

Regular Session, 2014

HOUSE BILL NO. 907

BY REPRESENTATIVES ST. GERMAIN AND STOKES

MTR VEHICLE/DRIVER LIC: Provides for the issuance of REAL ID compliant driver's licenses and special identification cards

1 AN ACT

2 To enact R.S. 32:410(D) and R.S. 40:1321(M) and to repeal Act No. 807 of the 2008
3 Regular Session of the Legislature and Act No. 151 of the 2010 Regular Session of
4 the Legislature, relative to the issuance of driver's licenses and special identification
5 cards in compliance with the REAL ID Act of 2005; to provide for implementation
6 of the REAL ID Act; to provide for exceptions; to provide penalties; and to provide
7 for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 32:410(D) is hereby enacted to read as follows:

10 §410. Form of license; photograph, signature of license, anatomical gift statement,
11 declaration of life-sustaining procedures, and additional information in
12 license

13 * * *

14 D.(1) The department shall provide for the issuance of driver's licenses in the
15 manner set forth in Paragraphs (2) through (4) of this Subsection upon the official
16 notification by the United States Department of Homeland Security that, on a date
17 certain, federal agencies will no longer accept for official purposes the Louisiana
18 issued driver's licenses and special identification cards that are not compliant with
19 the standards of the REAL ID Act of 2005 and federal rules adopted pursuant thereto
20 as of January 1, 2014, hereinafter collectively referred to as REAL ID.

1 (2) Any person applying for a driver's license pursuant to the provisions of
2 this Chapter may elect to apply for a driver's license that complies with the standards
3 of REAL ID. If that person is eligible for a driver's license to be issued pursuant to
4 the provisions of this Chapter and meets all requirements of the United States
5 Department of Homeland Security for a REAL ID compliant credential, that person
6 shall be issued a driver's license which bears a United States Department of
7 Homeland Security approved security marking reflecting that such credential meets
8 REAL ID standards.

9 (3) If a person applying for a driver's license pursuant to the provisions of
10 this Section does not elect to apply for a driver's license that complies with REAL
11 ID standards and that person is otherwise eligible to be issued a driver's license
12 pursuant to the provisions of this Chapter, that person shall be issued a driver's
13 license which indicates the driver's license is not in compliance with REAL ID. If
14 the person has elected not to apply for a REAL ID compliant driver's license, the
15 department shall not require the applicant to comply with any of the REAL ID
16 requirements which were not required by the state as of January 1, 2014. If the
17 person has elected to not apply for a REAL ID compliant driver's license, the
18 department shall not scan or maintain a copy of the applicant's documents proving
19 his identity upon renewal. This includes but is not limited to the applicant's birth
20 certificate, social security card, or United States issued passport.

21 (4) All persons applying for a Louisiana driver's license must be given a
22 complete description of the REAL ID card, with an explanation of what the card
23 does, what information is collected and maintained, who has access to the data, how
24 the data will be used, that the applicant may choose to not waive their right to
25 privacy, and that if they are harassed, they can take legal action. Each applicant must
26 be told that he is not required by the state to accept the "gold star" or the REAL ID.
27 Each applicant must certify in writing that they have been given information related
28 to the issuance of the REAL ID.

1 (5) Any documents collected from a person applying for a REAL ID in
2 Louisiana may not be released to anyone except Louisiana law enforcement
3 agencies, the Department of Public Safety and Corrections, the U.S. Department of
4 Homeland Security, and the FBI. The database containing information from the
5 documents collected from applicants for the REAL ID card in Louisiana shall not
6 have any interoperability with any international database. Any person who illegally
7 accesses or releases the data shall be subject to a fine of not more than ten thousand
8 dollars and six months in jail for each offense.

9 (6) Compliance with REAL ID referenced in this Subsection shall be limited
10 to those standards in effect as of January 1, 2014. Any subsequent changes or
11 additions to federal laws or rules for implementation of REAL ID shall be
12 implemented by the state if and only if such changes are approved by the legislature
13 by a favorable vote of a majority of the elected members of each house.

