

STATE OF OKLAHOMA

2nd Session of the 52nd Legislature (2010)

AS INTRODUCED

An Act relating to motor vehicles; creating the Oklahoma Sovereignty, Driver License Protection Act; 47 O.S. 2001, Section 6-106, as last amended by Section 6, Chapter 326, O.S.L. 2007 (47 O.S. Supp. 2008, Section 6-106), which relates to driver license applications; protecting residents from enrollment into an international biometric identification system; deleting certain application requirement; modifying requirement concerning social security numbers; prohibiting collection of social security numbers and biometrics for driver licenses, learner permits and identification cards; deletion of social security numbers and biometric information from active; archives and back-up storage; changes driver license photo specifications, allows specific uses of biometrics by law enforcement; prohibits certain technologies for driver licenses and identification cards; provides for increase in certain fees; provides for codification; providing for noncodification; 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 not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Oklahoma Sovereignty, Driver License Protection Act."

SECTION 2. AMENDATORY 47 O.S. 2001, Section 6-106, as 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 a citizen of the United States and at least sixteen (16) but less  
7 than ~~twenty-six (26) years of age~~ eighteen years and 30 days old,  
8 shall include a statement that by submitting the application, the  
9 applicant acknowledges an obligation to register with the ~~is~~  
10 ~~consenting to registration with the~~ Selective Service System and  
11 that registration must occur before receiving a renewal driver  
12 license or identification card. A male, that is a citizen of the  
13 United States and is at least eighteen (18) years and thirty one  
14 (31) days old but less than twenty six (26) years old, must provide  
15 a one-time proof of registration, such as a "registration  
16 acknowledgement card," in order to receive an original, renewal or  
17 replacement driver license or identification card. Upon providing  
18 the one-time proof of registration, the Department shall not require  
19 proof of registration in the future and shall indicate on the  
20 applicant's record that the one-time proof of registration has been  
21 provided. The Department shall confirm the name on the proof of  
22 registration is that of the applicant, but the Department is  
23 prohibited from collecting any additional information from the proof  
24 of registration. ~~The pertinent information from the application~~

1 ~~shall be forwarded by the Department to the Data Management Center~~  
2 ~~of the Selective Service System in order to register the applicant~~  
3 ~~as required by law with the Selective Service System. Any applicant~~  
4 ~~refusing to sign the consent statement shall be denied a driver~~  
5 ~~license or identification card.~~

6 3. Every applicant for a driver license or identification card  
7 shall provide to the Department at the time of application both  
8 primary and secondary proofs of identity. The Department shall  
9 promulgate rules prescribing forms of primary and secondary  
10 identification acceptable for an original Oklahoma driver license,  
11 but shall not retain information collected from any form of  
12 identification, where such retention is, prohibited by law.

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

15 1. Full name;

16 2. Date of birth;

17 3. Sex;

18 4. Residence address and county of residence to be displayed on  
19 the license;

20 5. Mailing address, to be displayed on the license instead of  
21 residence address, and/or to be maintained by the Department for the  
22 purpose of giving notice, if necessary, as required by Section 2-116  
23 of this title, or to be placed on ;

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1       6. Medical information, as determined by the Department, which  
2 shall assure the Department that the person is not prohibited from  
3 being licensed as provided by paragraph 7 of subsection A of Section  
4 6-103 of this title;

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

6       8. A brief description of the applicant, as determined by the  
7 Department;

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

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

16       11. Whether the applicant has:

17           a. previously been licensed and, if so, when and by what  
18           state or country, and

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

21       12. Social security number only if the applicant is requesting  
22 the issuance of a commercial driver license.

23 No person shall request the Department to use the social security  
24 number of that person as the driver license number. Upon renewal or

1 replacement of any driver license issued after the effective date of  
2 this act, the licensee shall advise the Department or the motor  
3 license agent if the present driver license number of the licensee  
4 is the social security number of the licensee. If the driver  
5 license number is the social security number, the Department or the  
6 motor license agent shall change the driver license number to a  
7 computer-generated alphanumeric identification.

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

16 The Department of Public Safety shall notify each commercial  
17 driving school of the passage of this section, and each commercial  
18 driving school shall notify prospective students of its school of  
19 the hazardous material endorsement requirement.

