

ENROLLED SENATE
BILL NO. 464

By: Johnson (Constance) and
Brogdon of the Senate

and

Key, Gilbert, Terrill and
Kern of the House

An Act relating to motor vehicles; providing legislative findings; prohibiting state from implementing certain act; directing the Department of Public Safety not to implement certain act and to report certain attempts to the Governor and Legislature; prohibiting state from collecting data for certain documents; requiring retrieval and deletion of certain biometric data; providing an exception; defining term; providing for codification; 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 to be codified in the Oklahoma Statutes as Section 6-110.3 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. 1. 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 inimical to the security and well-being of the people of Oklahoma, will cause approximately Eight Million Dollars (\$8,000,000.00) in added expense and inconvenience to our state, and was adopted by the United States Congress in violation of the principles of federalism contained in the Tenth Amendment to the United States Constitution.

2. The State of Oklahoma shall not participate in the implementation of the REAL ID Act of 2005. The Department of Public Safety is hereby directed not to implement the provisions of the REAL ID Act of 2005 and to report to the Governor and the Legislature any attempt by agencies or agents of the United States Department of Homeland Security to secure the implementation of the REAL ID Act of 2005 through the operations of that or any other state department.

B. No department or agency of the state charged with motor vehicle registration or operation, the issuance or renewal of driver licenses, or the issuance or renewal of any identification cards shall collect, obtain, or retain any data in connection with activities related to complying with the REAL ID Act of 2005.

C. Any biometric data previously collected, obtained, or retained in connection with motor vehicle registration or operation, the issuance or renewal of driver licenses, or the issuance or renewal of any identification cards by any department or agency of this state charged with those activities shall be retrieved and deleted from any and all databases. The provisions of this subsection shall not apply to any data collected, obtained or retained for a purpose other than complying with the REAL ID Act of 2005.

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. This act shall become effective November 1, 2007.

Passed the Senate the 16th day of May, 2007.

Presiding Officer of the Senate

Passed the House of Representatives the 21st day of April, 2007.

Presiding Officer of the House
of Representatives