

1 STATE OF OKLAHOMA

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

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 2811

By: Key of the House

and

Brogdon of the Senate

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10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to motor vehicles; creating the
12 Biometric and Social Security Number Religious
13 Exemption Act; amending 47 O.S. 2001, Section 6-101,
14 as last amended by Section 1, Chapter 81, O.S.L. 2009
15 (47 O.S. Supp. 2009, Section 6-101), which relates to
16 driver license class requirements and fees;
17 authorizing collection of fee; directing deposit of
18 fee in the Department of Public Safety Computer
19 Imaging System Revolving Fund; amending 47 O.S. 2001,
20 Section 6-106, as last amended by Section 1 of
21 Enrolled Senate Bill No. 1264 of the 2nd Session of
22 the 52nd Oklahoma Legislature, which relates to
23 application for driver licenses; deleting Selective
24 Service System registration requirements; 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,

1 retaining and disclosing biometric data; providing
2 procedures for storing and collecting facial images;
3 prohibiting retention of facial images; requiring
4 deletion of facial images and biometric data under
5 certain circumstances; providing exceptions to
6 photograph and fingerprint retention and collection
7 requirements; making certain persons exempt from
8 being issued driver licenses and identification cards
9 that utilize radio frequency identification
10 technology; providing persons and entities immunity
11 from certain liability; providing for codification;
12 providing for noncodification; and providing an
13 effective date.

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

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

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

19 SECTION 2. AMENDATORY 47 O.S. 2001, Section 6-101, as
20 last amended by Section 1, Chapter 81, O.S.L. 2009 (47 O.S. Supp.
21 2009, Section 6-101), is amended to read as follows:

22 Section 6-101. A. No person, except those hereinafter
23 expressly exempted in Section 6-102 of this title, shall operate any
24 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 Class A Commercial License \$25.00

1	Class B Commercial License	\$15.00
2	Class C Commercial License	\$15.00
3	Class D License	\$ 4.00 <u>\$5.00</u>
4	Motorcycle Endorsement	\$ 4.00

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

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

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

21 I. 1. In addition to any fee charged pursuant to the
22 provisions of subsection G of this section, the fee charged for the
23 issuance or renewal of an Oklahoma license which is not in a
24

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

3	Class A Commercial License	\$40.50
4	Class B Commercial License	\$40.50
5	Class C Commercial License	\$30.50
6	Class D License	\$20.50 <u>\$21.50</u>

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

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

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

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

24

1 collection and administration pursuant to Section
2 240.12 of Title 56 of the Oklahoma Statutes.

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

7 Class A Commercial License	\$41.50
8 Class B Commercial License	\$41.50
9 Class C Commercial License	\$31.50
10 Class D License	\$21.50 <u>\$22.50</u>

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

- 13 a. Five Dollars and fifty cents (\$5.50) shall be
14 deposited to the Trauma Care Assistance Revolving Fund
15 created in Section 330.97 of Title 63 of the Oklahoma
16 Statutes, ~~and~~
- 17 b. Six Dollars and seventy-five cents (\$6.75) shall be
18 deposited to the Department of Public Safety Computer
19 Imaging System Revolving Fund to be used solely for
20 the purpose of administration and maintenance of the
21 computerized imaging system of the Department, and
- 22 c. One Dollar (\$1.00) from the Class D License fee shall
23 be deposited to the Department of Public Safety
24 Computer Imaging System Revolving Fund to be disbursed

1 between the Department of Public Safety and the
2 Department of Human Services, as provided for in an
3 interagency agreement, for the purpose of information
4 collection and administration pursuant to Section
5 240.12 of Title 56 of the Oklahoma Statutes.

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

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

11 Age 62	\$11.25
12 Age 63	\$ 7.50
13 Age 64	\$ 3.75
14 Age 65	-0-

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

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

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

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

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

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

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

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

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

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

21 SECTION 3. AMENDATORY 47 O.S. 2001, Section 6-106, as
22 last amended by Section 1 of Enrolled Senate Bill No. 1264 of the
23 2nd Session of the 52nd Oklahoma Legislature, is amended to read as
24 follows:

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

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

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

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

- 22 1. Full name;
- 23 2. Date of birth;
- 24 3. Sex;

