

3 Senate Bill No. 2229

4 SENATE BILL NO. 2229 - By: Ellis of the Senate and Banz of the
5 House.

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

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

13 SECTION 1. AMENDATORY 47 O.S. 2001, Section 6-110.2, as
14 last amended by Section 6, Chapter 159, O.S.L. 2008 (47 O.S. Supp.
15 2009, Section 6-110.2), is amended to read as follows:

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

1 Means must be provided to trace to the agent who authorized the
2 override.

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

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

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

21 SECTION 2. This act shall become effective November 1, 2010.

22 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY & HOMELAND SECURITY,
23 dated 2-16-10 - DO PASS, As Amended and Coauthored.