

State of Arkansas
88th General Assembly
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A Bill

HOUSE BILL 1871

By: Representative D. Meeks

For An Act To Be Entitled

AN ACT TO CREATE THE BIOMETRIC DATA AND SOCIAL
SECURITY NUMBER RELIGIOUS EXEMPTION FOR DRIVER'S
LICENSES; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE BIOMETRIC DATA AND SOCIAL
SECURITY NUMBER RELIGIOUS EXEMPTION FOR
DRIVER'S LICENSES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 27, Chapter 16, Subchapter 11 is
amended to add an additional section to read as follows:

27-16-1113. Biometric data and social security number religious
exemption.

(a) As used in this subchapter:

(1) "Biometric data" means:

(A) Facial feature pattern characteristics;

(B) A computerized facial image or a hard copy of a facial
image that:

(i) When scanned by electronic means may be used to
create a computerized facial image; and

(ii) Exceeds:

(a) An uncompressed photographic resolution
where the width of the head is forty-nine (49) pixels or more of resolution;

(b) A maximum full image width of eighty-five
(85) pixels or more of resolution; and



(c) An image height of one hundred six (106) pixels or more of resolution;

(C) Voice data used for comparing live speech with a previously created speech model of the voice of a person;

(D) Iris recognition data containing color or texture patterns or codes;

(E) Retinal scans, reading through the pupil to measure blood vessels lining the retina;

(F) Behavior characteristics of a handwritten signature, such as shape, speed, pressure, pen angle, or sequence;

(G) Fingerprints, palm prints, or other methods for measuring or recording ridge pattern or fingertip characteristics;

(H) Keystroke dynamics, measuring pressure applied to key pads;

(I) Hand geometry or measuring hand characteristics, including the shape and length of fingers in three dimensions; or

(J) Deoxyribonucleic acid (DNA) or ribonucleic acid (RNA); and

(2) "Biometric identification" means the use of biometric data to directly connect a person's body to his or her social security number.

(b) The Office of Driver Services of the Revenue Division of the Department of Finance and Administration shall include in the application for a driver's license or identification card or renewal of a driver's license or identification card issued under this chapter an optional exemption that states:

"Biometric and Social Security Number Exemption: Because of my religious beliefs, I object to enrollment in a biometric identification system that includes the use of biometric data, including facial recognition, digital fingerprinting, and other methods that directly connect my body to identification and the linking of my social security number to biometric identification, personal biometric data sharing, and identification using radio frequency identification technology or similar technologies."

(c) A person who submits a signed exemption under this section to the Office of Driver Services and pays the fees required by law is exempt from supplying biometric data to the Office of Driver Services.

(d)(1) A driver's license or identification card issued to a person

1 who has claimed an exemption under this section shall have a facial image
2 that does not exceed the following specifications:

3 (A) An uncompressed photographic resolution where the
4 width of the head is forty-nine (49) pixels or more of resolution;

5 (B) A maximum full image width of eighty-five (85) pixels
6 or more of resolution; and

7 (C) An image height of one hundred six (106) pixels or
8 more of resolution.

9 (2) The facial image under this section is required to have a
10 white background and shall not be collected using a blue background so that
11 the facial images are easily distinguishable from the facial images that are
12 subjected to facial recognition and not in compliance with this section.

13 (3)(A) The Office of Driver Services shall not require a person
14 who has signed the exemption under this section to remove prescription
15 corrective eyeglasses when the office collects a facial image of the person.

16 (B) However, the person is prohibited from wearing
17 sunglasses of any kind when the office collects a facial image of the person.

18 (4)(A) The Office of Driver Services shall not retain at any
19 time more than one (1) facial image of a person who has signed the exemption
20 under this section.

21 (B) Only the facial image printed on the most current
22 driver's license or identification card issued to the person shall be
23 retained by the office.

24 (C) All previously collected images of the person shall be
25 permanently and immediately deleted as provided in subdivision (d)(6) of this
26 section.

