

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2923

By: Ritze

4  
5 AS INTRODUCED

6  
7 An Act relating to motor vehicles; creating the  
8 Oklahoma Sovereignty Driver License Protection Act;  
9 amending 47 O.S. 2001, Section 6-106, as last amended  
10 by Section 6, Chapter 326, O.S.L. 2007 (47 O.S. Supp.  
11 2009, Section 6-106), which relates to application  
12 for driver licenses; modifying Selective Service  
13 System registration requirements; prohibiting the  
14 Department of Public Safety from retaining certain  
15 information; modifying driver license and  
16 identification card application requirements;  
17 prohibiting the collection, retention or disclosure  
18 of Social Security numbers; prohibiting the  
19 collection of Social Security numbers for driver  
20 licenses, learner permits and identification cards;  
21 specifying certain duties for state agencies and  
22 departments; directing the Department of Public  
23 Safety to remove certain software; prohibiting the  
24 installation of certain software; directing certain  
state agencies to permanently delete certain  
information; providing an exception; defining terms;  
making certain collection or retention procedures  
permissible; directing the Department of Public  
Safety to develop procedures for renewing and  
replacing driver licenses or identification cards by  
mail; prohibiting the use of radio frequency  
identification technology; providing for fee  
increase; providing for codification; providing for  
noncodification; and declaring an emergency.

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

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

3 This act shall be known and may be cited as the "Oklahoma  
4 Sovereignty Driver License Protection Act".

5 SECTION 2. AMENDATORY 47 O.S. 2001, Section 6-106, as  
6 last amended by Section 6, Chapter 326, O.S.L. 2007 (47 O.S. Supp.  
7 2009, Section 6-106), is amended to read as follows:

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

11 2. Every original, renewal, or replacement application for a  
12 driver license or identification card made by a male applicant who  
13 is a citizen of the United States and at least sixteen (16) but less  
14 than ~~twenty six (26) years of age~~ eighteen (18) years and thirty  
15 (30) days old shall include a statement that by submitting the  
16 application, the applicant ~~is consenting to registration~~  
17 acknowledges an obligation to register with the Selective Service  
18 System and that registration shall occur before receiving a renewal  
19 driver license or identification card. ~~The pertinent information~~  
20 ~~from the application shall be forwarded by the Department to the~~  
21 ~~Data Management Center of the Selective Service System in order to~~  
22 ~~register the applicant as required by law with the Selective Service~~  
23 ~~System. Any applicant refusing to sign the consent statement shall~~  
24 ~~be denied a driver license or identification card~~ A male, that is a

1 citizen of the United States and is at least eighteen (18) years and  
2 thirty-one (31) days old but less than twenty-six (26) years old,  
3 shall provide a one-time proof of registration, such as a  
4 "registration acknowledgment card" in order to receive an original,  
5 renewal or replacement driver license or identification card. Upon  
6 providing the one-time proof of registration, the Department shall  
7 not require proof of registration in the future and shall indicate  
8 on the driving record of the applicant that the one-time proof of  
9 registration has been provided. The Department shall confirm the  
10 name on the proof of registration is that of the applicant, but the  
11 Department is prohibited from collecting any additional information  
12 from the proof of registration.

13 3. Every applicant for a driver license or identification card  
14 shall provide to the Department at the time of application both  
15 primary and secondary proofs of identity. The Department shall  
16 promulgate rules prescribing forms of primary and secondary  
17 identification acceptable for an original Oklahoma driver license.  
18 The Department shall not retain information collected from any form  
19 of identification where such retention is prohibited by law.

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 and county~~ County of residence to be  
2 displayed on the license;

3       5. Mailing address to be displayed on the license. The  
4 residence address of the applicant shall be maintained by the  
5 Department for the purpose of giving notice, if necessary, as  
6 required by Section 2-116 of this title;

7       6. Medical information, as determined by the Department, which  
8 shall assure the Department that the person is not prohibited from  
9 being licensed as provided by paragraph 7 of subsection A of Section  
10 6-103 of this title;

11       7. Whether the applicant is deaf or hard-of-hearing;

12       8. A brief description of the applicant, as determined by the  
13 Department;

14       9. Whether the applicant has previously been licensed, and, if  
15 so, when and by what state or country, and whether any license has  
16 ever been suspended or revoked, or whether an application has ever  
17 been refused, and, if so, the date of and reason for the suspension,  
18 revocation or refusal;

19       10. Whether the applicant is an alien eligible to be considered  
20 for licensure and is not prohibited from licensure pursuant to  
21 paragraph 9 of subsection A of Section 6-103 of this title;

22       11. Whether the applicant has:

23           a. previously been licensed and, if so, when and by what  
24               state or country, and

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 only if the applicant is requesting  
4 the issuance of a commercial driver license.

