

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 HOUSE BILL 2339

By: Key

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5
6 AS INTRODUCED

7 An Act relating to motor vehicles; creating the
8 Biometric and Social Security Number Religious
9 Exemption Act; amending 47 O.S. 2011, Section 6-101,
10 which relates to driver license class requirements
11 and fees; authorizing collection of fee; directing
12 deposit of fee in the Department of Public Safety
13 Computer Imaging System Revolving Fund; amending 47
14 O.S. 2011, Section 6-106, which relates to
15 application for driver licenses; prohibiting the
16 Department of Public Safety from retaining certain
17 information; amending 47 O.S. 2011, Section 6-110.3,
18 which relates to the federal REAL ID Act; deleting
19 requirement that certain data be retrieved and
20 deleted from databases; deleting certain definition;
21 stating when certain provision shall become
22 effective; defining terms; directing the Department
23 of Public Safety to include certain statement on
24 application forms for driver licenses and
identification cards; providing certain exemptions to
persons who sign exemption form; directing the
Department of Public Safety to cease collecting,
retaining and disclosing biometric data; providing
procedures for storing and collecting facial images;
prohibiting retention of facial images; requiring
deletion of facial images and biometric data under
certain circumstances; providing exceptions to
photograph and fingerprint retention and collection
requirements; making certain persons exempt from
being issued driver licenses and identification cards
that utilize radio frequency identification
technology; providing persons and entities immunity
from certain liability; providing for codification;
providing for noncodification; and providing an
effective date.

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

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

4 This act shall be known and may be cited as the "Biometric and
5 Social Security Number Religious Exemption Act".

6 SECTION 2. AMENDATORY 47 O.S. 2011, Section 6-101, is
7 amended to read as follows:

8 Section 6-101. A. No person, except those hereinafter
9 expressly exempted in Section 6-102 of this title, shall operate any
10 motor vehicle upon a highway in this state unless the person has a
11 valid Oklahoma driver license for the class of vehicle being
12 operated under the provisions of this title. No person shall be
13 permitted to possess more than one valid license at any time.

14 B. 1. No person shall operate a Class A commercial motor
15 vehicle unless the person is eighteen (18) years of age or older and
16 holds a valid Class A commercial license, except as provided in
17 paragraph 5 of this subsection. Any person holding a valid Class A
18 commercial license shall be permitted to operate motor vehicles in
19 Classes A, B, C and D, except as provided for in paragraph 4 of this
20 subsection.

21 2. No person shall operate a Class B commercial motor vehicle
22 unless the person is eighteen (18) years of age or older and holds a
23 valid Class B commercial license. Any person holding a valid Class
24 B commercial license shall be permitted to operate motor vehicles in

1 Classes B, C and D, except as provided for in paragraph 4 of this
2 subsection.

3 3. No person shall operate a Class C commercial motor vehicle
4 unless the person is eighteen (18) years of age or older and holds a
5 valid Class C commercial license. Any person holding a valid Class
6 C commercial license shall be permitted to operate motor vehicles in
7 Classes C and D, except as provided for in paragraph 4 of this
8 subsection.

9 4. No person under twenty-one (21) years of age shall be
10 licensed to operate any motor vehicle which is required to be
11 placarded for hazardous materials pursuant to 49 C.F.R., Part 172,
12 subpart F; provided, a person eighteen (18) years of age or older
13 may be licensed to operate a farm vehicle which is required to be
14 placarded for hazardous materials pursuant to 49 C.F.R., Part 172,
15 subpart F.

16 5. A person at least seventeen (17) years of age who
17 successfully completes all examinations required by law may be
18 issued by the Department:

- 19 a. a restricted Class A commercial license which shall
20 grant to the licensee the privilege to operate a Class
21 A or Class B commercial motor vehicle for harvest
22 purposes or a Class D motor vehicle, or
23 b. a restricted Class B commercial license which shall
24 grant to the licensee the privilege to operate a Class

1 B commercial motor vehicle for harvest purposes or a
2 Class D motor vehicle.

3 6. No person shall operate a Class D motor vehicle unless the
4 person is sixteen (16) years of age or older and holds a valid Class
5 D license, except as provided for in Section 6-102 or 6-105 of this
6 title. Any person holding a valid Class D license shall be
7 permitted to operate motor vehicles in Class D only.

