retained in the database of the Department of Public Safety only to a law enforcement officer, law enforcement agency, the Department of Human Services for purposes of child support enforcement, or to the public for assistance in locating a person of interest or a missing person, provided that access to the facial image is limited to one name, one record and one facial image. Nothing in this section shall be construed as preventing a motor license agent from performing his or her duties as required by law.

I. Upon receipt of a signed exemption, the Department of Public Safety shall, within ninety (90) days of receiving the application, permanently delete from all active, archival, backup, and storage databases in the possession of the Department any biometric data previously collected, obtained or retained from the applicant.

J. The provisions of this section shall not be construed to prevent the following:

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

2. The collection of fingerprints for the Transportation Security Administration for the purpose of performing criminal record checks required under federal regulations governing the issuance of hazardous materials endorsements on commercial driver licenses and the taking, and retention, of fingerprints for that express purpose;

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

4. Requesting and receiving motor vehicle and driver license records or from having legal access to information in the possession of the Department by law enforcement agencies, provided that such access and requests for such information are specific to individual records and individual persons; or

5. The administration of the Sex Offenders Registration Act as it applies to the issuance of a Class D driver license or identification card.

K. Any person who has signed the exemption shall be exempt from the issuance of a Class D driver license or identification card in which is utilized the technology known as "Radio Frequency Identification", "RFID", "Radio Frequency Technology", or "RFT", or similar technologies or devices, should the Department of Public Safety ever incorporate those technologies or devices into the Class D driver license or identification card, that are capable of storing and transmitting personally identifiable information or unique numbers, codes, or algorithms which directly correlate to personal information held in another location, database, or device.

L. A law enforcement officer, the employing agency of the officer, the Department of Public Safety, and the State of Oklahoma shall be immune from any liability for any loss or hardship suffered by a Class D licensee or identification card holder because the licensee or card holder signed the exemption.

SECTION 6. This act shall become effective December 31, 2011.

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