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

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

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

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

17 E. Whenever the Department receives a request for a driving  
18 record from another licensing jurisdiction, the record shall be  
19 forwarded without charge.

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

23 A. An applicant for an original or renewal noncommercial driver  
24 license, learner permit, intermediate Class D license, or

1 identification card shall not be required to provide a Social  
2 Security number, for any reason, in order to obtain a noncommercial  
3 driver license, learner permit, intermediate Class D license or  
4 identification card.

5 B. Beginning on the effective date of this act, the application  
6 form for the issuance of an original or renewal noncommercial driver  
7 license, learner permit, intermediate Class D license or  
8 identification card shall no longer request a Social Security  
9 number.

10 C. Any state agency or department charged with motor vehicle  
11 registration or operation, the issuance or renewal of driver  
12 licenses, or the issuance or renewal of any identification cards,  
13 upon the effective date of this act, shall:

14 1. Cease all biometric comparisons and cease collection of any  
15 biometric data, biometric sample or biometric template;

16 2. Render inoperable any computer software capable of such  
17 comparisons;

18 3. Disconnect, from any computer system, all hardware used  
19 specifically for collecting finger images;

20 4. Modify existing computer software used for collecting facial  
21 images so that facial images collected after the effective date of  
22 this act do not exceed an uncompressed photographic resolution where  
23 the width of the head is forty-nine (49) pixels or more of  
24 resolution, which corresponds to a maximum full image width of

1 eighty-five (85) pixels or more and a maximum image height of one  
2 hundred and six (106) pixels or more;

3 5. Collect facial images, in compliance with this section,  
4 using a white background. No facial image shall be collected using  
5 a blue background so that facial images collected in compliance with  
6 this section may be more readily distinguished from facial images  
7 previously collected at a higher resolution;

8 6. Not require any person submitting to a photograph or facial  
9 image collection to remove prescription corrective eyeglasses or to  
10 provide a specific facial expression;

11 7. Not retain more than one facial image of the individual and  
12 not collect any additional images at the time of a driving  
13 examination or when an identification card or noncommercial driver  
14 license is issued or renewed, unless a previous attempt failed to  
15 collect a full frontal view of the facial image of the individual  
16 that is a reasonable representation of the individual, for the  
17 purpose of identification by a human;

18 8. Retain only the facial image to be printed on the  
19 identification card or noncommercial driver license. All previously  
20 collected images of the individual shall be permanently deleted; and

21 9. Only use the facial image collected by a driver license  
22 examiner as the image used for licensing or identifying the  
23 individual so that the individual shall not be subjected to

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1 collection of an additional facial image when being issued a  
2 noncommercial driver license or identification card.

3 D. At such time, after the effective date of this act, that the  
4 Department enters into any new, renewed or altered contract relating  
5 to equipment or computer software used in conjunction with motor  
6 vehicle registration or operation, the issuance or renewal of driver  
7 licenses, or the issuance or renewal of any identification cards,  
8 the Department shall permanently remove all existing software  
9 capable of making biometric comparisons, even if such software was  
10 previously made inoperable. The Department is further prohibited  
11 from installing software capable of making biometric comparisons  
12 thereafter. Fingerprint imaging software and related equipment,  
13 used exclusively for the collection of fingerprints for hazardous  
14 material commercial driver license issuance, shall be excluded from  
15 the provisions of this subsection.

16 E. Any Social Security number previously collected, obtained or  
17 retained in connection with motor vehicle registration or operation,  
18 the issuance or renewal of any noncommercial driver license, learner  
19 permit, intermediate Class D license or the issuance or renewal of  
20 any identification card, and any biometric data, biometric sample or  
21 biometric template previously collected, obtained or retained in  
22 connection with motor vehicle registration or operation, the  
23 issuance or renewal of any driver license, learner permit,  
24 intermediate Class D license or the issuance or renewal of any

1 identification card, by any agency of this state, charged with those  
2 activities, shall permanently be deleted from all active databases,  
3 archival or back-up storage databases, that are in the possession of  
4 the Department or of any third party relating to those activities,  
5 within ninety (90) days of the effective date of this act. However,  
6 the Department may, at its discretion, employ a computer software  
7 program to permanently and irreversibly modify existing facial  
8 images previously collected and contained in active databases,  
9 archival or back-up databases so that when modified, such facial  
10 images do not exceed an uncompressed photographic resolution where  
11 the width of the head is forty-nine (49) pixels or more of  
12 resolution, which corresponds to a maximum full image width of  
13 eighty-five (85) pixels or more and a maximum image height of one  
14 hundred and six (106) pixels or more, and will be in compliance with  
15 facial image pixel resolution requirements of this section. If the  
16 Department elects to modify existing facial images, collected before  
17 the effective date of this act, then the Department shall develop a  
18 procedure to permanently destroy all such facial images from all  
19 active databases, archival or back-up databases, within ninety (90)  
20 days, once a facial image, that is in full compliance with this  
21 section, is obtained from the individual.

