

An Act

ENROLLED HOUSE
BILL NO. 1465

By: Echols and Brumbaugh of the
House

and

Schulz of the Senate

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; and declaring an emergency.

SUBJECT: Public safety

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:

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

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

C. ~~The~~ In carrying out the provisions of this Act, the State of Oklahoma shall not share its citizens' with the federal government any personal information or biometric data with the federal government directly, obtained from an applicant for an Oklahoma REAL ID compliant or noncompliant driver license or identification card except as a result of compliance with required by the REAL ID Act of 2005, Public Law Number 109-13. Provided, this subsection shall not prevent the sharing of such information between agencies, boards, commissions or political subdivisions of this state or as otherwise permitted by law.

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

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

SECTION 2. AMENDATORY 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), is amended to read as follows:

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

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

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

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

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

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

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

2. The driver of an ambulance or emergency vehicle;

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

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

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

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

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

E. A person who is certified as a Child Passenger Safety Technician and who in good faith provides inspection, adjustment, or educational services regarding child passenger restraint systems shall not be liable for civil damages resulting from any act or omission in providing such services, other than acts or omissions constituting gross negligence or willful or wanton misconduct.

F. Any person convicted of violating subsection A of this section shall be punished by a fine of Fifty Dollars (\$50.00) and shall pay all court costs thereof. Revenue from such fine shall be apportioned to the Department of Public Safety Restricted Revolving Fund and used by the Oklahoma Highway Safety Office to promote the use of child passenger restraint systems as provided in Section 11-1113 of this title. This fine shall be suspended and the court costs limited to a maximum of Fifteen Dollars (\$15.00) in the case of the first offense upon proof of purchase or acquisition by loan of a child passenger restraint system. Provided, the Department of

Public Safety shall not assess points to the driving record of any person convicted of a violation of this section.

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

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

Passed the House of Representatives the 25th day of May, 2017.

Presiding Officer of the House
of Representatives

Passed the Senate the 26th day of May, 2017.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____