

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2943

By: Kern

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5
6 AS INTRODUCED

7 An Act relating to motor vehicles; creating the
8 Biometric Driver License Religious Exemption 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; directing the Department
19 of Public Safety to include certain statement on
20 application forms for driver licenses and
21 identification cards; providing procedures for
22 applying for certain exemption; defining terms;
23 directing the Department of Public Safety to modify
24 existing computer software to meet certain standards;
providing procedures for storing and collecting
facial images; directing the deletion of certain
images; directing the Department of Public Safety to
establish locations for driver license examinations;
providing time limitation for deletion of social
security numbers and biometric information;
authorizing fee increase; making certain collection
or retention procedures permissible; prohibiting the
use of radio frequency identification technology;
providing for codification; providing for
noncodification; and declaring an emergency.

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 "Biometric
4 Driver License Religious Exemption 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 acknowledgement 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. Upon the effective date of this act, any state agency or
24 department charged with motor vehicle registration or operation, the

1 issuance or renewal of driver licenses, or the issuance or renewal
2 of any identification cards, shall modify the application for the
3 issuance of an original or renewal, noncommercial driver license,
4 learner permit, intermediate Class D license or identification card
5 to include the following statement:

6 "BIOMETRIC AND SOCIAL SECURITY NUMBER RELIGIOUS EXEMPTION"

7 "Because of my religious beliefs, I object to enrollment in an
8 international biometric identification system including, but not
9 limited to, facial recognition and digital fingerprinting, that
10 directly connects my body to identification, the linking of my
11 Social Security number to biometric identification, personal
12 biometric information sharing and to identification using radio
13 frequency identification technology (RFID) or similar technologies."

14 B. Any applicant, signing, or by other means indicating
15 agreement with the "BIOMETRIC AND SOCIAL SECURITY NUMBER RELIGIOUS
16 EXEMPTION," shall be exempt from supplying a Social Security number
17 for the issuance of an original, replacement or renewal,
18 noncommercial driver license, learner permit, intermediate Class D
19 license, or identification card. Any applicant signing, or by other
20 means indicating agreement with the exemption shall be exempt from
21 supplying biometric data, a biometric sample or biometric template.
22 The Department of Public Safety shall be prohibited from collecting,
23 retaining or disclosing the social security number, biometric

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1 sample, biometric template or biometric data of the applicant that
2 may be obtained from, or disclosed to, any other entity.

3 An individual may make an application for the exemption as a
4 replacement for a noncommercial driver license or identification
5 card at any time or as a renewal of a noncommercial driver license
6 or identification card up to six (6) months in advance of the
7 expiration date of the driver license or identification card. Any
8 individual unable to make an application for the exemption in person
9 may make the application by mail, accompanied by proof of
10 identification, notarized request for exemption, and appropriate
11 fees. Upon receipt of an application, received by mail, the
12 Department shall mail the individual the requested noncommercial
13 driver license or identification card that is in compliance with
14 this section. Any existing facial image, if present, that is to be
15 used for such issuance shall be modified by the Department to comply
16 with the provisions of this section or shall be permanently deleted
17 from the database of the Department after printing the document.

18 C. For purposes of this section, "biometric data", "biometric
19 sample" and "biometric template" include, but are not limited to:

- 20 1. Facial feature pattern characteristics;
- 21 2. Computerized facial image or hard copy of the same that when
22 scanned by electronic means may be used to create a computerized
23 facial image that exceeds an uncompressed photographic resolution
24 where the width of the head is forty-nine (49) pixels or more of

1 resolution, which corresponds to a maximum full image width of
2 eighty-five (85) pixels or more of resolution, and an image height
3 of one hundred six (106) pixels or more of resolution;

4 3. Voice data used for comparing live speech with a previously
5 created speech model of the voice of a person;

6 4. Iris recognition data containing color or texture patterns
7 or codes;

8 5. Retinal scans, reading through the pupil to measure blood
9 vessels lining the retina;

10 6. Behavior characteristics of a handwritten signature, such as
11 shape, speed, pressure, pen angle, or sequence;

12 7. Fingerprints, palm prints, and other methods for measuring
13 or recording ridge pattern or fingertip characteristics;

14 8. Keystroke dynamics, measuring pressure applied to key pads;

15 9. Hand geometry, measuring hand characteristics, including the
16 shape and length of fingers, in three dimensions; and

17 10. Deoxyribonucleic acid (DNA) or ribonucleic acid (RNA).

