

<DateSubmitted>

HOUSE OF REPRESENTATIVES  
CONFERENCE COMMITTEE REPORT

Mr. President:  
Mr. Speaker:

The Conference Committee, to which was referred

**HB1465**

By: Echols of the House and Dahm of the Senate

Title: Driver licenses; allowing certain warrant for information disclosure; emergency.

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Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from its amendment; and
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

House Action \_\_\_\_\_ Date \_\_\_\_\_ Senate Action \_\_\_\_\_ Date \_\_\_\_\_

**SENATE CONFEREES**

Allen \_\_\_\_\_  
 Bass \_\_\_\_\_  
 Bergstrom \_\_\_\_\_  
 Bice \_\_\_\_\_  
 Boggs \_\_\_\_\_  
 Brecheen \_\_\_\_\_  
 Brown \_\_\_\_\_  
 Dahm \_\_\_\_\_  
 Daniels \_\_\_\_\_  
 David \_\_\_\_\_  
 Dossett \_\_\_\_\_  
 Dugger \_\_\_\_\_  
 Fields \_\_\_\_\_  
 Floyd \_\_\_\_\_  
 Fry \_\_\_\_\_  
 Griffin \_\_\_\_\_  
 Holt \_\_\_\_\_  
 Jech \_\_\_\_\_  
 Kidd \_\_\_\_\_  
 Leewright \_\_\_\_\_  
 Marlatt \_\_\_\_\_  
 Matthews \_\_\_\_\_  
 McCortney \_\_\_\_\_  
 Newberry \_\_\_\_\_

Newhouse \_\_\_\_\_  
 Paxton \_\_\_\_\_  
 Pederson \_\_\_\_\_  
 Pemberton \_\_\_\_\_  
 Pittman \_\_\_\_\_  
 Pugh \_\_\_\_\_  
 Quinn \_\_\_\_\_  
 Rader \_\_\_\_\_  
 Scott \_\_\_\_\_  
 Sharp \_\_\_\_\_  
 Shaw \_\_\_\_\_  
 Silk \_\_\_\_\_  
 Simpson \_\_\_\_\_  
 Smalley \_\_\_\_\_  
 Sparks \_\_\_\_\_  
 Standridge \_\_\_\_\_  
 Stanislawski \_\_\_\_\_  
 Sykes \_\_\_\_\_  
 Thompson \_\_\_\_\_  
 Yen \_\_\_\_\_

House Action \_\_\_\_\_ Date \_\_\_\_\_ Senate Action \_\_\_\_\_ Date \_\_\_\_\_



STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

CONFERENCE COMMITTEE  
SUBSTITUTE  
FOR ENGROSSED  
HOUSE BILL NO. 1465

By: Echols and Brumbaugh of the  
House

and

Dahm of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to driver licenses; amending 47 O.S. 2011, Section 6-110.3, as amended by Section 4 of Enrolled House Bill No. 1845 of the 1st Session of the 56th Oklahoma Legislature, which relates to REAL ID; limiting the sharing of certain information; amending 47 O.S. 2011, Section 11-1112, as last amended by Section 1, Chapter 396, O.S.L. 2015 (47 O.S. Supp. 2016, Section 11-1112), which relates to child passenger restraint system requirements; providing exception from rear-facing requirement for children of physically disabled parent under certain conditions; providing for codification; and declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 2011, Section 6-110.3, as amended by Section 4 of Enrolled House Bill No. 1845 of the 1st Session of the 56th Oklahoma Legislature, is amended to read as follows:

1       Section 6-110.3 A. The Legislature finds that the enactment  
2 into law by the United States Congress of the federal REAL ID Act of  
3 2005, Public Law Number 109-13, is an action that individual  
4 Oklahomans should have an option to refuse under the principles of  
5 federalism contained in the Tenth Amendment to the United States  
6 Constitution.

7       B. The State of Oklahoma shall offer its citizens the option of  
8 choosing a Compliant Driver License or Identification Card or a  
9 Noncompliant Driver License or Identification Card.

10       C. ~~The~~ As it relates to the provisions of this Act, the State  
11 of Oklahoma shall not share its citizens' personal information or  
12 biometric data with the federal government directly, except as a  
13 ~~result of compliance with~~ required by the REAL ID Act of 2005,  
14 Public Law Number 109-13, or as allowed by the REAL ID Act of 2005  
15 pursuant to a lawful warrant.

