AN ACT

To enact Chapter 61 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:3211 through 3214, relative to the use of digitized identification cards; to provide definitions; to provide for the acceptance of digitized identification cards at places of business; to provide for exceptions; to limit liability; to provide for certain powers and duties; to provide for applicability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 61 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:3211 through 3214, is hereby enacted to read as follows:

CHAPTER 61. DIGITIZED IDENTIFICATION CARD ACCEPTANCE

§3211. Definitions

As used in this Chapter, the following terms have the meanings ascribed to them in this Section unless the context clearly indicates otherwise:

(1) "Consumer" means any individual who uses, purchases, or leases goods or services.

(2) "Digitized identification card" means a data file available on any mobile device which has connectivity to the internet through a state-approved application that allows the mobile device to download the data file from the Department of Public Safety and Corrections or an authorized representative of the Department of Public Safety and Corrections that contains all of the data elements visible on the face and back of a license or identification card and displays the current status of the license or identification card. For purposes of this Chapter, "current status" includes valid, expired, cancelled, suspended, disqualified, active, inactive, member, nonmember, eligible, or ineligible.
(3) "Person" means any individual, firm, partnership, corporation, association, union, public or private education institution, or other organization, including but not limited to a bar or restaurant that is engaged in trade or commerce within the geographic boundaries of this state.

(4) "Trade" or "commerce" means the advertising, offering for sale, sale, or distribution of any services, including educational services, and any property, corporeal or incorporeal, immovable or movable, and any other article, commodity, or thing of value wherever situated, and includes any trade or commerce directly or indirectly affecting the people of this state.

§3212. Digitized identification card acceptance; limitation of liability

A. When a person requests a consumer to produce valid identification for the purpose of furnishing proof of the consumer's identification or age, the person shall accept a state-issued digitized identification card as a valid form of identification.

B. A digital copy, photograph, or image of a digitized identification card which is not downloaded through a state-approved application on a mobile device shall not be considered a valid digitized identification card as provided for by this Chapter.

C. The display of a digitized identification card does not serve as consent or authorization for a person to search, view, or access any other data or application on the consumer's mobile device. When a consumer presents his mobile device to a person for the purpose of displaying a digitized identification card, the person shall promptly return the mobile device to the consumer once the person has had an opportunity to verify the identity or age of the consumer and the current status of the license or identification card.

D.(1) Under no circumstances shall this state, or any of its agencies, be held liable in any manner legally or otherwise as a result of the use or misuse of a digitized identification card.

(2) Under no circumstances shall a private business, legal entity, or person be held liable in any manner legally or otherwise as a result of the use or misuse of a digitized identification card.
§3213. Powers and duties

The Louisiana Gaming Control Board, the Louisiana State Racing Commission, and the office of alcohol and tobacco control have authority to take actions, not inconsistent with law, as deemed necessary to ensure a respective licensee's compliance with the provisions of this Chapter.

§3214. Limitations of applicability

A. The provisions of this Chapter do not apply to a location of business in the state of Louisiana where a physical copy of an individual's current driver's license, valid passport, or visa issued by the federal government or another country or nation, or other card of identity is held in compliance with state or federal law.

B. Notwithstanding any other provision of law to the contrary, the provisions of this Chapter do not apply to the following:

   (1) A federally insured depository institution that is organized under the laws of this state, another state, or the United States. However, a federally insured depository institution may, at its option, accept a digitized identification card as a valid form of identification.

   (2) An entity licensed pursuant to the provisions of Title 27 of the Louisiana Revised Statutes of 1950, including but not limited to a casino, official gaming establishment, or other establishment providing gaming operations. However, such licensee may, at its option, accept a digitized identification card as a valid form of identification.

   (3) An entity licensed pursuant to the provisions of Chapter 4 of Title 4 of the Louisiana Revised Statutes of 1950. However, such licensee may, at its option, accept a digitized identification card as a valid form of identification.

   (4) A person validating identification for notarial acts involving immovable property, authentic acts, testaments or codicils thereto, trust instruments or acknowledgments thereof, donations inter vivos, matrimonial agreements or acknowledgments thereof, and acts modifying, waiving, or extinguishing an obligation of final spousal support or acknowledgments thereof. However, a notary...
public may, at its option, accept a digitized identification card as a valid form of
identification.

(5) A person or entity licensed pursuant to the provisions of Subpart R of
Part I of Chapter 2 of Title 22 of the Louisiana Revised Statutes of 1950. However,
such licensee may, at its option, accept a digitized identification card as a valid form
of identification.

(6) A used motor vehicle dealer licensed pursuant to the provisions of
Chapter 4-C of Title 32 of the Louisiana Revised Statutes of 1950 or a dealer
licensed pursuant to the provisions of Chapter 6 of Title 32 of the Louisiana Revised
Statutes of 1950. However, the licensed used motor vehicle dealer or licensed dealer
may, at its option, accept a digitized identification card as a valid form of
identification.