18 D. Upon the effective date of this act, the Department shall
19 cease all biometric comparisons and collection of any biometric
20 data, biometric sample or biometric template of an applicant that
21 signs or indicates by other means agreement with the exemption. The
22 Department shall modify existing computer software used for
23 collecting facial images of an applicant requesting the exemption so
24 that facial images collected after the effective date of this act do

1 not exceed an uncompressed photographic resolution where the width
2 of the head is forty-nine (49) pixels or more of resolution, which
3 corresponds to a maximum full image width of eighty-five (85) pixels
4 or more and a maximum image height of one hundred and six (106)
5 pixels or more. The Department shall store facial images that
6 comply with this subsection in a separate database that is not
7 accessible by any other governmental or nongovernmental entity. The
8 facial images shall not be subject to biometric comparisons. Facial
9 images collected in compliance with this section shall be collected
10 using a white background. No facial image shall be collected using
11 a blue background so that facial images collected in compliance with
12 this section may be more readily distinguished from facial images
13 previously collected at a higher resolution. The Department shall
14 not require an applicant for the exemption to remove prescription
15 corrective eyeglasses or to provide a specific facial expression
16 when a facial image is collected. The Department is prohibited from
17 retaining more than one facial image of the individual applying for
18 an exemption and shall not collect any additional images at the time
19 of a driving examination or when an identification card or
20 noncommercial driver license is issued or renewed, unless a previous
21 attempt to collect a full frontal view of the facial image of the
22 individual failed, for purposes of identification by a human. Only
23 the facial image to be printed on the identification card or
24 noncommercial driver license shall be retained by the Department.

1 All previously collected images of the individual shall be
2 permanently and immediately deleted. A facial image collected by a
3 driver license examiner shall be the image used for licensing or
4 identifying the individual so that the individual shall not be
5 subjected to collection of an additional facial image.

6 E. The Department shall establish locations so that no
7 applicant for the exemption shall have to travel more than seventy-
8 five (75) miles within the state to be examined for the issuance of
9 an original, renewal or replacement noncommercial driver license or
10 identification card. Cameras and software used in those locations
11 must be able to collect a facial image in compliance with the
12 provisions of this section. All such locations shall be so
13 indicated and included in all lists that identify locations for
14 examination or issuance of noncommercial driver licenses or
15 identification cards.

16 F. Upon receipt of an application for exemption, the Department
17 shall, within ninety (90) days of receiving said application,
18 permanently delete from all active databases, archival or backup
19 storage databases, that are in the possession of the Department or
20 of any third party relating to those activities, any social security
21 number, biometric data, biometric sample, biometric template, or
22 facial image, not in compliance with this section, that were
23 previously collected, obtained or retained from any applicant.

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1 G. The Department may collect from an applicant of the
2 exemption, an increased fee for the issuance of an original, renewal
3 or replacement noncommercial driver license or identification card.
4 The fee increase shall not exceed fifty percent (50%) of the cost of
5 a similar identification document that does not comply with the
6 requirements of this section. The additional collection of such fee
7 shall expire five (5) years from the effective date of this act.
8 Any increase in fees collected shall not exceed the actual increase
9 in cost to the Department incurred for the implementation of this
10 act.

11 H. The provisions of this section shall not be construed as
12 preventing the following:

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

20 2. The use of finger imaging software, and related equipment,
21 only at specific locations designated by the Department, where
22 fingerprints are collected for the purpose of performing criminal
23 record checks required under federal regulations governing the
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1 issuance of hazardous materials endorsements on driver licenses and
2 the taking, and retention, of fingerprints for that express purpose;

3 3. The use, collection, storage or disclosure of a Social
4 Security number relating to a commercial driver license;

5 4. Requesting and receiving motor vehicle and driver license
6 records or from having legal access to information in the possession
7 of the Department by law enforcement agencies, provided that such
8 access and requests for such information are specific to individual
9 records and individual persons; or

10 5. Enforcement of laws relating to child support, provided that
11 such enforcement does not require the collection, retention or
12 disclosure of a social security number of an applicant to the
13 Department.

14 I. Any person who has signed or indicated by other means
15 agreement with the exemption shall be exempt from the issuance of a
16 noncommercial driver license or identification card that utilizes
17 the technology known as "Radio Frequency Identification", "RFID",
18 "Radio Frequency Technology", or "RFT", or similar technologies or
19 devices, that are capable of storing and transmitting personally
20 identifiable information or unique numbers, codes, or algorithms
21 which directly correlate to personal information held in another
22 location, database, or device. This subsection shall not be
23 construed as applying to devices used for identifying persons
24 relating to punishment for criminal offenses, where such

1 identification uses are allowed by law, or for such devices used for
2 toll road passes.

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

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