14 Section 2. R.S. 40:1321(M) is hereby enacted to read as follows:

15 §1321. Special identification cards; issuance; veteran designation; "I'm a Cajun"
16 designation; fees; expiration and renewal; exceptions; promulgation of rules;
17 promotion of use; persons less than twenty-one years of age; the Protect and
18 Save our Children Program; Selective Service Registration

19 * * *

20 M.(1) The department shall provide for the issuance of special identification
21 cards in the manner set forth in Paragraphs (2) through (4) of this Subsection upon
22 official notification by the United States Department of Homeland Security that, on
23 a date certain, federal agencies will no longer accept the Louisiana issued driver's
24 licenses and special identification cards that are not compliant with the standards of
25 the REAL ID Act of 2005 and federal rules adopted pursuant thereto as of January
26 1, 2014, hereinafter collectively referred to as REAL ID, for official purposes.

27 (2) Any person applying for a special identification card pursuant to the
28 provisions of this Chapter may elect to apply for a special identification card that
29 complies with the standards of REAL ID. If that person is eligible for a special

1 identification card to be issued pursuant to the provisions of this Chapter and meets
2 all requirements of the United States Department of Homeland Security for a REAL
3 ID compliant credential, that person shall be issued a special identification card
4 which bears a United States Department of Homeland Security approved security
5 marking reflecting that such credential meets REAL ID standards.

6 (3) If a person applying for a special identification card pursuant to the
7 provisions of this Section does not elect to apply for a license that complies with
8 REAL ID standards and that person is otherwise eligible to be issued a special
9 identification card pursuant to the provisions of this Chapter, that person shall be
10 issued a special identification card which indicates the special identification card is
11 not in compliance with REAL ID. If the person has elected not to apply for a REAL
12 ID compliant special identification card, the department shall not require the
13 applicant to comply with any of the REAL ID requirements which were not required
14 by the state as of January 1, 2014. If the person has elected to not apply for a REAL
15 ID compliant special identification card, the department shall not scan or maintain
16 a copy of the applicant's documents proving his identity upon renewal. This includes
17 but is not limited to the applicant's birth certificate, social security card, or United
18 States issued passport.

19 (4) Compliance with REAL ID referenced in this Subsection shall be limited
20 to those standards in effect as of January 1, 2014. Any subsequent changes or
21 additions to federal laws or rules for implementation of REAL ID shall be
22 implemented by the state if and only if such changes are approved by the legislature
23 by a favorable vote of a majority of the elected members of each house.

24 Section 3. Act No. 807 of the 2008 Regular Session of the Legislature and Act No.
25 151 of the 2010 Regular Session of the Legislature are hereby repealed in their entirety.

26 Section 4. This Act shall become effective upon signature by the governor or, if not
27 signed by the governor, upon expiration of the time for bills to become law without signature
28 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

- 1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.

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)]

St. Germain

HB No. 907

Abstract: Provides for the issuance of REAL ID compliant driver's licenses and special identification cards.

Proposed law requires the issuance of driver's licenses and special identification cards in the manner set forth in present law upon the occurrence of official notification by the U.S. Dept. of Homeland Security that, on a date certain, federal agencies will no longer accept the La. issued driver's licenses and special identification cards that are not compliant with the standards of the REAL ID Act of 2005 and federal rules adopted pursuant thereto as of Jan. 1, 2014.

Proposed law specifies that any person applying for a driver's license or special identification card pursuant to the provisions of present law may elect to apply for a license that complies with the standards of REAL ID.

Proposed law provides that if a person is eligible for a license or special identification card to be issued pursuant to the provisions of present law and meets all requirements of the U.S. Dept. of Homeland Security for a REAL ID compliant credential, that person must be issued a license or special identification card which bears a U.S. Dept. of Homeland Security approved security marking reflecting that such credential meets REAL ID standards.