- 1 4. Residence address or mailing address and county of residence
2 to be displayed on the license;
- 3 5. Mailing address and residence address to be maintained by
4 the Department for the purpose of giving notice, if necessary, as
5 required by Section 2-116 of this title;
- 6 6. Medical information, as determined by the Department, which
7 shall assure the Department that the person is not prohibited from
8 being licensed as provided by paragraph 7 of subsection A of Section
9 6-103 of this title;
- 10 7. Whether the applicant is deaf or hard-of-hearing;
- 11 8. A brief description of the applicant, as determined by the
12 Department;
- 13 9. Whether the applicant has previously been licensed, and, if
14 so, when and by what state or country, and whether any license has
15 ever been suspended or revoked, or whether an application has ever
16 been refused, and, if so, the date of and reason for the suspension,
17 revocation or refusal;
- 18 10. Whether the applicant is an alien eligible to be considered
19 for licensure and is not prohibited from licensure pursuant to
20 paragraph 9 of subsection A of Section 6-103 of this title;
- 21 11. Whether the applicant has:
- 22 a. previously been licensed and, if so, when and by what
23 state or country, and
24

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

3 12. Social security number.

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

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

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

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

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

17 F. To facilitate compliance with the provisions of this
18 section, the Department of Public Safety shall collect from
19 applicants and transmit to the Department of Human Services the
20 identification, location and other information described in Section
21 240.12 of Title 56 of the Oklahoma Statutes. Data shall not be
22 purged from the computer system of the Department of Public Safety
23 until after the requisite data has been successfully transferred to
24 the Department of Human Services.

1 SECTION 4. AMENDATORY Section 1, Chapter 159, O.S.L.
2 2007 (47 O.S. Supp. 2009, Section 6-110.3), is amended to read as
3 follows:

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

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

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

1 ~~C. Any biometric data previously collected, obtained, or~~
2 ~~retained in connection with motor vehicle registration or operation,~~
3 ~~the issuance or renewal of driver licenses, or the issuance or~~
4 ~~renewal of any identification cards by any department or agency of~~
5 ~~this state charged with those activities shall be retrieved and~~
6 ~~deleted from any and all databases. The provisions of this~~
7 ~~subsection shall not apply to any data collected, obtained or~~
8 ~~retained for a purpose other than complying with the REAL ID Act of~~
9 ~~2005.~~

10 ~~D. 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;~~

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

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

12 B. For the purposes of this section:

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

- 15 a. facial feature pattern characteristics,
- 16 b. a computerized facial image, or a hard copy of a
17 facial image that, when scanned by electronic means,
18 may be used to create a computerized facial image,
19 which exceeds an uncompressed photographic resolution
20 where the width of the head is forty-nine (49) pixels
21 or more of resolution, which corresponds to a maximum
22 full image width of eighty-five (85) pixels or more of
23 resolution, and an image height of one hundred six
24 (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

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

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

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

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

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

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

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

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

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

19 E. The Department of Public Safety shall cease collecting,
20 retaining or disclosing biometric data, biometric samples or
21 biometric templates from and making biometric comparisons of an
22 applicant who has signed the exemption. The Department shall store
23 facial images of applicants who sign the exemption:
24

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

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

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

12 1. Shall be collected using a white background; and

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

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

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

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

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

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

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- 1 1. The collection or retention of photographs or fingerprints,
2 including for biometric comparisons, for the purpose of enforcing
3 laws relating to serious traffic offenses including, but not limited
4 to, driving while intoxicated, reckless driving, negligent homicide
5 with the use of a motor vehicle, operating a motor vehicle after
6 being declared a habitual motor vehicle offender, or any other
7 offense for which a physical custody arrest is required;
- 8 2. The collection of fingerprints for the Transportation
9 Security Administration for the purpose of performing criminal
10 record checks required under federal regulations governing the
11 issuance of hazardous materials endorsements on commercial driver
12 licenses and the taking, and retention, of fingerprints for that
13 express purpose;
- 14 3. The use, collection, storage or disclosure of a Social
15 Security number relating to a commercial driver license;
- 16 4. Requesting and receiving motor vehicle and driver license
17 records or from having legal access to information in the possession
18 of the Department by law enforcement agencies, provided that such
19 access and requests for such information are specific to individual
20 records and individual persons; or
- 21 5. The administration of the Sex Offenders Registration Act as
22 it applies to the issuance of a Class D driver license or
23 identification card.

24

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

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

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

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