

2018 Regular Session

HOUSE BILL NO. 450

BY REPRESENTATIVE JAMES

MTR VEHICLE/DRIVER LIC: Provides relative to the possession of driver's licenses and special identification cards

1 AN ACT

2 To amend and reenact R.S. 32:401(introductory paragraph) and (14) and 411(F)(1) and  
3 (3)(a) and R.S. 40:1321(B), relative to the possession of driver's licenses and special  
4 identification cards; to authorize a digitized format of a driver's license and special  
5 identification card that complies with the standards of REAL ID; to provide for the  
6 issuance of a digitized special identification card; to establish a fee to install the  
7 application to display a digitized driver's license; to provide for definitions; and to  
8 provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 32:401(introductory paragraph) and 14 and 411(F)(1) and (3)(a) are  
11 hereby amended and reenacted to read as follows:

12 §401. Definitions

13 The following words and phrases when used in this Chapter shall have the  
14 meaning ~~herein~~ assigned to them in this Section unless the context clearly indicates  
15 otherwise:

16 \* \* \*

17 (14) "License" or "driver's license" means any license, which shall include  
18 a license that complies with the standards of REAL ID as provided for in R.S.  
19 32:410(E), secured from the Department of Public Safety and Corrections, in  
20 accordance with this Chapter to operate a motor vehicle on the highways of this  
21 state.

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§411. Deposit of license in lieu of security upon arrest; receipt; licensee to have license or receipt in immediate possession; notification to vehicle owner; surrender of license; issuance of temporary permits

F.(1) The licensee shall have his physical license, or a digitized driver's license as provided in this Section, in his immediate possession at all times when driving a motor vehicle and shall display it upon demand of any officer or agent of the department or any police officer of the state, parish, or municipality, except that where the licensee has previously deposited his license as provided in Subsection C of this Section, and has received a receipt, as provided in Subsection D of this Section, the licensee shall display the receipt upon demand of any officer or agent of the department or any police officer of the state, parish, or municipality, the same to serve as a substitute for the license until the license is returned to the licensee. However, when an officer or agent of the department or any police officer of the state, or any parish or municipality has reasonable grounds to believe a person has committed an offense of driving without a valid driver's license in his possession, the police officer shall make every practical attempt based on identifying information provided by the person to confirm that the person has been issued a valid driver's license. If the police officer determines that the person has been issued a valid driver's license that is not under revocation, suspension, or cancellation, but that the license is not in his possession, the peace officer shall issue a written summons to the offender in accordance with law, commanding him to appear and answer the charge.

\* \* \*

(3)(a) For the purposes of this Subsection, a digitized driver's license, which shall include a license that complies with the standards of REAL ID as provided for in R.S. 32:410(E), shall mean a data file available on any mobile device which has connectivity to the internet through an application that allows the mobile device to download the data file from the department or an authorized representative of the

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 department, contains all of the data elements visible on the face and back of the  
2 license, and also displays the current status of the license. For the purposes of this  
3 Subparagraph, "current status" shall include but is not limited to valid, expired,  
4 cancelled, suspended, disqualified, hardship, or interlock hardship status.

5 \* \* \*

6 Section 2. R.S. 40:1321(B) is hereby amended and reenacted to read as follows:

7 §1321. Special identification cards; issuance; veteran designation; disabled veteran  
8 designation; university logo; "I'm a Cajun" designation; needs  
9 accommodation designation; fees; expiration and renewal; exceptions;  
10 promulgation of rules; promotion of use; persons less than twenty-one years  
11 of age; the Protect and Save our Children Program; Selective Service  
12 Registration

13 \* \* \*

14 B.(1) Each special identification card shall be accepted as valid identification  
15 of the person to whom it was issued when it is presented physically or in the form  
16 of a digitized special identification card for the purpose of furnishing proof of that  
17 person's identification. Under no circumstances shall the state of Louisiana, or any  
18 of its agencies, be held liable in any manner legally or otherwise as a result of the use  
19 or misuse of a special identification card.

20 (2)(a) For purposes of this Subsection, a digitized special identification card  
21 shall mean a data file available on any mobile device which has connectivity to the  
22 internet through an application that allows the mobile device to download the data  
23 file from the department or an authorized representative of the department and  
24 contains all of the data elements visible on the face and back of the special  
25 identification card, displays the current status of the identification card, and shall  
26 include any special identification card that complies with the standards of REAL ID  
27 as provided for in Subsection P of this Section. For purposes of this Subparagraph,  
28 "current status" shall include but is not limited to valid, expired, or cancelled.



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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 450 Reengrossed

2018 Regular Session

James

**Abstract:** Clarifies requirements for digitized driver's licenses and establishes digitized special identification cards.

Present law defines "license" or "driver's license" as any license secured from the Dept. of Public Safety and Corrections, in accordance with present law to operate a motor vehicle on the highways of this state.

Proposed law modifies the definition of "license" and "driver's license" to include a license that complies with the standards of REAL ID as outlined in present law.

Present law requires a licensee have his license, or a digitized driver's license in his immediate possession at all times when driving a motor vehicle.

Proposed law clarifies that the licensee must have his physical license or digitized driver's license in his immediate possession at all times when driving a motor vehicle.

Present law defines "digitized drivers license" as a data file available on any mobile device which has connectivity to the internet through an application that allows the mobile device to download the data file from the department or an authorized representative of the department, contains all of the data elements visible on the face and back of the license, and also displays the current status of the license.

Proposed law clarifies that the term "digitized driver's license" includes a license that complies with the standards of REAL ID.

Present law authorizes the use of a special identification card as valid identification of a person to whom it was issued when presented for the purpose of furnishing proof of identification.

Proposed law maintains present law and specifies that the special identification card must be accepted as valid identification of a person to whom it was issued when it is presented physically or in the form of a digitized special identification card.

Proposed law defines a "digitized special identification card" as a data file available on any mobile device which has connectivity to the internet through an application that allows the mobile device to download the data file from the department or an authorized representative of the department, contains all of the data elements visible on the face and back of the license and includes any special identification card that complies with the standards of REAL ID as outlined in present law.

Proposed law specifies that a digital copy, photograph, or image of a special identification card that is not downloaded through the application on a mobile device will not be considered a valid digitized special identification card.

Proposed law authorizes a law enforcement officer, a representative of a state or federal department or agency, or a private entity to require a person to produce a physical special identification card in connection with requests for identification not associated with traffic stops or checkpoints.

Proposed law requires the Dept. of Public Safety and Corrections to promulgate rules as are necessary to implement a digitized special identification card and specifies that no digitized special identification card will be valid until such rules are adopted.

Proposed law specifies that display of a digitized special identification card does not serve as consent or authorization for a law enforcement officer, or any other person, to search, view, or access any data or application on the mobile device and requires that a law enforcement officer promptly return the mobile device to the person once he has had an opportunity to verify the identity of the person.

Proposed law provides that the fee to install the application to display a digitized special identification card cannot exceed \$6.

(Amends R.S. 32:401(intro. para.) and (14), 411(F)(1) and (3)(a), and R.S. 40:1321(B))

#### Summary of Amendments Adopted by House

##### The House Floor Amendments to the engrossed bill:

1. Make technical changes.