

ENROLLED SENATE
BILL NO. 2229

By: Ellis, Leftwich and Johnson
(Constance) of the Senate

and

Banz and Tibbs of the House

An Act relating to motor vehicles; amending 47 O.S. 2001, Section 6-110.2, as last amended by Section 6, Chapter 159, O.S.L. 2008 (47 O.S. Supp. 2009, Section 6-110.2), which relates to computerized finger imaging; authorizing override of finger image in certain circumstances; requiring means for certain purpose; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2001, Section 6-110.2, as last amended by Section 6, Chapter 159, O.S.L. 2008 (47 O.S. Supp. 2009, Section 6-110.2), is amended to read as follows:

Section 6-110.2 A. The Department of Public Safety shall implement a procedure for computerized finger imaging by means of an inkless finger image scanning device and shall require every applicant for an original, renewal or replacement driver license or identification card to submit to finger imaging for the purposes of proof of identity and to ensure the security of the driver license or identification card issued to the applicant. If the finger image of a person over sixty-five (65) cannot be scanned and the issuing agent can personally verify the individual's identity with alternative identification the finger imaging shall be overridden. Means must be provided to trace to the agent who authorized the override.

B. No unemancipated person under eighteen (18) years of age shall be issued a driver license or identification card by the Department unless an authorization form, prescribed and furnished by the Department, authorizing the finger imaging of the person and signed by the legal custodial parent, legal guardian, or legal custodian of the person, is in the possession of the Department.

C. No law enforcement agency of the state or federal government other than the Department of Public Safety shall have access to any information collected through the use of computerized finger imaging without first obtaining a court order from a judge of competent jurisdiction. Each application for an order authorizing the access to any information collected through the use of computerized finger imaging shall be made in writing upon oath or affirmation to a judge of competent jurisdiction. Each application shall establish probable cause for belief that a named individual is committing, has committed or is about to commit a particular violation of law.

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

SECTION 2. This act shall become effective February 1, 2011."

Passed the Senate the 11th day of May, 2010.

Presiding Officer of the Senate

Passed the House of Representatives the 13th day of April, 2010.

Presiding Officer of the House
of Representatives