Proposed law specifies that if a person applying for a driver's license or special identification card pursuant to the provisions of present law does not elect to apply for a license or special identification card that complies with REAL ID standards and that person is otherwise eligible to be issued a license or special identification card pursuant to the provisions of present law, that person shall be issued a license or special identification card which indicates the license or special identification card is not in compliance with REAL ID.

Proposed law provides that if the person has elected not to apply for a REAL ID compliant license or special identification card, the department must not require the applicant to, relative to labeling of the license, comply with any of the REAL ID requirements, other than those required by proposed law, which were not required by the state as of Jan. 1, 2014. If the person has elected to not apply for a REAL ID compliant driver's license or special identification card, the department shall not scan or maintain a copy of the applicant's documents proving his identity upon renewal. This includes but is not limited to the applicant's birth certificate, social security card, or United States issued passports.

Proposed law provides that all persons applying for a Louisiana's driver's license must be given a complete description of the REAL ID card, with an explanation of what the card does, what information is collected and maintained, who has access to the data, how the data will be used, that the applicant may choose to not waive their right to privacy, and that if they are harassed, they can take legal action. Each applicant must be told that he is not required by the state to accept the "gold star" or the REAL ID. Each applicant must certify in writing that they have been given information related to the issuance of the REAL ID.

Proposed law provides that any documents collected from a person applying for a REAL ID in Louisiana may not be released to anyone except Louisiana law enforcement agencies, the Department of Public Safety and Corrections, the U.S. Department of Homeland Security, and the FBI. The database containing information from the documents collected from applicants for the REAL ID card in Louisiana shall not have any interoperability with any international database. Any person who illegally accesses or releases the data shall be subject to a fine of not more than \$10,000 and six months in jail for each offense.

Proposed law provides, except as provided in proposed law, compliance with REAL ID referenced must be limited to those standards in effect as of Jan. 1, 2014. Provides that any subsequent changes or additions to federal laws or rules for implementation of REAL ID must be implemented by the state if and only if such changes are approved by the legislature by a favorable vote of a majority of the elected members of each house.

Present law (Act No. 807 of the 2008 R.S.) directs the Dept. of Public Safety ad Corrections, including the office of motor vehicles, not to implement the provisions of the REAL ID Act.

Proposed law repeals present law.

Present law (Act No. 151 of the 2010 R.S.) directs the Dept. of Public Safety and Corrections, including the office of motor vehicles, not to implement the provisions of the PASS ID Act.

Proposed law repeals present law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 32:410(D) and R.S. 40:1321(M); Repeals Act No. 807 of the 2008 R.S. and Act No. 151 of the 2010 R.S.)

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Made technical changes.
2. Added that any documents collected from a person applying for a REAL ID in Louisiana may not be released to anyone except Louisiana law enforcement agencies, the Department of Public Safety and Corrections, the U.S. Department of Homeland Security, and the FBI. The database containing information from the documents collected from applicants for the REAL ID card in Louisiana shall not have any interoperability with any international database. Any person who illegally accesses or releases the data shall be subject to a fine of not more than \$10,000 and six months in jail for each offense.
3. Added that if a person has elected to not apply for a REAL ID compliant driver's license or special identification card, the department shall not scan or maintain a copy of the applicant's documents proving his identity upon renewal. This includes but is not limited to the applicant's birth certificate, social security card, or United States issued passports.
4. Added that all persons applying for a Louisiana driver's license must be given a complete description of the REAL ID card, with an explanation of what the card does, what information is collected and maintained, who has access to the data, how the data will be used, that the applicant may choose to not waive their right to privacy, and that if they are harassed, they can take legal action. Each

applicant must be told that he is not required by the state to accept the "gold star" or the REAL ID. Each applicant must certify in writing that they have been given information related to the issuance of the REAL ID.