

STATE OF OKLAHOMA

2<sup>nd</sup> Session of the 52<sup>nd</sup> Legislature (2010)

Bill No. \_\_\_\_\_

By: Key of the House

AS INTRODUCED

An Act that expands the prohibition to participate in the implementation of the "REAL ID ACT of 2005" to also include a prohibition to participate in the implementation of any federal law that requires federal or international standards for non-commercial driver license and identification cards; providing for a prohibition of participation in the "Driver License Agreement" or other agreement that links driver license or motor vehicle databases with Mexico or other nations outside of North America; provides for oversight and approval of future personal information sharing agreements; provides for disclosure of agreements and permits public testimony regarding such agreements; providing 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 "Personal Data Sharing, Transparency Act"

SECTION 2. AMENDATORY Title 47-6-110.3

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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, or participate in the implementation of any federal law that, by statute or through the promulgation of rules, would require a state to adopt federal or international standards, regarding the issuance of non-commercial driver licenses or identification cards. The Department of Public Safety is hereby directed not to implement the provisions of the REAL ID Act of 2005, or participate in the implementation of any federal law that, by statute or through the promulgation of rules, would require a state to adopt federal or international standards, regarding the issuance of non-commercial driver licenses or identification cards, 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 3 . NEW LAW      A new section of law to be codified in the Oklahoma Statutes as Section 6-110.4 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. 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 participate in the agreement, known as the "American Association of Motor Vehicle Administrators" "Driver License Agreement," or any similar agreement, that facilitates the sharing of personal information, contained in non-commercial driver license database or motor vehicle database, where such an agreement would include the sharing of personal information with the nation of Mexico, or other nation outside of North America.

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 enter into any agreement to link databases, distribute or disclose, personal information, that is contained in a database relating to non-commercial driver licenses or identification cards, with any entity, without approval by the appropriate committees of oversight, in both the Senate and the House of Representatives. The terms and conditions of such an agreement must be disclosed and available to the public, in print and in electronic form, for a period of at least four (4) months prior to hearings for approval of an agreement, and that the appropriate committee of oversight receive both written and oral testimony by the public, if presented, during the hearing process of such an agreement.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and 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.