

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2813

By: Key

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6 AS INTRODUCED

7 An Act relating to motor vehicles; creating the
8 Personal Data-Sharing Transparency Act; amending
9 Section 1, Chapter 159, O.S.L. 2007 (47 O.S. Supp.
10 2009, Section 6-110.3), which relates to the Real ID
11 Act of 2005; prohibiting the implementation of
12 certain federal law; prohibiting participation in
13 certain agreements that link driver license or motor
14 vehicle databases with certain nations; providing for
15 oversight and approval of future personal
16 information-sharing agreements; providing for
17 disclosure of agreements; providing for codification;
18 providing for noncodification; providing an effective
19 date; and declaring an emergency.

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

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

25 This act shall be known and may be cited as the "Personal Data-
26 Sharing Transparency Act".

27 SECTION 2. AMENDATORY Section 1, Chapter 159, O.S.L.
28 2007 (47 O.S. Supp. 2009, Section 6-110.3), is amended to read as
29 follows:
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1 Section 6-110.3 A. 1. The Legislature finds that the
2 enactment into law by the United States Congress of the federal REAL
3 ID Act of 2005, Public Law Number 109-13, is inimical to the
4 security and well-being of the people of Oklahoma, will cause
5 approximately Eight Million Dollars (\$8,000,000.00) in added expense
6 and inconvenience to our state, and was adopted by the United States
7 Congress in violation of the principles of federalism contained in
8 the Tenth Amendment to the United States Constitution.

9 2. The State of Oklahoma shall not participate in the
10 implementation of the REAL ID Act of 2005, or participate in the
11 implementation of any federal law that, by statute or through the
12 promulgation of rules, would require a state to adopt federal or
13 international standards, regarding the issuance of noncommercial
14 driver licenses or identification cards. The Department of Public
15 Safety is hereby directed not to implement the provisions of the
16 REAL ID Act of 2005, or participate in the implementation of any
17 federal law that, by statute or through the promulgation of rules,
18 would require a state to adopt federal or international standards
19 regarding the issuance of noncommercial driver licenses or
20 identification cards, and to report to the Governor and the
21 Legislature any attempt by agencies or agents of the United States
22 Department of Homeland Security to secure the implementation of the
23 REAL ID Act of 2005 through the operations of that or any other
24 state department.

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

6 C. Any biometric data previously collected, obtained, or
7 retained in connection with motor vehicle registration or operation,
8 the issuance or renewal of driver licenses, or the issuance or
9 renewal of any identification cards by any department or agency of
10 this state charged with those activities shall be retrieved and
11 deleted from any and all databases. The provisions of this
12 subsection shall not apply to any data collected, obtained or
13 retained for a purpose other than complying with the REAL ID Act of
14 2005.

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

17 1. Facial feature pattern characteristics;

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

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

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

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- 1 5. Behavior characteristics of a handwritten signature, such as
- 2 shape, speed, pressure, pen angle, or sequence;
- 3 6. Fingerprints, palm prints, and other methods for measuring
- 4 or recording ridge pattern or fingertip characteristics;
- 5 7. Keystroke dynamics, measuring pressure applied to key pads;
- 6 8. Hand geometry, measuring hand characteristics, including the
- 7 shape and length of fingers, in three (3) dimensions; and
- 8 9. Deoxyribonucleic acid (DNA) and/or ribonucleic acid (RNA).

9 SECTION 3. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 6-110.4 of Title 47, unless
11 there is created a duplication in numbering, reads as follows:

12 A. No department or agency of the state charged with motor
13 vehicle registration or operation, the issuance or renewal of driver
14 licenses, or the issuance or renewal of any identification cards,
15 shall participate in the agreement, known as the "American
16 Association of Motor Vehicle Administrators Driver License
17 Agreement", or any similar agreement that facilitates the sharing of
18 personal information contained in noncommercial driver license
19 databases or motor vehicle databases, where such an agreement would
20 include the sharing of personal information with the nation of
21 Mexico, or other nation outside of North America.

22 B. No department or agency of the state charged with motor
23 vehicle registration or operation, the issuance or renewal of driver
24 licenses, or the issuance or renewal of any identification cards,

1 shall enter into any agreement to link databases with, or distribute
2 or disclose personal information that is contained in a database
3 relating to noncommercial driver licenses or identification cards
4 to, any entity without approval by the appropriate committees of
5 oversight in both the Senate and the House of Representatives. The
6 terms and conditions of such an agreement must be disclosed and
7 available to the public, in print and in electronic form, for a
8 period of at least four (4) months prior to hearings for approval of
9 an agreement, and the appropriate committee of oversight shall
10 receive both written and oral testimony by the public, if presented,
11 during the hearing process of such an agreement.

12 SECTION 4. This act shall become effective November 1, 2010.

13 SECTION 5. It being immediately necessary for the preservation
14 of the public peace, health and safety, an emergency is hereby
15 declared to exist, by reason whereof this act shall take effect and
16 be in full force from and after its passage and approval.

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