

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
3 BILL NO. 1465

By: Echols and Brumbaugh of the
House

4 and

5 Dahm of the Senate

6
7
8 [driver licenses - regulating the storage of certain
9 information related to applications for certain
10 driver licenses and identification cards -
11 providing for photoless driver license and
12 identification cards under certain conditions -
13 emergency]

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16 AMENDMENT NO. 1. Page 1, strike the stricken title, enacting clause
17 and entire bill and insert

18 "An Act relating to driver licenses; amending 47 O.S.
19 2011, Section 6-110.3, as amended by Section 4 of
20 Enrolled House Bill No. 1845 of the 1st Session of
21 the 56th Oklahoma Legislature, which relates to
22 compliance of the REAL ID Act of 2005; modifying
23 certain requirements for disclosure; prohibiting
24 certain distribution; and declaring an emergency.

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

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

5 Section 6-110.3. A. The Legislature finds that the enactment
6 into law by the United States Congress of the federal REAL ID Act of
7 2005, Public Law Number 109-13, is an action that individual
8 Oklahomans should have an option to refuse under the principles of
9 federalism contained in the Tenth Amendment to the United States
10 Constitution.

11 B. The State of Oklahoma shall offer its citizens the option of
12 choosing a Compliant Driver License or Identification Card or a
13 Noncompliant Driver License or Identification Card.

14 C. ~~The State of Oklahoma shall not share its citizens' personal~~
15 ~~information or biometric data with the federal government directly,~~
16 ~~except as a result of compliance with the REAL ID Act of 2005,~~
17 ~~Public Law Number 109-13~~ The Department of Public Safety shall not
18 provide biometric data of citizens who choose the Noncompliant
19 Driver License or Identification Card option to any court,
20 governmental entity or law enforcement agency without a valid
21 warrant. Facial recognition software shall not be used for any
22 other purpose other than to determine that the applicant has only
23 one license in his or her name or any other name in the State of
24 Oklahoma.

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

- 3 1. Facial feature pattern characteristics;
- 4 2. Voice data used for comparing live speech with a previously
5 created speech model of a person's voice;
- 6 3. Iris recognition data containing color or texture patterns
7 or codes;
- 8 4. Retinal scans, reading through the pupil to measure blood
9 vessels lining the retina;
- 10 5. Behavior characteristics of a handwritten signature, such as
11 shape, speed, pressure, pen angle, or sequence;
- 12 6. Fingerprints, palm prints, and other methods for measuring
13 or recording ridge pattern or fingertip characteristics;
- 14 7. Keystroke dynamics, measuring pressure applied to key pads;
- 15 8. Hand geometry, measuring hand characteristics, including the
16 shape and length of fingers, in three (3) dimensions; and
- 17 9. Deoxyribonucleic acid (DNA) and/or ribonucleic acid (RNA).

18 SECTION 2. It being immediately necessary for the preservation
19 of the public peace, health or safety, an emergency is hereby
20 declared to exist, by reason whereof this act shall take effect and
21 be in full force from and after its passage and approval."
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15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 3. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 6-110.7 of Title 47, unless
18 there is created a duplication in numbering, reads as follows:

19 A. Personally identifiable information required to be provided
20 during the application process for a REAL ID Noncompliant Driver
21 License or Identification Card shall be stored in a separate and
22 siloed database from REAL ID Compliant Driver License and
23 Identification Card information.
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1 B. 1. For purposes of this section, "personally identifiable
2 information" means:

- 3 a. the individual's full legal name,
- 4 b. the individual's date of birth,
- 5 c. the individual's gender,
- 6 d. the individual's driver license or identification card
7 number,
- 8 e. biometric data including digital facial photographs,
9 facial biometrics, finger images and minutia data,
- 10 f. the individual's address of principal residence, and
- 11 g. the individual's signature.

12 2. For purposes of this section, personally identifiable
13 information shall not mean an individual's Social Security number.

14 C. The Department of Public Safety shall create and offer to
15 applicants for REAL ID Noncompliant Driver Licenses and
16 Identification Cards a biometric data waiver.

17 D. Upon the acceptance of a completed biometric data waiver the
18 Department:

19 1. Shall provide a paper receipt to the waiver applicant
20 acknowledging acceptance of the completed biometric data waiver;

21 2. Shall delete all data as described in subparagraph e of
22 paragraph 1 of subsection B of this section and any duplications of
23 such data, related to the waiver applicant, within ninety (90) days
24 of collection;

1 3. Shall not utilize any data described in subparagraph e of
2 paragraph 1 of subsection B of this section, related to the waiver
3 applicant, for any purpose other than the performance of background
4 checks, to determine if the applicant is currently licensed under
5 another name;

6 4. Shall not provide any data described in subparagraph e of
7 paragraph 1 of subsection B of this section, related to the waiver
8 applicant, to any third-party entity for the purpose of performing
9 any type of background checks; and

10 5. Shall not provide any data described in subparagraph e of
11 paragraph 1 of subsection B of this section, related to the waiver
12 applicant, to any court, governmental entity or law enforcement
13 agency without a valid warrant.

14 E. Applicants with felony convictions shall be disqualified
15 from submitting the waiver described in subsection C of this
16 section.

17 F. To ensure compliance with the provisions of this section,
18 the Department shall:

19 1. Attest compliance to the provisions of this section not less
20 than every six (6) months; and

21 2. Be subject to compliance audits once a year related to the
22 provisions of this section by the State Chief Information Officer
23 and the Office of the State Auditor and Inspector.

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1 G. No applicant for renewal of a REAL ID Noncompliant Driver
2 License or Identification Card shall be required to provide
3 additional data as described in subparagraph e of paragraph 1 of
4 subsection B of this section, provided such applicant can produce
5 the valid REAL ID Noncompliant Driver License or Identification Card
6 the applicant is seeking to renew.

7 H. The Department shall issue a REAL ID Noncompliant Driver
8 License or Identification Card that lacks a photo to an otherwise
9 qualified applicant who requests an exemption from such photo for
10 religious reasons. The application process for such a driver
11 license or identification card shall require the fingerprinting of
12 each of the applicant's index fingers; provided, such data and any
13 duplications of such data shall be deleted within ninety (90) days
14 of collections.

15 I. The Department of Public Safety shall promulgate rules as
16 necessary to implement the provisions of this section.

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

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1 Passed the House of Representatives the 20th day of March, 2017.

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3 _____
4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2017.

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8 _____
9 Presiding Officer of the Senate