

<DateSubmitted>

HOUSE OF REPRESENTATIVES  
CONFERENCE COMMITTEE REPORT

Mr. President:  
Mr. Speaker:

The Conference Committee, to which was referred

**HB1465**

By: Echols of the House and Dahm of the Senate

Title: Driver licenses; allowing certain warrant for information disclosure; emergency.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from its amendment; and
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

**SENATE CONFEREES**

Allen \_\_\_\_\_  
Bass \_\_\_\_\_  
Bergstrom \_\_\_\_\_  
Bice \_\_\_\_\_  
Boggs \_\_\_\_\_  
Brecheen \_\_\_\_\_  
Brown \_\_\_\_\_  
Dahm \_\_\_\_\_  
Daniels \_\_\_\_\_  
David \_\_\_\_\_  
Dossett \_\_\_\_\_  
Dugger \_\_\_\_\_  
Fields \_\_\_\_\_  
Floyd \_\_\_\_\_  
Fry \_\_\_\_\_  
Griffin \_\_\_\_\_  
Holt \_\_\_\_\_  
Jech \_\_\_\_\_  
Kidd \_\_\_\_\_  
Leewright \_\_\_\_\_  
Marlatt \_\_\_\_\_  
Matthews \_\_\_\_\_  
McCortney \_\_\_\_\_  
Newberry \_\_\_\_\_

Newhouse \_\_\_\_\_  
Paxton \_\_\_\_\_  
Pederson \_\_\_\_\_  
Pemberton \_\_\_\_\_  
Pittman \_\_\_\_\_  
Pugh \_\_\_\_\_  
Quinn \_\_\_\_\_  
Rader \_\_\_\_\_  
Scott \_\_\_\_\_  
Sharp \_\_\_\_\_  
Shaw \_\_\_\_\_  
Silk \_\_\_\_\_  
Simpson \_\_\_\_\_  
Smalley \_\_\_\_\_  
Sparks \_\_\_\_\_  
Standridge \_\_\_\_\_  
Stanislawski \_\_\_\_\_  
Sykes \_\_\_\_\_  
Thompson \_\_\_\_\_  
Yen \_\_\_\_\_

House Action \_\_\_\_\_ Date \_\_\_\_\_

Senate Action \_\_\_\_\_ Date \_\_\_\_\_

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 CONFERENCE COMMITTEE  
4 SUBSTITUTE  
5 FOR ENGROSSED  
6 HOUSE BILL NO. 1465

By: Echols and Brumbaugh of the  
House

and

Dahm of the Senate

7  
8  
9  
10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to driver licenses; regulating the  
12 storage of certain information related to  
13 applications for certain driver licenses and  
14 identification cards; defining term; requiring the  
15 creation and offering of a certain waiver; requiring  
16 certain receipt; requiring certain actions be taken  
17 related to data associated with a waiver applicant;  
18 prohibiting certain actions related to data  
19 associated with a waiver applicant; providing certain  
20 liability exemption; disqualifying felons from waiver  
21 eligibility; requiring certain periodic attestations;  
22 authorizing certain compliance audits by certain  
23 entities; limiting collection of data related to  
24 certain renewals; providing for photoless driver  
license and identification cards under certain  
conditions; requiring submission to certain  
fingerprinting; requiring deletion of fingerprints  
within certain period; 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; authorizing  
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

1 disabled parent under certain conditions; providing  
2 for codification; and declaring an emergency.

3  
4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

5 SECTION 1. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 6-110.7 of Title 47, unless  
7 there is created a duplication in numbering, reads as follows:

8 A. Personally identifiable information required to be provided  
9 during the application process for a REAL ID Noncompliant Driver  
10 License or Identification Card shall be stored in a separate and  
11 siloed database from REAL ID Compliant Driver License and  
12 Identification Card information.

13 B. 1. For purposes of this section, "personally identifiable  
14 information" means:

- 15 a. the individual's full legal name,
  - 16 b. the individual's date of birth,
  - 17 c. the individual's gender,
  - 18 d. the individual's driver license or identification card  
19 number,
  - 20 e. biometric data including digital facial photographs,  
21 facial biometrics, finger images and minutia data,
  - 22 f. the individual's address of principal residence, and
  - 23 g. the individual's signature.
- 24

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

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

6           D. Upon the acceptance of a completed biometric data waiver the  
7 Department:

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

10          2. Shall delete or destroy all data and any duplications of  
11 such data in any format as described in subparagraph e of paragraph  
12 1 of subsection B of this section, related to the waiver applicant,  
13 within ninety (90) days of collection;