8 C. Any person issued a driver license pursuant to this section
9 may exercise the privilege thereby granted upon all streets and
10 highways in this state.

11 D. No person shall operate a motorcycle or motor-driven cycle
12 without having a valid Class A, B, C or D license with a motorcycle
13 endorsement. Except as otherwise provided by law, any new applicant
14 for an original driver license shall be required to successfully
15 complete a written examination, vision examination, and driving
16 examination for a motorcycle as prescribed by the Department of
17 Public Safety to be eligible for a motorcycle endorsement thereon.
18 The driving examination for a motorcycle may be waived by the
19 Department of Public Safety upon verification that the person has
20 successfully completed a certified Motorcycle Safety Foundation
21 rider course approved by the Department.

22 E. Except as otherwise provided by law, any person who lawfully
23 possesses a valid Oklahoma driver license which is eligible for
24 renewal shall be required to successfully complete a written

1 examination, vision examination, and driving examination for a
2 motorcycle as prescribed by the Department to be eligible for a
3 motorcycle endorsement; provided, however, the Department may waive
4 all such examinations until July 1, 2000, upon satisfactory proof
5 that the applicant has regularly operated a motorcycle or motor-
6 driven cycle for a minimum of two (2) years immediately preceding
7 the application.

8 F. 1. Any person eighteen (18) years of age or older may apply
9 for a restricted Class A, B or C commercial license. The
10 Department, after the applicant has passed all parts of the
11 examination for a Class D license and has successfully passed all
12 parts of the examination for a Class A, B or C commercial license
13 other than the driving examination, may issue to the applicant a
14 restricted driver license which shall entitle the applicant having
15 immediate possession of the license to operate a Class A, B or C
16 commercial motor vehicle upon the public highways solely for the
17 purpose of behind-the-wheel training in accordance with rules
18 promulgated by the Department.

19 2. This restricted driver license shall be issued for a period
20 as provided in Section 6-115 of this title; provided, such
21 restricted license may be suspended, revoked, canceled, or denied at
22 the discretion of the Department for violation of the restrictions,
23 for failing to give the required or correct information on the
24 application, or for violation of any traffic laws of this state

1 pertaining to the operation of a motor vehicle. Except as otherwise
2 provided, the lawful possessor of a restricted license who has been
3 issued a restricted license for a minimum of thirty (30) days may
4 have the restriction requiring an accompanying driver removed by
5 satisfactorily completing a driver's examination; provided, the
6 removal of a restriction shall not authorize the operation of a
7 Class A, B or C commercial motor vehicle if such operation is
8 otherwise prohibited by law.

9 G. 1. The fee charged for an approved application for an
10 original Oklahoma driver license or an approved application for the
11 addition of an endorsement to a current valid Oklahoma driver
12 license shall be assessed in accordance with the following schedule:

13	Class A Commercial License	\$25.00
14	Class B Commercial License	\$15.00
15	Class C Commercial License	\$15.00
16	Class D License	\$ 4.00 <u>\$5.00</u>
17	Motorcycle Endorsement	\$ 4.00

18 2. Notwithstanding the provisions of Section 1104 of this
19 title, all monies collected from the fees charged for Class A, B and
20 C commercial licenses pursuant to the provisions of this subsection
21 shall be deposited in the General Revenue Fund of this state.

22 3. One Dollar (\$1.00) from the Class D license fee shall be
23 deposited to the Department of Public Safety Computer Imaging System
24 Revolving Fund to be disbursed between the Department of Public

1 Safety and the Department of Human Services, as provided for in an
2 interagency agreement, for the purpose of information collection
3 and administration pursuant to Section 240.12 of Title 56 of the
4 Oklahoma Statutes.

5 H. The fee charged for any failed examination shall be Four
6 Dollars (\$4.00) for any license classification. Notwithstanding the
7 provisions of Section 1104 of this title, all monies collected from
8 such examination fees pursuant to the provisions of this subsection
9 shall be deposited in the General Revenue Fund of this state.