16       D. For purposes of this section, "biometric data" includes, but  
17 is not limited to:

- 18       1. Facial feature pattern characteristics;
- 19       2. Voice data used for comparing live speech with a previously  
20 created speech model of a person's voice;
- 21       3. Iris recognition data containing color or texture patterns  
22 or codes;
- 23       4. Retinal scans, reading through the pupil to measure blood  
24 vessels lining the retina;

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

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

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

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

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

9 SECTION 2. AMENDATORY 47 O.S. 2011, Section 11-1112, as  
10 last amended by Section 1, Chapter 396, O.S.L. 2015 (47 O.S. Supp.  
11 2016, Section 11-1112), is amended to read as follows:

12 Section 11-1112. A. Every driver, when transporting a child  
13 under eight (8) years of age in a motor vehicle operated on the  
14 roadways, streets, or highways of this state, shall provide for the  
15 protection of said child by properly using a child passenger  
16 restraint system as follows:

17 1. A child under four (4) years of age shall be properly  
18 secured in a child passenger restraint system. ~~The~~ Except as  
19 provided in subsection G of this section, the child passenger  
20 restraint system shall be rear-facing until the child reaches two  
21 (2) years of age or until the child reaches the weight or height  
22 limit of the rear-facing child passenger restraint system as allowed  
23 by the manufacturer of the child passenger restraint system,  
24 whichever occurs first; and

1        2. A child at least four (4) years of age but younger than  
2 eight (8) years of age, if not taller than 4 feet 9 inches in  
3 height, shall be properly secured in either a child passenger  
4 restraint system or child booster seat.

5        For purposes of this section and Section 11-1113 of this title,  
6 "child passenger restraint system" means an infant or child  
7 passenger restraint system which meets the federal standards as set  
8 by 49 C.F.R., Section 571.213.

9        B. If a child is eight (8) years of age or is taller than 4  
10 feet 9 inches in height, a seat belt properly secured to the vehicle  
11 shall be sufficient to meet the requirements of this section.

12        C. The provisions of this section shall not apply to:

13        1. The driver of a school bus, taxicab, moped, motorcycle, or  
14 other motor vehicle not required to be equipped with safety belts  
15 pursuant to state or federal laws;

16        2. The driver of an ambulance or emergency vehicle;

17        3. The driver of a vehicle in which all of the seat belts are  
18 in use;

19        4. The transportation of children who for medical reasons are  
20 unable to be placed in such devices, provided there is written  
21 documentation from a physician of such medical reason; or

22        5. The transportation of a child who weighs more than forty  
23 (40) pounds and who is being transported in the back seat of a  
24 vehicle while wearing only a lap safety belt when the back seat of

1 the vehicle is not equipped with combination lap and shoulder safety  
2 belts, or when the combination lap and shoulder safety belts in the  
3 back seat are being used by other children who weigh more than forty  
4 (40) pounds. Provided, however, for purposes of this paragraph,  
5 back seat shall include all seats located behind the front seat of a  
6 vehicle operated by a licensed child care facility or church.  
7 Provided further, there shall be a rebuttable presumption that a  
8 child has met the weight requirements of this paragraph if at the  
9 request of any law enforcement officer, the licensed child care  
10 facility or church provides the officer with a written statement  
11 verified by the parent or legal guardian that the child weighs more  
12 than forty (40) pounds.

13 D. A violation of the provisions of this section shall be  
14 admissible as evidence in any civil action or proceeding for damages  
15 unless the plaintiff in such action or proceeding is a child under  
16 sixteen (16) years of age.

17 In any action brought by or on behalf of an infant for personal  
18 injuries or wrongful death sustained in a motor vehicle collision,  
19 the failure of any person to have the infant properly restrained in  
20 accordance with the provisions of this section shall not be used in  
21 aggravation or mitigation of damages.

22 E. A person who is certified as a Child Passenger Safety  
23 Technician and who in good faith provides inspection, adjustment, or  
24 educational services regarding child passenger restraint systems



1 shall not be liable for civil damages resulting from any act or  
2 omission in providing such services, other than acts or omissions  
3 constituting gross negligence or willful or wanton misconduct.

4 F. Any person convicted of violating subsection A of this  
5 section shall be punished by a fine of Fifty Dollars (\$50.00) and  
6 shall pay all court costs thereof. Revenue from such fine shall be  
7 apportioned to the Department of Public Safety Restricted Revolving  
8 Fund and used by the Oklahoma Highway Safety Office to promote the  
9 use of child passenger restraint systems as provided in Section 11-  
10 1113 of this title. This fine shall be suspended and the court  
11 costs limited to a maximum of Fifteen Dollars (\$15.00) in the case  
12 of the first offense upon proof of purchase or acquisition by loan  
13 of a child passenger restraint system. Provided, the Department of  
14 Public Safety shall not assess points to the driving record of any  
15 person convicted of a violation of this section.

16 G. A driver of a vehicle who has been rightfully issued a  
17 detachable placard indicating physical disability under the  
18 provisions of Section 15-112 of this title or a physically disabled  
19 license plate under the provisions of Section 1135.1 or 1135.2 of  
20 this title and valid letter of forward-facing exemption issued from  
21 the Department of Public Safety shall be permitted to transport a  
22 child passenger under four (4) years of age in a forward-facing  
23 child passenger restraint system. The placard and forward-facing  
24 exemption letter must be present in the vehicle to be in compliance.

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

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