

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 1158

By: Johnson (Constance)

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6 AS INTRODUCED

7 An Act relating to motor vehicles; creating the
8 "Oklahoma Personal Information Protection Act";
9 amending 47 O.S. 2001, as last amended by Section 6,
10 Chapter 326, O.S.L. 2007 (47 O.S. Supp. 2008, Section
11 6-106), which relates to driver license and
12 identification cards; disallowing use of social
13 security numbers; authorizing the retrieval and
14 deletion of certain information; allowing for certain
15 information distribution; establishing specified
16 reporting; providing for codification; providing for
17 noncodification; and providing an effective date.

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

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

21 This act shall be known and may be cited as the "Oklahoma
22 Personal Information Protection Act".

23 SECTION 2. AMENDATORY 47 O.S. 2001, Section 6-106, as
24 last amended by Section 6, Chapter 326, O.S.L. 2007 (47 O.S. Supp.
2008, Section 6-106), is amended to read as follows:

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

4 2. Every original, renewal, or replacement application for a
5 driver license or identification card made by a male applicant who
6 is at least sixteen (16) but less than twenty-six (26) years of age
7 shall include a statement that by submitting the application, the
8 applicant is consenting to registration with the Selective Service
9 System. The pertinent information from the application shall be
10 forwarded by the Department to the Data Management Center of the
11 Selective Service System in order to register the applicant as
12 required by law with the Selective Service System. Any applicant
13 refusing to sign the consent statement shall be denied a driver
14 license or identification card.

15 3. Every applicant for a driver license or identification card
16 shall provide to the Department at the time of application both
17 primary and secondary proofs of identity. The Department shall
18 promulgate rules prescribing forms of primary and secondary
19 identification acceptable for an original Oklahoma driver license.

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 of residence to be displayed on
2 the license;
- 3 5. Mailing address to be maintained by the Department for the
4 purpose of giving notice, if necessary, as required by Section 2-116
5 of this title;
- 6 6. Medical information, as determined by the Department, which
7 shall assure the Department that the person is not prohibited from
8 being licensed as provided by paragraph 7 of subsection A of Section
9 6-103 of this title;
- 10 7. Whether the applicant is deaf or hard-of-hearing;
- 11 8. A brief description of the applicant, as determined by the
12 Department;
- 13 9. Whether the applicant has previously been licensed, and, if
14 so, when and by what state or country, and whether any license has
15 ever been suspended or revoked, or whether an application has ever
16 been refused, and, if so, the date of and reason for the suspension,
17 revocation or refusal;
- 18 10. Whether the applicant is an alien eligible to be considered
19 for licensure and is not prohibited from licensure pursuant to
20 paragraph 9 of subsection A of Section 6-103 of this title; and
- 21 11. Whether the applicant has:
- 22 a. previously been licensed and, if so, when and by what
23 state or country, and
- 24

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.~~

4 No person shall request the Department to use the social security
5 number of that person as the driver license number. Upon renewal or
6 replacement of any driver license issued after ~~the effective date of~~
7 ~~this act~~ July 1, 2001, the licensee shall advise the Department or
8 the motor license agent if the present driver license number of the
9 licensee is the social security number of the licensee. If the
10 driver license number is the social security number, the Department
11 or the motor license agent shall change the driver license number to
12 a computer-generated alphanumeric identification.

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

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

1 D. Whenever application is received from a person previously
2 licensed in another jurisdiction, the Department shall request a
3 copy of the driving record from the other jurisdiction and,
4 effective September 1, 2005, from all other jurisdictions in which
5 the person was licensed within the immediately previous ten (10)
6 years. When received, the driving record shall become a part of the
7 driving record of the person in this state with the same force and
8 effect as though entered on the driver's record in this state in the
9 original instance.

10 E. Whenever the Department receives a request for a driving
11 record from another licensing jurisdiction, the record shall be
12 forwarded without charge.

13 SECTION 3. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 6-110.5 of Title 47, unless
15 there is created a duplication in numbering, reads as follows:

16 A. An applicant for a new or renewal of a driver license or
17 identification card shall not be required to provide the Social
18 Security number of the person in the application. The applicant
19 shall not be prevented from obtaining a driver license or
20 identification card because the person does not provide a Social
21 Security number.

22 B. Upon the effective date of this act, the application form
23 for the issuance of a new or renewal driver license or
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1 identification card shall no longer request a Social Security
2 number.

3 C. Any Social Security number previously collected, obtained,
4 or retained in connection with motor vehicle registration or
5 operation, the issuance or renewal of driver licenses, or the
6 issuance or renewal of any identification cards by any department or
7 agency of this state charged with those activities, including data
8 contained in archival or back-up storage that is in the possession
9 of the Department of Public Safety or any third party relating to
10 those activities shall be retrieved and permanently deleted from any
11 and all databases within six (6) months of the effective date. Only
12 data that has been so purged of Social Security numbers shall be re-
13 submitted to archival storage, back-up, or to active databases.
14 Until the Social Security numbers are permanently removed from all
15 databases, no law enforcement agency of the state or federal
16 government, other than the Department, shall have access to the
17 information contained in any active, archival, or back-up database
18 in possession of the Department or any third party that by contract
19 is in possession of the information, without first obtaining a court
20 order from a judge of competent jurisdiction. Each application for
21 an order authorizing the access to any information defined herein
22 shall be made in writing upon oath or affirmation to a judge of
23 competent jurisdiction. Each application shall establish probable

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1 cause for belief that a named individual is committing, has
2 committed or is about to commit a particular violation of law.

3 D. The committee that has oversight of the Department shall,
4 within six (6) months appoint a person or persons, of proper
5 technical and legal proficiency, who shall be required to verify
6 that the Department, its policies, procedures, practices, and agents
7 are in compliance with the terms, conditions, specification, and
8 requirements contained in this section. Such person or persons
9 shall provide a report to the committee within one hundred twenty
10 (120) days after appointment and shall make additional inspections
11 and provide their findings every six (6) months thereafter, for a
12 period of not less than five (5) years after the effective date.
13 The findings of such person or persons shall be made public,
14 electronically and in hard copy, within one hundred twenty (120)
15 days upon the submission of such findings to the committee. The
16 person or persons appointed by the committee shall be current state
17 employees, such as an auditor or information technology expert, that
18 are not employees of the Department. The cost for this third party
19 verification, if any, shall be appropriated from the budget of the
20 Department.

21 SECTION 4. This act shall become effective November 1, 2009.

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