10 I. 1. In addition to any fee charged pursuant to the
11 provisions of subsection G of this section, the fee charged for the
12 issuance or renewal of an Oklahoma license which is not in a
13 computerized image format shall be in accordance with the following
14 schedule:

15	Class A Commercial License	\$40.50
16	Class B Commercial License	\$40.50
17	Class C Commercial License	\$30.50
18	Class D License	\$20.50 <u>\$21.50</u>

19 Notwithstanding the provisions of Section 1104 of this title, of
20 each fee charged pursuant to this paragraph:

21 a. Five Dollars and fifty cents (\$5.50) shall be
22 deposited to the Trauma Care Assistance Revolving Fund
23 created in Section 1-2530.9 of Title 63 of the
24 Oklahoma Statutes, ~~and~~

1 b. Five Dollars and seventy-five cents (\$5.75) shall be
2 deposited to the Department of Public Safety Computer
3 Imaging System Revolving Fund to be used solely for
4 the purpose of administration and maintenance of the
5 computerized imaging system of the Department, and

6 c. One Dollar (\$1.00) from the Class D license fee shall
7 be deposited to the Department of Public Safety
8 Computer Imaging System Revolving Fund to be disbursed
9 between the Department of Public Safety and the
10 Department of Human Services, as provided for in an
11 interagency agreement, for the purpose of information
12 collection and administration pursuant to Section
13 240.12 of Title 56 of the Oklahoma Statutes.

14 2. In addition to any fee charged pursuant to the provisions of
15 subsection G of this section, the fee charged for the issuance or
16 renewal of an Oklahoma license which is in a computerized image
17 format shall be in accordance with the following schedule:

18 Class A Commercial License	\$41.50
19 Class B Commercial License	\$41.50
20 Class C Commercial License	\$31.50
21 Class D License	\$21.50 <u>\$22.50</u>

22 Notwithstanding the provisions of Section 1104 of this title, of
23 each fee charged pursuant to the provisions of this paragraph:

1 a. Five Dollars and fifty cents (\$5.50) shall be
2 deposited to the Trauma Care Assistance Revolving Fund
3 created in Section 330.97 of Title 63 of the Oklahoma
4 Statutes, ~~and~~

5 b. Six Dollars and seventy-five cents (\$6.75) shall be
6 deposited to the Department of Public Safety Computer
7 Imaging System Revolving Fund to be used solely for
8 the purpose of administration and maintenance of the
9 computerized imaging system of the Department, and

10 c. One Dollar (\$1.00) from the Class D license fee shall
11 be deposited to the Department of Public Safety
12 Computer Imaging System Revolving Fund to be disbursed
13 between the Department of Public Safety and the
14 Department of Human Services, as provided for in an
15 interagency agreement, for the purpose of information
16 collection and administration pursuant to Section
17 240.12 of Title 56 of the Oklahoma Statutes.

18 J. All original and renewal driver licenses shall expire as
19 provided in Section 6-115 of this title.

20 K. Any person sixty-two (62) years of age or older during the
21 calendar year of issuance of a Class D license or motorcycle
22 endorsement shall be charged the following prorated fee:

23	Age 62	\$11.25
24	Age 63	\$ 7.50

1 N. Notwithstanding the provisions of Section 1104 of this title
2 and subsection M of this section and except as provided in
3 subsections G and I of this section, the first Sixty Thousand
4 Dollars (\$60,000.00) of all monies collected pursuant to this
5 section shall be paid by the Oklahoma Tax Commission to the State
6 Treasurer to be deposited in the General Revenue Fund of the State
7 Treasury.

8 The next Five Hundred Thousand Dollars (\$500,000.00) of monies
9 collected pursuant to this section shall be paid by the Tax
10 Commission to the State Treasurer to be deposited each fiscal year
11 under the provisions of this section to the credit of the Department
12 of Public Safety Revolving Fund for the purpose of the Statewide Law
13 Enforcement Communications System. All other monies collected in
14 excess of Five Hundred Sixty Thousand Dollars (\$560,000.00) each
15 fiscal year shall be apportioned as provided in Section 1104 of this
16 title, except as otherwise provided in this section.

