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THE STATE SENATE
Monday, February 23, 2009

Senate Bill No. 289
As Amended

SENATE BILL NO. 289 - By: Brogdon of the Senate and Key of the House.

[motor vehicles - The Religious Freedom and Privacy Protection Act of 2009 - codification - effective date]

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

SECTION 1. 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 act shall be known and may be cited as "The Religious Freedom and Privacy Protection Act of 2009".

B. For the purpose of this section, "biometric data" includes, but is not limited to:

- 1. Fingerprints, palm prints, and other methods for measuring or recording ridge pattern or fingertip characteristics;
- 2. Facial feature pattern characteristics;
- 3. Behavior characteristics of a handwritten signature, such as shape, speed, pressure, pen angle, or sequence;
- 4. Voice data used for comparing live speech with a previously created speech model of a person's voice;

1 5. Iris recognition data containing color or texture patterns
2 or codes;

3 6. Keystroke dynamics, measuring pressure applied to key pads;

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

6 8. Retinal scans, reading through the pupil to measure blood
7 vessels lining the retina; and

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

9 C. The state shall not collect, obtain, or retain any biometric
10 data in connection with motor vehicle registration or operation, or
11 in connection with driver licensing. Refusal to provide such
12 information will have no effect on obtaining a driver license.

13 D. Subsection C of this section shall not apply to:

14 1. The collection or retention of fingerprints for the purpose
15 of enforcing laws relating to serious traffic offenses including,
16 but not limited to, driving while intoxicated, reckless driving,
17 negligent homicide with the use of a motor vehicle, operating a
18 motor vehicle after being declared a habitual motor vehicle
19 offender, or any other motor vehicle offense for which a physical
20 custody arrest was made and bail is required; or

21 2. The taking of fingerprints for the purpose of performing
22 criminal record checks required under federal regulations governing
23 the issuance of hazardous materials endorsements on driver licenses.

1 E. Biometric or non-biometric driver license or identification
2 card data shall not be transferred to any other entity. State
3 database records containing any biometric data or other personal
4 information collected by the state relating to Class D licenses or
5 identification cards cannot be shared or linked with any other state
6 or federal agency.

7 F. Any biometric data previously collected or distributed in
8 any form by any department or agency of this state shall be
9 retrieved and deleted from any and all databases.

10 G. Upon application for a new or renewal of an existing Class D
11 license, any person shall have the option of refusing the state's
12 retention of that person's social security number beyond the need
13 for processing the application or renewal and verifying the license
14 eligibility of that person within the state's child support database
15 pursuant to the provisions of Section 139.1 of Title 43 of the
16 Oklahoma Statutes. Refusal to allow retention of a social security
17 number will not affect the issuance or renewal of the license.

18 SECTION 2. This act shall become effective November 1, 2009.

19 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-18-09 - DO
20 PASS, As Amended and Coauthored.