

Regular Session, 2014

SENATE BILL NO. 640

BY SENATOR PERRY

MOTOR VEHICLES. Provides for driver's licenses and special identification cards not compliant with REAL ID Act of 2005. (8/1/14)

1 AN ACT

2 To amend and reenact R.S. 32:410(A)(3)(a) and R.S. 40:1321(A), relative to driver's
3 licenses and special identification cards; to provide for issuance of driver's licenses
4 and special identification cards that are not compliant with the REAL ID Act of
5 2005; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 32:410(A)(3)(a) is hereby amended and reenacted to read as follows:

8 §410. Form of license; photograph, signature of licensee, anatomical gift statement,
9 declaration of life-sustaining procedures, and additional information
10 on license

11 A. * * *

12 (3)(a) Every license issued shall bear thereon:

13 (i) The distinguishing number assigned to the applicant and shall contain the
14 name of the state.

15 (ii) The applicant's full legal name. For the purposes of this Item, an
16 applicant's full legal name shall be defined in compliance with the ~~Real~~ **REAL** ID
17 Act, if implemented. If and until such time as the ~~Real~~ **REAL** ID Act is

1 implemented, the applicant's full legal name shall be defined as the given name or
 2 names that appear on an official birth certificate together with the surname as it
 3 appears on the official birth certificate, unless the surname is changed in accordance
 4 with R.S. 9:292. No other name shall be permitted to be used unless the applicant
 5 provides proof of name change granted by a district court in accordance with the law.
 6 Should the ~~Real~~ **REAL** ID Act be implemented, the full legal name shall be defined
 7 as stated by the ~~Real~~ **REAL** ID Act. The department shall promulgate rules and
 8 regulations as are necessary to implement the provisions of this Item.

9 (iii) **Any person applying for a driver's license pursuant to the**
 10 **provisions of this Section, who elects to apply for a driver's license that does not**
 11 **comply with REAL ID standards, shall be issued a driver's license. The OMV**
 12 **shall not require such an applicant to comply with any REAL ID requirements,**
 13 **which were not required by the state as of January 1, 2014, other than those**
 14 **required by this Section, and shall not scan or maintain a copy of such**
 15 **applicant's documents proving his identity, including but not limited to the**
 16 **applicant's birth certificate, social security card, or United States passport.**

17 (iv) The applicant's mailing address and residential address, if different from
 18 the mailing address. The residential address provided for issuance of a driver's
 19 license for any law enforcement officer, court officer, or member of his immediate
 20 family as defined in R.S. 32:409(C) shall be the residential address which appears
 21 on the driver's license.

22 (~~iv~~)(v) The dates of issuance and expiration.

23 (~~v~~)(vi) The group or groups of motor vehicles the applicant is authorized to
 24 operate.

25 (~~vi~~)(vii) The endorsements for which the driver has qualified.

26 (~~vii~~)(viii) Any applicable restrictions to which the applicant is subject.

27 (~~viii~~)(ix) Other information to identify the applicant including date of birth
 28 (month, day, and year), sex, height, weight, and eye and hair color. An applicant's
 29 license may bear his social security number at his option.

1 ~~(ix)~~(x) Parish of residence code number. The parish code shall be consistent
2 with the numerical code as designated by the secretary of state.

3 * * *

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

5 §1321. Special identification cards; issuance; veteran designation; "I'm a Cajun"
6 designation; fees; expiration and renewal; exceptions; promulgation of rules;
7 promotion of use; persons less than twenty-one years of age; the Protect and
8 Save our Children Program; Selective Service Registration

9 A.(1) Any Louisiana resident may obtain a special identification card from
10 the office of motor vehicles within the Department of Public Safety and Corrections,
11 hereinafter referred to as "OMV". The identifying information and documents of
12 identification required to obtain a special identification card shall be the same as
13 those required to obtain a Louisiana driver's license, as stated in R.S. 32:409.1.
14 However, if the applicant is seventeen years of age, the signature of the custodial
15 parent or guardian shall not be required, provided the applicant has the necessary
16 identifying information and documents.

17 (2) Any person applying for a special identification card pursuant to the
18 provisions of this Section, who elects to apply for a special identification card
19 that does not comply with REAL ID standards, shall be issued a special
20 identification card. The OMV shall not require such an applicant to comply
21 with any REAL ID requirements, which were not required by the state as of
22 January 1, 2014, other than those required by this Section, and shall not scan
23 or maintain a copy of such applicant's documents proving his identity, including
24 but not limited to the applicant's birth certificate, social security card, or United
25 States passport.

26 * * *

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Sharon F. Lyles.

DIGEST

Perry (SB 640)

Proposed law provides that any person applying for a driver's license or special identification card under the provisions of present law who elects to apply for such license or card that does not comply with REAL ID standards, then OMV shall issue such license under the provisions of present law. Specifies that OMV shall not require such applicant to comply with any of the REAL ID requirements, which were not required by the state as of Jan. 1, 2014, other than those required by present law, and shall not scan or maintain a copy of such applicant's documents proving his identity, including but not limited to the applicant's birth certificate, social security card, or United States passport.

Effective August 1, 2014.

(Amends R.S. 32:410(A)(3)(a) and R.S. 40:1321(A))