17 O. The Department of Public Safety shall implement a procedure
18 whereby images displayed on licenses and identification cards issued
19 pursuant to the provisions of Sections 6-101 through 6-309 of this
20 title are maintained by the Department to create photographs or
21 computerized images which may be used only:

22 1. By a law enforcement agency for purposes of criminal
23 investigations, missing person investigations, or any law
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1 enforcement purpose which is deemed necessary by the Commissioner of
2 Public Safety;

3 2. By the driver licensing agency of another state for its
4 official purpose; and

5 3. As provided in Section 2-110 of this title.

6 The computer system and related equipment acquired for this
7 purpose must conform to industry standards for interoperability and
8 open architecture. The Department of Public Safety may promulgate
9 rules to implement the provisions of this subsection.

10 SECTION 3. AMENDATORY 47 O.S. 2011, Section 6-106, is
11 amended to read as follows:

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

15 2. Every original, renewal, or replacement application for a
16 driver license or identification card made by a male applicant who
17 is at least sixteen (16) but less than twenty-six (26) years of age
18 shall include a statement that by submitting the application, the
19 applicant is consenting to registration with the Selective Service
20 System. The pertinent information from the application shall be
21 forwarded by the Department to the Data Management Center of the
22 Selective Service System in order to register the applicant as
23 required by law with the Selective Service System. Any applicant
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1 refusing to sign the consent statement shall be denied a driver
2 license or identification card.

3 3. Every applicant for a driver license or identification card
4 shall provide to the Department at the time of application both
5 primary and secondary proofs of identity. The Department shall
6 promulgate rules prescribing forms of primary and secondary
7 identification acceptable for an original Oklahoma driver license.

8 B. Every applicant for a driver license shall state upon the
9 application the following information:

10 1. Full name;

11 2. Date of birth;

12 3. Sex;

13 4. Residence address or mailing address and county of residence
14 to be displayed on the license;

15 5. Mailing address and residence address to be maintained by
16 the Department for the purpose of giving notice, if necessary, as
17 required by Section 2-116 of this title;

18 6. Medical information, as determined by the Department, which
19 shall assure the Department that the person is not prohibited from
20 being licensed as provided by paragraph 7 of subsection A of Section
21 6-103 of this title;

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

23 8. A brief description of the applicant, as determined by the
24 Department;

1 9. Whether the applicant has previously been licensed, and, if
2 so, when and by what state or country, and whether any license has
3 ever been suspended or revoked, or whether an application has ever
4 been refused, and, if so, the date of and reason for the suspension,
5 revocation or refusal;

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

9 11. Whether the applicant has:

10 a. previously been licensed and, if so, when and by what
11 state or country, and

12 b. held more than one license at the same time during the
13 immediately preceding ten (10) years; and

14 12. Social security number.

15 No person shall request the Department to use the social security
16 number of that person as the driver license number. Upon renewal or
17 replacement of any driver license issued after the effective date of
18 this act, the licensee shall advise the Department or the motor
19 license agent if the present driver license number of the licensee
20 is the social security number of the licensee. If the driver
21 license number is the social security number, the Department or the
22 motor license agent shall change the driver license number to a
23 computer-generated alphanumeric identification.

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1 C. In addition to the requirements of subsections A and B of
2 this section, every applicant for a commercial driver license with a
3 hazardous material endorsement shall submit to a security threat
4 assessment performed by the Transportation Security Administration
5 of the Department of Homeland Security as required by and pursuant
6 to 49 C.F.R., Part 1572, which shall be used to determine whether
7 the applicant is eligible for the endorsement pursuant to federal
8 law and regulation.

9 The Department of Public Safety shall notify each commercial
10 driving school of the passage of this section, and each commercial
11 driving school shall notify prospective students of its school of
12 the hazardous material endorsement requirement.