27 (D) The collection by the office of any new facial image
28 of the person who has signed the exemption under this section shall cause any
29 previous facial image to be permanently and immediately deleted.

30 (5) Provided that access to the facial image and disclosure of
31 the facial image is limited to one name, one record, and one facial image,
32 the Office of Driver Services may disclose the facial image of a person
33 retained in the office's database to only:

34 (A) A law enforcement officer;

35 (B) A law enforcement agency;

36 (C) The Office of Child Support Enforcement for the

1 purposes of child support enforcement; or

2 (D) The public for assistance in locating a person of
3 interest or a missing person.

4 (6) Upon receipt of a signed exemption, the Office of Driver
5 Services shall within ninety (90) days of receiving the application
6 permanently delete from all active databases, archival, or backup storage
7 databases under its control all biometric data that was previously collected,
8 obtained, or retained from the person.

9 (e)(1) A person who currently holds a driver's license or
10 identification card may request to submit an exemption under this section at
11 any time by making an application for a duplicate or substitute license as
12 provided under § 27-16-806 or for renewal under § 27-16-801.

13 (2) The form under this section and instructions shall be posted
14 on the office's website.

15 (3)(A) A person who is not in Arkansas and unable to make an
16 application for the exemption in person may make the application by mail,
17 accompanied by proof of identification and appropriate fees.

18 (B) Upon receipt of an application received by mail the
19 Office of Driver Services shall mail the person the requested driver's
20 license or identification card that is in compliance with this section.

21 (f)(1) A person who has submitted the exemption under this section is
22 exempt from having his or her social security number retained in an active
23 database by the Office of Driver Services for longer than seventy-two (72)
24 hours or until such time the social security number is disclosed to the
25 Office of Child Support Enforcement of the Revenue Division of the Department
26 of Finance and Administration.

27 (2) Upon receipt of a signed exemption, the Office of Driver
28 Services shall within ninety (90) days of receiving the application
29 permanently delete from all active databases, archival databases, or backup
30 storage databases under its control any social security number that was
31 previously collected, obtained, or retained from the person.

32 (g) The provisions of this section shall not prevent the following:

33 (1) The collection or retention of photographs or fingerprints,
34 including for biometric data comparisons, for the purpose of enforcing laws
35 relating to serious traffic offenses including without limitation:

36 (A) Driving while intoxicated;

1 (B) Reckless driving;

2 (C) Negligent homicide with the use of a motor vehicle;

3 (D) Operating a motor vehicle after being declared a
4 habitual motor vehicle offender; or

5 (E) Any other offense for which a physical custody arrest
6 is required;

7 (2) The collection of fingerprints for the Transportation
8 Security Administration for the purpose of performing criminal record checks
9 required under federal regulations governing the issuance of hazardous
10 materials endorsements on commercial driver's licenses and the taking and
11 retention of fingerprints for that express purpose;

12 (3) The use, collection, storage, or disclosure of a social
13 security number relating to a commercial driver's license;

14 (4) Requesting and receiving motor vehicle and driver's license
15 records or from having legal access to information in the possession of the
16 Office of Driver Services by law enforcement agencies, provided that such
17 access and requests for information are specific to individual records and
18 individual persons; or

19 (5) The administration of the Sex Offender Registration Act, §
20 12-12-901 et seq., as it applies to the issuance of a driver's license or
21 identification card.

22 (h) A person who has signed the exemption under this section shall be
23 exempt from the issuance of a driver's license or identification card that
24 uses radio frequency identification, radio frequency technology, or similar
25 technologies or devices that are capable of storing and transmitting
26 personally identifiable information or unique numbers, codes, or algorithms
27 that directly correlate to personal information held in another location,
28 database, or device, should the Office of Driver Services ever incorporate
29 those technologies or devices into the driver's license or identification
30 card.

31 (i) A law enforcement officer, the employing agency of the officer,
32 the Office of Driver Services, and the State of Arkansas are immune from
33 liability for any loss or hardship suffered by a driver's license licensee or
34 identification cardholder because the licensee or cardholder signed the
35 exemption under this section.