14          3. Shall not utilize any data described in subparagraph e of  
15 paragraph 1 of subsection B of this section, related to the waiver  
16 applicant, for any purpose other than the performance of background  
17 checks or to determine if the applicant is currently licensed under  
18 another name within the State of Oklahoma;

19          4. Shall not provide any data described in subparagraph e of  
20 paragraph 1 of subsection B of this section, related to the waiver  
21 applicant, to any third-party entity for the purpose of performing  
22 any type of background checks;

23          5. Shall not provide any data described in subparagraph e of  
24 paragraph 1 of subsection B of this section, related to the waiver

1 applicant, to any court, governmental entity, law enforcement agency  
2 or nongovernmental entity without a valid warrant, without the  
3 written consent of the individual or the individual's legal  
4 representative; and

5 6. The Department shall not have any liability should an  
6 applicant be detained or otherwise experience any inconvenience as a  
7 result of the applicant electing to exercise the option provided by  
8 this section.

9 E. Applicants with felony convictions shall be disqualified  
10 from submitting the waiver described in subsection C of this  
11 section.

12 F. To ensure compliance with the provisions of this section,  
13 the Department shall:

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

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

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

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

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

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

15 Section 6-110.3 A. The Legislature finds that the enactment  
16 into law by the United States Congress of the federal REAL ID Act of  
17 2005, Public Law Number 109-13, is an action that individual  
18 Oklahomans should have an option to refuse under the principles of  
19 federalism contained in the Tenth Amendment to the United States  
20 Constitution.

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

24

1 C. The State of Oklahoma shall not share its citizens' personal  
2 information or biometric data with the federal government directly,  
3 except as a result of compliance with the REAL ID Act of 2005,  
4 Public Law Number 109-13, and as authorized by other state or  
5 federal law and authorized agreements or contracts between federal  
6 agencies or authorities and state agencies, boards, commissions and  
7 subdivisions of the state; provided that no citizen's personal  
8 information or biometric data shall be shared in violation of the  
9 provisions of Section 1 of this act.

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

12 1. Facial feature pattern characteristics;

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

15 3. Iris recognition data containing color or texture patterns  
16 or codes;

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

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

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

23 7. Keystroke dynamics, measuring pressure applied to key pads;

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1 8. Hand geometry, measuring hand characteristics, including the  
2 shape and length of fingers, in three (3) dimensions; and

3 9. Deoxyribonucleic acid (DNA) and/or ribonucleic acid (RNA).

4 SECTION 3. AMENDATORY 47 O.S. 2011, Section 11-1112, as  
5 last amended by Section 1, Chapter 396, O.S.L. 2015 (47 O.S. Supp.  
6 2016, Section 11-1112), is amended to read as follows:

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

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

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

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

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

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

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

12 2. The driver of an ambulance or emergency vehicle;

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

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

18 5. The transportation of a child who weighs more than forty  
19 (40) pounds and who is being transported in the back seat of a  
20 vehicle while wearing only a lap safety belt when the back seat of  
21 the vehicle is not equipped with combination lap and shoulder safety  
22 belts, or when the combination lap and shoulder safety belts in the  
23 back seat are being used by other children who weigh more than forty  
24 (40) pounds. Provided, however, for purposes of this paragraph,

1 back seat shall include all seats located behind the front seat of a  
2 vehicle operated by a licensed child care facility or church.

3 Provided further, there shall be a rebuttable presumption that a  
4 child has met the weight requirements of this paragraph if at the  
5 request of any law enforcement officer, the licensed child care  
6 facility or church provides the officer with a written statement  
7 verified by the parent or legal guardian that the child weighs more  
8 than forty (40) pounds.

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

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

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

24

1 F. Any person convicted of violating subsection A of this  
2 section shall be punished by a fine of Fifty Dollars (\$50.00) and  
3 shall pay all court costs thereof. Revenue from such fine shall be  
4 apportioned to the Department of Public Safety Restricted Revolving  
5 Fund and used by the Oklahoma Highway Safety Office to promote the  
6 use of child passenger restraint systems as provided in Section 11-  
7 1113 of this title. This fine shall be suspended and the court  
8 costs limited to a maximum of Fifteen Dollars (\$15.00) in the case  
9 of the first offense upon proof of purchase or acquisition by loan  
10 of a child passenger restraint system. Provided, the Department of  
11 Public Safety shall not assess points to the driving record of any  
12 person convicted of a violation of this section.

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

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

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