13 D. Upon the effective date of this act and in addition to the
14 requirements of subsections A and B of this section, every applicant
15 shall be given an option on the application for issuance of a driver
16 license or identification card or renewal pursuant to Section 6-115
17 of this title to provide an emergency contact person. The emergency
18 contact information requested may include full name, address, and
19 phone number. The emergency contact information shall be maintained
20 by the Department and shall be used by the Department and law
21 enforcement for emergency purposes only. A person listed as an
22 emergency contact may request to be removed at any time. Any update
23 to a change of name, address, or phone number may be made by the
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1 applicant listing the emergency contact person or by the person
2 listed as the emergency contact.

3 E. 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. Unless otherwise provided by law, the Department
12 is prohibited from collecting, retaining or disclosing a Social
13 Security number received from another jurisdiction, agency or other
14 entity, for the purpose of issuing a Class D driver license, learner
15 permit, intermediate Class D driver license, or identification card.

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

19 G. To facilitate compliance with the provisions of this
20 section, the Department of Public Safety shall collect from
21 applicants and transmit to the Department of Human Services the
22 identification, location and other information described in Section
23 240.12 of Title 56 of the Oklahoma Statutes. Data shall not be
24 purged from the computer system of the Department of Public Safety

1 until after the requisite data has been successfully transferred to
2 the Department of Human Services.

3 SECTION 4. AMENDATORY 47 O.S. 2011, Section 6-110.3, is
4 amended to read as follows:

5 Section 6-110.3 A. 1. The Legislature finds that the
6 enactment into law by the United States Congress of the federal REAL
7 ID Act of 2005, Public Law Number 109-13, is inimical to the
8 security and well-being of the people of Oklahoma, will cause
9 approximately Eight Million Dollars (\$8,000,000.00) in added expense
10 and inconvenience to our state, and was adopted by the United States
11 Congress in violation of the principles of federalism contained in
12 the Tenth Amendment to the United States Constitution.

13 2. The State of Oklahoma shall not participate in the
14 implementation of the REAL ID Act of 2005. The Department of Public
15 Safety is hereby directed not to implement the provisions of the
16 REAL ID Act of 2005 and to report to the Governor and the
17 Legislature any attempt by agencies or agents of the United States
18 Department of Homeland Security to secure the implementation of the
19 REAL ID Act of 2005 through the operations of that or any other
20 state department.

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

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

12 ~~D. For purposes of this section, "biometric data" includes, but~~
13 ~~is not limited to:~~

14 ~~1. Facial feature pattern characteristics;~~

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

17 ~~3. Iris recognition data containing color or texture patterns~~
18 ~~or codes;~~

19 ~~4. Retinal scans, reading through the pupil to measure blood~~
20 ~~vessels lining the retina;~~

21 ~~5. Behavior characteristics of a handwritten signature, such as~~
22 ~~shape, speed, pressure, pen angle, or sequence;~~

23 ~~6. Fingerprints, palm prints, and other methods for measuring~~
24 ~~or recording ridge pattern or fingertip characteristics;~~

1 ~~7. Keystroke dynamics, measuring pressure applied to key pads;~~

2 ~~8. Hand geometry, measuring hand characteristics, including the~~
3 ~~shape and length of fingers, in three (3) dimensions; and~~

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

5 SECTION 5. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 6-110.4 of Title 47, unless
7 there is created a duplication in numbering, reads as follows:

8 A. This section shall become effective with the implementation
9 of the next new contract for a driver license and identification
10 card vendor, but in any case no later than January 1, 2013. The
11 contract shall contain procedures and provide for software necessary
12 to meet the requirements of this section.

13 B. For the purposes of this section:

14 1. "Biometric data", "biometric sample" or "biometric template"
15 means, but is not limited to:

16 a. facial feature pattern characteristics,

17 b. a computerized facial image, or a hard copy of a
18 facial image that, when scanned by electronic means,
19 may be used to create a computerized facial image,
20 which exceeds an uncompressed photographic resolution
21 where the width of the head is forty-nine (49) pixels
22 or more of resolution, which corresponds to a maximum
23 full image width of eighty-five (85) pixels or more of

1 resolution, and an image height of one hundred six
2 (106) pixels or more of resolution,

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

6 d. iris recognition data containing color or texture
7 patterns or codes,

8 e. retinal scans, reading through the pupil to measure
9 blood vessels lining the retina,

10 f. behavior characteristics of a handwritten signature,
11 such as shape, speed, pressure, pen angle, or
12 sequence,