20 D. Whenever application is received from a person previously  
21 licensed in another jurisdiction, the Department shall request a  
22 copy of the driving record from the other jurisdiction and,  
23 effective September 1, 2005, from all other jurisdictions in which  
24 the person was licensed within the immediately previous ten (10)

1 years. When received, the driving record shall become a part of the  
2 driving record of the person in this state with the same force and  
3 effect as though entered on the driver's record in this state in the  
4 original instance. The Department is prohibited from collecting,  
5 retaining or disclosing a Social Security number received from  
6 another jurisdiction, agency or other entity, for the purpose of  
7 issuing a non-commercial driver license or identification card, but  
8 shall collect a Social Security number for the issuance of a  
9 commercial driver license.

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.

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14 SECTION 3. NEW LAW A new section of law to be codified in  
15 the Oklahoma Statutes as Section 6-110.4 of Title 47, unless there  
16 is created a duplication in numbering, reads as follows:

17 A. An applicant for an original or renewal, non-commercial  
18 driver license, learner permit, intermediate Class D license, or  
19 identification card shall not be required to provide a social  
20 security number, for any reason, in order to obtain a non-commercial  
21 driver license, learner permit, intermediate Class D license or  
22 identification card.

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1 B. Beginning on the effective date of this act, the  
2 application form for the issuance of an original or renewal non-  
3 commercial driver license, learner permit, intermediate Class D  
4 license or identification card shall no longer request a social  
5 security number.

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7 C. Any state agency or department charged with motor vehicle  
8 registration or operation, the issuance or renewal of driver  
9 licenses, or the issuance or renewal of any identification cards,  
10 herein the Department, upon the effective date of this act, shall:

- 11 1. cease all biometric comparisons, and cease collection of any  
12 biometric data, biometric sample or biometric template, and
- 13 2. render inoperable any computer software capable of such  
14 comparisons, and
- 15 3. disconnect, from any computer system, all hardware used  
16 specifically for collecting finger images, and
- 17 4. modify existing computer software used for collecting facial  
18 images, so that facial images collected after the effective  
19 date of this act, do not exceed an uncompressed photographic  
20 resolution where the width of the head is forty-nine (49)  
21 pixels or more of resolution, which corresponds to a maximum  
22 full image width of eighty-five (85) pixels or more and a  
23 maximum image height of one hundred and six (106) pixels or  
24 more, and

- 1       5. collect facial images, in compliance with this section,  
2       using a white background and no facial image shall be  
3       collected using a blue background so that facial images  
4       collected in compliance with this section may be more  
5       readily distinguished from facial images previously  
6       collected at a higher resolution, and
- 7       6. not require any person submitting to a photograph or facial  
8       image collection to remove prescription corrective  
9       eyeglasses or to provide a specific facial expression, and
- 10      7. not retain more than one (1) facial image of the individual,  
11      and shall not collect any additional images, at the time of  
12      a driving examination or when an identification card or non-  
13      commercial driver license is issued or renewed, unless a  
14      previous attempt failed to collect a full frontal view of  
15      the individual's facial image that is a reasonable  
16      representation of the individual, for the purpose of  
17      identification by a human, and
- 18      8. retain only the facial image to be printed on the  
19      identification card or non-commercial driver license, and  
20      all previously collected images of the individual shall be  
21      permanently deleted, and
- 22      9. shall only use the facial image, collected by a driver  
23      license examiner, as the image used for licensing or  
24      identifying the individual so that the individual shall not



1 be subjected to collection of an additional facial image,  
2 when issued a non-commercial driver license or  
3 identification card.

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5 D. At such time, after the effective date of this act, that  
6 the Department enters into any new, renewed or altered contract  
7 relating to equipment or computer software used in conjunction with  
8 motor vehicle registration or operation, the issuance or renewal of  
9 driver licenses, or the issuance or renewal of any identification  
10 cards, the Department shall permanently remove all existing software  
11 capable of making biometric comparisons, even if such software was  
12 previously made inoperable, and the Department is prohibited from  
13 installing software, capable of making biometric comparisons,  
14 thereafter. Fingerprint imaging software and related equipment, used  
15 exclusively for the collection of fingerprints for hazardous  
16 material commercial driver license issuance are excluded.