22 F. For purposes of this section, "biometric data", "biometric  
23 sample" and "biometric template" include, but are not limited to:

24 1. Facial feature pattern characteristics;

- 1        2. Computerized facial image or hard copy of the same that when  
2 scanned by electronic means may be used to create a computerized  
3 facial image that exceeds an uncompressed photographic resolution  
4 where the width of the head is forty-nine (49) pixels or more of  
5 resolution, which corresponds to a maximum full image width of  
6 eighty-five (85) pixels or more of resolution, and an image height  
7 of one hundred six (106) pixels or more of resolution;
- 8        3. Voice data used for comparing live speech with a previously  
9 created speech model of the voice of a person;
- 10       4. Iris recognition data containing color or texture patterns  
11 or codes;
- 12       5. Retinal scans, reading through the pupil to measure blood  
13 vessels lining the retina;
- 14       6. Behavior characteristics of a handwritten signature, such as  
15 shape, speed, pressure, pen angle, or sequence;
- 16       7. Fingerprints, palm prints, and other methods for measuring  
17 or recording ridge pattern or fingertip characteristics;
- 18       8. Keystroke dynamics, measuring pressure applied to key pads;
- 19       9. Hand geometry, measuring hand characteristics, including the  
20 shape and length of fingers, in three dimensions; and
- 21       10. Deoxyribonucleic acid (DNA) or ribonucleic acid (RNA).
- 22       G. The provisions of this section shall not be construed as  
23 preventing 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 use of finger imaging software, and related equipment,  
9 only at specific locations designated by the Department, where  
10 fingerprints are collected for the purpose of performing criminal  
11 record checks required under federal regulations governing the  
12 issuance of hazardous materials endorsements on driver licenses and  
13 the taking, and retention, of fingerprints for that 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. Enforcement of laws relating to child support, provided that  
22 such enforcement does not require the collection, retention or  
23 disclosure of a Social Security number of an applicant to the  
24 Department.

1 H. The Department shall develop a procedure whereby an  
2 individual may renew or replace a noncommercial driver license or  
3 identification card by mail, when unable to appear in person for  
4 renewal or replacement. An individual may make an application by  
5 mail for replacement of a noncommercial driver license or  
6 identification card at any time or may apply to renew a  
7 noncommercial driver license or identification card up to six (6)  
8 months in advance of the expiration date of the driver license or  
9 identification card. Any person under twenty-one (21) years of age  
10 shall be able to renew or replace a noncommercial driver license or  
11 identification card by mail one time. Any person over twenty-one  
12 (21) years of age shall be able to renew or replace a noncommercial  
13 driver license or identification card by mail, up to two times  
14 during a period of not more than nine (9) years.

15 I. The Department is prohibited from issuing a noncommercial  
16 driver license or identification card that utilizes the technology  
17 known as "Radio Frequency Identification", "RFID", "Radio Frequency  
18 Technology", or "RFT", or similar technologies or devices, that are  
19 capable of storing and transmitting personally identifiable  
20 information or unique numbers, codes, or algorithms which directly  
21 correlate to personal information held in another location,  
22 database, or device. This subsection shall not be construed as  
23 applying to devices used for identifying persons relating to  
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1 punishment for criminal offenses, where such identification uses are  
2 allowed by law, or for such devices used for toll road passes.

3 J. The Department may increase the fee collected for an  
4 original, renewal or replacement noncommercial driver license or  
5 identification card for the purposes of implementing the provisions  
6 of this act. This fee increase shall not exceed twenty percent  
7 (20%) of the maximum amount collected for similar documents. The  
8 additional collection of such fees shall expire five (5) years from  
9 the effective date of this act. Any increase in fees collected  
10 shall not exceed the actual increase in cost to the Department  
11 incurred in the implementation of this act.

12 SECTION 4. It being immediately necessary for the preservation  
13 of the public peace, health and safety, an emergency is hereby  
14 declared to exist, by reason whereof this act shall take effect and  
15 be in full force from and after its passage and approval.

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