13 g. fingerprints, palm prints, and other methods for
14 measuring or recording ridge pattern or fingertip
15 characteristics,

16 h. keystroke dynamics, measuring pressure applied to key
17 pads,

18 i. hand geometry, measuring hand characteristics,
19 including the shape and length of fingers, in three
20 dimensions, and

21 j. deoxyribonucleic acid (DNA) or ribonucleic acid
22 (RNA);

23 2. "Class D driver license" means an original, renewal, or
24 replacement Class D driver license, a learner permit, or an

1 intermediate Class D driver license issued by the Department of
2 Public Safety in accordance with Section 6-101 et. seq of Title 47
3 of the Oklahoma Statutes;

4 3. "Exemption" means the exemption as described in subsection C
5 of this section; and

6 4. "Identification card" means an original, renewal, or
7 replacement identification card issued by the Department of Public
8 Safety in accordance with Section 6-105.3 of Title 47 of the
9 Oklahoma Statutes.

10 C. The Department of Public Safety shall modify the application
11 for the issuance of a Class D driver license or an identification
12 card to contain a statement of exemption, to include the following
13 language:

14 "BIOMETRIC AND SOCIAL SECURITY NUMBER RELIGIOUS EXEMPTION"
15 "Because of my religious beliefs, I object to enrollment in an
16 international biometric identification system including, but not
17 limited to, facial recognition and digital fingerprinting, that
18 directly connects my body to identification, the linking of my
19 Social Security number to biometric identification, personal
20 biometric information sharing and to identification using radio
21 frequency identification technology (RFID) or similar technologies."

22 D. 1. Any applicant who has signed the exemption, or by other
23 means has indicated agreement with and acceptance of the exemption,
24

1 shall be exempt from supplying biometric data to the Department of
2 Public Safety.

3 2. A current Class D driver licensee or identification card
4 holder may make an application for a replacement or renewal of the
5 license or identification card for the purpose of signing the
6 exemption at any time in accordance with applicable laws regarding
7 issuance, renewal or replacement of a Class D driver license or an
8 identification card.

9 3. Any applicant who has signed the exemption, or by other
10 means has indicated agreement with and acceptance of the exemption
11 when applying for the issuance, renewal or replacement of a Class D
12 driver license or an identification card, shall be exempt from
13 having the Social Security number of the applicant retained in an
14 active database by the Department of Public Safety for longer than
15 seventy-two (72) hours, or until such time the Social Security
16 number is disclosed to the Department of Human Services. Upon
17 receipt of an application for exemption, the Department of Public
18 Safety shall, within ninety (90) days of receiving the application,
19 permanently delete from all active databases, archival, or backup
20 storage databases that are in the possession of the Department, any
21 Social Security number that was previously collected, obtained or
22 retained from the applicant. The Department of Public Safety shall
23 be prohibited from retaining the Social Security number in an active
24 database longer than seventy-two (72) hours or until such time the

1 Social Security number is disclosed to the Department of Human
2 Services.

3 4. 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 twelve (12) months in advance of the
7 expiration date of the driver license or identification card. Any
8 individual that is out-of-state and unable to make an application
9 for the exemption in person may make the application by mail,
10 accompanied by proof of identification and appropriate fees. Upon
11 receipt of an application, received by mail, the Department shall
12 mail the individual the requested noncommercial driver license or
13 identification card that is in compliance with this section. Any
14 existing facial image, if present, that is to be used for such
15 issuance shall be modified by the Department to comply with the
16 photo resolution provisions of this section or shall be permanently
17 deleted from the database of the Department after printing the
18 document. A modified facial image, made to comply with the photo
19 resolution provisions of this section, is not required to have a
20 white background.

21 E. The Department of Public Safety shall cease collecting,
22 retaining or disclosing biometric data, biometric samples or
23 biometric templates from and making biometric comparisons of an
24

1 applicant who has signed the exemption. The Department shall store
2 facial images of applicants who sign the exemption:

3 1. In the format where the facial image collected does not
4 exceed an uncompressed photographic resolution where the width of
5 the head is forty-nine (49) pixels or more of resolution, which
6 corresponds to a maximum full image width of eighty-five (85) pixels
7 or more and a maximum image height of one hundred and six (106)
8 pixels or more; and

9 2. In a separate database that is not accessible by any other
10 governmental or nongovernmental entity.

