

## HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 907 by Representative St. Germain

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

### Synopsis of Senate Amendments

1. Made technical changes.
2. Clarified that compliance with REAL ID shall be limited to those standards in effect as of Jan. 1, 2014 that do not include the implementation of facial recognition software programs, or the sharing of digital photos with any entity using a facial recognition program.
3. Added that before January 2015 and prior to any implementation of REAL ID in Louisiana, the office of motor vehicles shall report to a joint meeting of the Senate and House committees on transportation, highways, and public works a detailed list of those standards in effect Jan. 1, 2014, to which compliance with REAL ID in Louisiana is limited.
4. Added that before applying for a driver's license or special identification card, each person shall be given a complete description of the REAL ID compliant special identification card, and shall be informed that he is not required to accept the "gold star" or the REAL ID compliant special identification card.
5. Removed the provision that allowed the information in the database to be accessed by or released to Louisiana law enforcement agencies, the Department of Public Safety and Corrections, the U.S. Department of Homeland Security, and the FBI.
6. Provided that no document provided by any person who applies for a Louisiana special identification card shall be released to anyone physically or electronically without the written permission of that person, or without a warrant issued, and the database containing scanned documents collected from persons who apply for the REAL ID compliant driver's license or special identification card shall not have any interoperability with any international database, any federal database, any other state database, and any third-party database. Provides that any person who illegally accesses or releases the data shall be subject to a fine of not more than ten thousand dollars and six months in jail for each offense.
7. Added that nothing in Louisiana's implementation of REAL ID standards shall be construed to express or imply any delegations of rights, power, or jurisdiction from the people of Louisiana to the United States Department of Homeland Security or the government of the United States. Regarding the office of motor vehicles, the people of Louisiana have the sole and exclusive right to govern themselves as a free and sovereign state according to the Constitution of Louisiana.

### Digest of Bill as Finally Passed by Senate

Proposed law requires the issuance of driver's licenses and special identification cards in the manner set forth in present law that are compliant with standards of the REAL ID Act of 2005 and federal rules adopted pursuant thereto as of Jan. 1, 2014 that do not include facial

recognition software or programs, or the sharing of digital photos with any entity using a facial recognition program.

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 U.S. issued passports.

Proposed law provides before application, each person who applies for a La. driver's license shall be given a complete description of the REAL ID compliant driver's license, including but not limited to an explanation of what the license does, what information is collected and maintained, who has access to the data, how the data will be used, his right to choose not to waive his right to privacy, and if harassed, that he may take legal action, and that he is not required by the state to accept the "gold star" or the REAL ID compliant driver's license. Each applicant shall certify in writing that he has been given information related to the issuance of the REAL ID compliant driver's license. The same is applicable to applications for special identification cards.

Proposed law provides that no document provided by any person who applies for a La. driver's license shall be released to anyone physically or electronically without the written permission of that person, or without a warrant issued. The database containing scanned documents collected from persons who apply for the REAL ID compliant driver's license shall not have any interoperability with any international database, any federal database, or any other state database, and any third-party 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. The same is applicable to applications for a special identification card.

Proposed law provides that before Jan. 2015, and prior to any implementation of REAL ID in La., the office of motor vehicles, public safety services shall report to a joint meeting of the Senate and House committees on transportation, highways and public works a specific and detailed list of those standards in effect as of Jan. 1, 2014, to which compliance with REAL ID in Louisiana is limited.

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 and 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.)