

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

HOUSE BILL 2153

By: Echols

AS INTRODUCED

An Act relating to driver licenses; directing the Department of Public Safety to include certain exemption provision on driver license and identification card applications; providing certain exemption to persons who sign exemption form; directing the Department of Public Safety to cease collecting, retaining and disclosing biometric data for certain licensees and cardholders; providing procedures for storing and collecting facial images; prohibiting retention of facial images; requiring deletion of facial images and biometric data; providing exceptions to photograph retention and collection requirements; providing immunity from liability; defining terms; repealing 47 O.S. 2011, Section 6-110.3, which relates to the federal REAL ID Act of 2005; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-111.1 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. Beginning January 1, 2016, the Department of Public Safety shall modify the application for the issuance of a Class D driver license or an identification card to contain a statement of

1 exemption. The statement of exemption shall contain the following
2 language:

3 "BIOMETRIC IDENTIFICATION RELIGIOUS EXEMPTION"

4 "Because of my religious beliefs, I object to enrollment in an
5 international biometric identification system including, but not
6 limited to, facial recognition and digital fingerprinting that
7 directly connects my body to identification and personal biometric
8 information sharing."

9 B. Any applicant for a driver license or identification card
10 who has signed the biometric identification religious exemption
11 shall be exempt from supplying biometric data to the Department of
12 Public Safety.

13 C. 1. A current Class D driver licensee or identification
14 cardholder may submit an application for a replacement or renewal of
15 the driver license or identification card upon signing the exemption
16 at any time in accordance with applicable laws regarding issuance,
17 renewal or replacement of a Class D driver license or an
18 identification card.

19 2. Any existing facial image, if present, that is to be used
20 for such issuance of a driver license or identification card shall
21 be modified by the Department to comply with the photo resolution
22 provisions of this section or shall be permanently deleted from the
23 database of the Department after printing the document.
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1 D. The Department of Public Safety shall cease collecting,
2 retaining or disclosing biometric data, biometric samples or
3 biometric templates from and making biometric comparisons of an
4 applicant who has signed the biometric identification religious
5 exemption. The Department shall store facial images of applicants
6 who sign the exemption:

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

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

15 E. The Department of Public Safety shall not retain at any time
16 more than one facial image of an applicant who has signed the
17 exemption. Only the facial image printed on the most current Class
18 D driver license or identification card issued to the applicant
19 shall be retained by the Department. All previously collected
20 images of the applicant shall be permanently and immediately
21 deleted, and the collection by the Department of Public Safety of
22 any new facial image of the applicant who has signed the exemption
23 shall cause any previous facial image to be permanently and
24 immediately deleted.

1 F. The Department of Public Safety may disclose the facial
2 image of an applicant who signed the exemption that is retained in
3 the database of the Department of Public Safety only to a law
4 enforcement officer, law enforcement agency, the Department of Human
5 Services for purposes of child support enforcement or to the public
6 for assistance in locating a person of interest or a missing person,
7 provided that access to the facial image is limited to one name, one
8 record and one facial image of the person. Nothing in this section
9 shall be construed as preventing a motor license agent from
10 performing his or her duties as required by law.

11 G. The provisions of this section shall not be construed to
12 prevent 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 collection of fingerprints for the Transportation
21 Security Administration for the purpose of performing criminal
22 record checks required under federal regulations governing the
23 issuance of hazardous materials endorsements on commercial driver
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1 licenses and the taking, and retention, of fingerprints for that
2 express purpose;

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

8 4. The administration of the Sex Offenders Registration Act as
9 it applies to the issuance of a driver license or identification
10 card.

11 H. A law enforcement officer, the employing agency of the
12 officer, the Department of Public Safety and the State of Oklahoma
13 shall be immune from any liability for any loss or hardship suffered
14 by a Class D licensee or identification cardholder because the
15 licensee or cardholder signed the biometric identification religious
16 exemption.

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

19 1. Facial feature pattern characteristics;

20 2. Computerized facial image or hard copy of the same that when
21 scanned by electronic means may be used to create a computerized
22 facial image that exceeds an uncompressed photographic resolution
23 where 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 of resolution, and an image height
2 of one hundred six (106) pixels or more of resolution;

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

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

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

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

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

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

14 9. Hand geometry, measuring hand characteristics, including the
15 shape and length of fingers, in three (3) dimensions; and

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

17 SECTION 2. REPEALER 47 O.S. 2011, Section 6-110.3, is
18 hereby repealed.

19 SECTION 3. This act shall become effective November 1, 2015.

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