11 F. The facial image of an applicant who has signed the
12 exemption shall be collected by the Department of Public Safety in
13 compliance with this section, and:

14 1. Shall be collected using a white background; and

15 2. Shall not be collected using a blue background so that the
16 image may be more readily distinguished from facial images collected
17 at a higher resolution and subjected to facial recognition.

18 G. The Department of Public Safety shall not require an
19 applicant who has signed the exemption to remove prescription
20 corrective eyeglasses when the Department collects a facial image of
21 the applicant; provided, the applicant shall be prohibited from
22 wearing sunglasses of any kind when the Department collects a facial
23 image of the applicant.

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1 H. The Department of Public Safety shall not retain at any time
2 more than one facial image of an applicant who has signed the
3 exemption. Only the facial image printed on the most current Class
4 D driver license or identification card issued to the applicant
5 shall be retained by the Department. All previously collected
6 images of the applicant shall be permanently and immediately deleted
7 as provided in subsection I of this section, and the collection by
8 the Department of Public Safety of any new facial image of the
9 applicant who has signed the exemption shall cause any previous
10 facial image to be permanently and immediately deleted. The
11 Department of Public Safety may disclose the facial image of an
12 applicant retained in the database of the Department of Public
13 Safety only to a law enforcement officer, law enforcement agency,
14 the Department of Human Services for purposes of child support
15 enforcement, or to the public for assistance in locating a person of
16 interest or a missing person, provided that access to the facial
17 image is limited to one name, one record and one facial image.
18 Nothing in this section shall be construed as preventing a motor
19 license agent from performing his or her duties as required by law.

20 I. Upon receipt of a signed exemption, the Department of Public
21 Safety shall, within ninety (90) days of receiving the application,
22 permanently delete from all active, archival, backup, and storage
23 databases in the possession of the Department any biometric data
24 previously collected, obtained or retained from the applicant.

1 J. The provisions of this section shall not be construed to
2 prevent the following:

3 1. The collection or retention of photographs or fingerprints,
4 including for biometric comparisons, for the purpose of enforcing
5 laws relating to serious traffic offenses including, but not limited
6 to, driving while intoxicated, reckless driving, negligent homicide
7 with the use of a motor vehicle, operating a motor vehicle after
8 being declared a habitual motor vehicle offender, or any other
9 offense for which a physical custody arrest is required;

10 2. The collection of fingerprints for the Transportation
11 Security Administration for the purpose of performing criminal
12 record checks required under federal regulations governing the
13 issuance of hazardous materials endorsements on commercial driver
14 licenses and the taking, and retention, of fingerprints for that
15 express purpose;

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

18 4. Requesting and receiving motor vehicle and driver license
19 records or from having legal access to information in the possession
20 of the Department by law enforcement agencies, provided that such
21 access and requests for such information are specific to individual
22 records and individual persons; or

1 5. The administration of the Sex Offenders Registration Act as
2 it applies to the issuance of a Class D driver license or
3 identification card.

4 K. Any person who has signed the exemption shall be exempt from
5 the issuance of a Class D driver license or identification card in
6 which is utilized the technology known as "Radio Frequency
7 Identification", "RFID", "Radio Frequency Technology", or "RFT", or
8 similar technologies or devices, should the Department of Public
9 Safety ever incorporate those technologies or devices into the Class
10 D driver license or identification card, that are capable of storing
11 and transmitting personally identifiable information or unique
12 numbers, codes, or algorithms which directly correlate to personal
13 information held in another location, database, or device.

14 L. A law enforcement officer, the employing agency of the
15 officer, the Department of Public Safety, and the State of Oklahoma
16 shall be immune from any liability for any loss or hardship suffered
17 by a Class D licensee or identification card holder because the
18 licensee or card holder signed the exemption.

19 SECTION 6. This act shall become effective December 31, 2012.

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21 53-2-8894 GRS 12/16/11

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