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18 E. Any social security number previously collected, obtained  
19 or retained in connection with motor vehicle registration or  
20 operation, the issuance or renewal of any non-commercial driver  
21 license, learner permit, intermediate Class D license or the  
22 issuance or renewal of any identification card, and any biometric  
23 data, biometric sample or biometric template previously collected,  
24 obtained or retained in connection with motor vehicle registration

1 or operation, the issuance or renewal of any driver license, learner  
2 permit, intermediate Class D license or the issuance or renewal of  
3 any identification card, by any agency of this state, charged with  
4 those activities, shall permanently be deleted from all active  
5 databases, archival or back-up storage databases, that are in the  
6 possession of the Department or of any third party relating to those  
7 activities, within three (3) months of the effective date of this  
8 act. However, the Department may, at its discretion, employ a  
9 computer software program to permanently and irreversibly modify  
10 existing facial images previously collected and contained in active  
11 databases, archival or back-up databases so that, when modified,  
12 such facial images do not exceed an uncompressed photographic  
13 resolution where the width of the head is forty-nine (49) pixels or  
14 more of resolution, which corresponds to a maximum full image width  
15 of eighty-five (85) pixels or more and a maximum image height of one  
16 hundred and six (106) pixels or more, so that all retained facial  
17 images are in compliance with facial image pixel resolution  
18 requirements of this section. If the Department elects to modify  
19 existing facial images, collected before the effective date of this  
20 act, then the Department shall develop a procedure to permanently  
21 destroy all such facial images, from all active databases, archival  
22 or back-up databases, within three (3) months, once a facial image,  
23 that is in full compliance with this section, is obtained from the  
24 individual.

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2 F. For purposes of this section, "biometric data", "biometric  
3 sample", and " biometric template" include, but are not limited to:

4 1. Facial feature pattern characteristics;

5 2. Computerized facial image or hard copy of the same that when  
6 scanned by electronic means may be used to create a computerized  
7 facial image that exceeds an uncompressed photographic resolution  
8 where the width of the head is forty-nine (49) pixels or more of  
9 resolution, which corresponds to a maximum full image width of  
10 eighty-five (85) pixels or more of resolution, and an image height  
11 of one hundred six (106) pixels or more of resolution;

12 3. Voice data used for comparing live speech with a previously  
13 created speech model of a person's voice;

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

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

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

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

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

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

1 10. Deoxyribonucleic acid (DNA) and/or ribonucleic acid (RNA).

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3 G. This Section shall not be construed as preventing the  
4 following;

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

12 2. The use of finger imaging software, and related equipment,  
13 only at specific locations designated by the Department, where  
14 fingerprints are collected for the purpose of performing criminal  
15 record checks required under federal regulations governing the  
16 issuance of hazardous materials endorsements on driver licenses and  
17 the taking, and retention, of fingerprints for that express purpose.

18 3. The use, collection, storage or disclosure of a Social  
19 Security number relating to a commercial driver license.

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

1       5. Enforcement of laws relating to child support, provided  
2 that such enforcement does not require the collection, retention or  
3 disclosure of a Social Security number of an applicant, to the  
4 Department.

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6       H. The Department shall develop a procedure whereby an  
7 individual may renew, or replace, a non-commercial driver license or  
8 identification card by mail, when unable to appear in person for  
9 renewal or replacement. An individual may make an application by  
10 mail for replacement of a non-commercial driver license or  
11 identification card, at any time, or apply to renew a non-commercial  
12 driver license or identification card, up to six (6) months in  
13 advance of expiration date. Any person under the age of twenty-one  
14 (21) shall be able to renew or replace a non-commercial driver  
15 license or identification card by mail, one (1) time, and any person  
16 over the age of twenty-one (21) years, shall be able to renew, or  
17 replace, a non-commercial driver license or identification card by  
18 mail, up to two (2) times, during a period of no more than nine (9)  
19 years.

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21       I. The Department is prohibited from issuing a non-commercial  
22 driver license or identification card that utilizes the technology  
23 known as "Radio Frequency Identification", "RFID", "Radio Frequency  
24 Technology", or "RFT", or similar technologies or devices, that are

1 capable of storing and transmitting personally identifiable  
2 information or unique numbers, codes, or algorithms which directly  
3 correlate to personal information held in another location,  
4 database, or device. This subsection shall not be construed as  
5 applying to devices used for identifying persons relating to  
6 punishment for criminal offenses, where such identification uses are  
7 allowed by law, or for such devices used for toll road passes.

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9 J. The Department may increase the fee collected for an  
10 original, renewed or replacement, non-commercial driver license or  
11 identification card, for the purpose of implementing this act. This  
12 increase shall not exceed twenty percent (20%) of the maximum amount  
13 collected before the effective date of this act, for similar  
14 documents, and that the additional collection of such fees shall not  
15 exceed five (5) years, of the effective date of this act. Any  
16 increase in fees collected shall not exceed the actual increase in  
17 cost to the Department incurred in the implementation of this act.

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

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