

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               2nd Session of the 56th Legislature (2018)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2711

By: Echols

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9                               COMMITTEE SUBSTITUTE

10           An Act relating to motor vehicles; amending 47 O.S.  
11           2011, Section 6-110.3, as last amended by Section 1,  
12           Chapter 376, O.S.L. 2017 (47 O.S. Supp. 2017, Section  
13           6-110.3), which relates to driver licenses; directing  
14           the Department of Public Safety to provide notice of  
15           its use of facial recognition software or hardware;  
16           modifying term used in certain definition; and  
17           providing an effective date.

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

19           SECTION 1.           AMENDATORY           47 O.S. 2011, Section 6-110.3, as  
20           last amended by Section 1, Chapter 376, O.S.L. 2017 (47 O.S. Supp.  
21           2017, Section 6-110.3), is amended to read as follows:

22           Section 6-110.3   A.   The Legislature finds that the enactment  
23           into law by the United States Congress of the federal REAL ID Act of  
24           2005, Public Law Number 109-13, is an action that individual  
          Oklahomans should have an option to refuse under the principles of

1 federalism contained in the Tenth Amendment to the United States  
2 Constitution.

3 B. The State of Oklahoma shall offer its citizens the option of  
4 choosing a Compliant Driver License or Identification Card or a  
5 Noncompliant Driver License or Identification Card.

6 C. In carrying out the provisions of this ~~Act~~ act, the State of  
7 Oklahoma shall not share with the federal government any personal  
8 information or biometric data obtained from an applicant for an  
9 Oklahoma REAL ID ~~compliant~~ Compliant or ~~noncompliant driver license~~  
10 Noncompliant Driver License or ~~identification card~~ Identification  
11 Card except as required by the REAL ID Act of 2005, Public Law  
12 Number 109-13. Provided, this subsection shall not prevent the  
13 sharing of such information between agencies, boards, commissions or  
14 political subdivisions of this state or as otherwise permitted by  
15 law.

16 D. The Department of Public Safety shall be required to provide  
17 notice to applicants for an Oklahoma REAL ID Compliant or  
18 Noncompliant Driver License or Identification Card of its use of  
19 facial recognition hardware or software and the purposes for which  
20 it is being used.

21 E. For purposes of this section, "biometric data" includes, but  
22 is not limited to:

23 1. Facial ~~feature pattern characteristics~~ recognition hardware  
24 or software;

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

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

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

7        5. Behavior characteristics of a handwritten signature, such as  
8 shape, speed, pressure, pen angle, or sequence;

9        6. Fingerprints, palm prints, and other methods for measuring  
10 or recording ridge pattern or fingertip characteristics;

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

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

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

15       SECTION 2. This act shall become effective November 1, 2018.

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17 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02/28/2018 - DO PASS,  
18 As Amended.