

SENATE SUMMARY OF HOUSE AMENDMENTS**SB 227****2016 Regular Session****Colomb****KEYWORD AND SUMMARY AS RETURNED TO THE SENATE**

MOTOR VEHICLES. Provides for issuance of REAL ID compliant driver's license and special identification cards. (gov sig)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Requires all applicants for a driver's license or special identification card to provide proof of Louisiana residency.
2. Prohibits DPSC from requiring applicants for a non-compliant REAL ID driver's license or special identification card to submit to a facial image capture in connection with their application prior to determining if the applicant is eligible to be issued a driver's license or special identification card.
3. Prohibits DPSC from copying, scanning, maintaining, or sharing a copy of documents proving the identity of an applicant of a non-compliant REAL ID driver's license or special identification card.
4. Removes requirement for posting a sign in each office of motor vehicles with a description of the REAL ID compliant driver's license and special identification card.
5. Requires DPSC to provide a printed document informing an applicant of a driver's license or special identification card applicant of the documents required for the non-compliant REAL ID and compliant REAL ID credentials; the purposes for which the non-compliant REAL ID and REAL ID compliant credentials may be utilized, and the electronic technology incorporated for the non-compliant REAL ID credentials and REAL ID compliant credentials.
6. Authorizes an applicant to request DPSC to record and retain the applicant's name, date of birth, certificate number, date filed, and issuing agency in lieu of retaining an image or copy of the applicant's birth certificate.
7. Upon request of any person, requires DPSC to remove and purge from DPSC and contractor databases and systems any personal identifying source documents and to purge photographs of the person from a contractor database or system obtained by DPSC or a contractor in the process of a person applying for or renewing a driver's license between July 7, 2008, and the effective date of proposed law that were not required by state law to be captured by the department or a contractor as of July 7, 2008.
8. Adds that a person may obtain a REAL ID compliant driver's license or special identification card prior to the renewal of their driver's license or special identification card at the cost of a duplicate license or card.
9. Removes requirement that office of motor vehicles provide legislative committees on transportation, highways, and public works a specific and detailed list of REAL ID standards in effect as of January 1, 2016.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

SB 227 Reengrossed

DIGEST
2016 Regular Session

Colomb

Proposed law requires the Department of Public Safety and Corrections (DPSC) to provide all applicants for a Louisiana driver's license, the option of receiving a driver's license that is REAL ID (REAL ID license) compliant as required by the REAL ID Act of 2015, federal P.L. 109-13, and federal rules adopted as of January 1, 2016. Requires that if the applicant opts for a REAL ID license, is eligible for a Louisiana driver's license, and meets all requirements of the United States Department of Homeland Security for a REAL ID compliant credential, then DPSC is to issue a driver's license which bears the approved security marking of the U.S. Department of Homeland Security.

Proposed law requires that subsequent changes to REAL ID license standards in effect as of January 1, 2016 be implemented only if approved by legislature by favorable vote of majority of elected members.

Proposed law provides that if an applicant who is eligible for a Louisiana driver's license opts out of applying for the REAL ID license, then requires DPSC to issue a driver's license which indicates that the license is not REAL ID compliant and prohibits DPSC from requiring that the applicant comply with REAL ID requirements that were not required by the state as of January 1, 2016 nor require the applicant to submit to a facial image capture in connection with his application prior to determining the applicant's eligibility for a driver's license. Provides that if the applicant opts not to apply for a REAL ID license, then DPSC is prohibited from copying, scanning, maintaining, or sharing a copy of the applicant's documents proving his identity which documents include his birth certificate, social security card, or U.S. passport.

Proposed law requires that an applicant for a driver's license who opts out of receiving a REAL ID license is to indicate on the application whether he is applying for a REAL ID license or one that is not REAL ID compliant. Requires that the applicant indicate on his application that he has received the following information:

- (1) Documents the applicant is required to provide to get a REAL ID license and documents needed to be a license that is not REAL ID compliant.
- (ii) Purposes for which a REAL ID license may be utilized and purposes for which non-compliant REAL ID license may be utilized.
- (iii) The electronic technology incorporated into a REAL ID license, and the electronic technology incorporated into a non-compliant REAL ID license.

Proposed law provides that an eligible person electing to obtain a REAL ID license prior to their license renewal, may be issued a REAL ID license at the cost of a duplicate license.

Proposed law requires DPSC, upon request of any applicant for a driver's license or special identification card, to record and retain the applicant's name, date of birth, certificate numbers, date filed, and issuing agency in lieu of retaining an image or copy of the applicant's birth certificate.

Proposed law prohibits DPSC from participating in any programs that exchange or allow the access of facial biometric data of La. citizens obtained in the issuance or renewal of a La. driver's license to the agencies, governments, or contractors of other states or nations without a warrant or a court order issued for access to that data.

Proposed law provides that upon request of any person, any personal identifying source documents or photographs of the person obtained by the DPSC, or a contractor, in the process of a person applying for or renewing a driver's license between July 7, 2008, and the effective date proposed law that were not required by state law to be captured by the DPSC or a contractor as of July 7, 2008, shall be removed and purged from DPSC and contractor databases and systems and all photographs of the person obtained by DPSC in the possession of a contractor are to be purged from the database or system of that contractor.

Proposed law defines "contractor" as any contractor DPSC, any affiliate or subsidiary of the contractor, and any subcontractor of the contractor or any affiliate or subsidiary of the

subcontractor. Defines "personal identifying source documents" to mean any document provided by a person to prove his identity or residence and includes all copies, scans, or digital images of documents. Defines "photographs" to mean any captured image, digital or otherwise, of a person's face and includes all copies, scans, or digital images of the image.

Proposed law authorizes DPSC to provide an option to issue a special identification card (SPID) that is compliant with standards of the REAL ID Act of 2015, federal P.L. 109-13, and federal rules adopted as of January 1, 2016. Requires that if the applicant opts for a SPID and meets all requirements of the United States Department of Homeland Security for a REAL ID compliant credential, then DPSC is to issue a special identification card (SPID) which bears the approved security marking reflecting that such credential meets REAL ID standards. Prohibits DPSC from issuing a REAL ID compliant driver's license to a person who has been issued a REAL ID special identification card (SPID).

Proposed law requires that the applicant for a REAL ID license or a SPID is not be required to comply with any REAL ID requirements not required by the state as of January 1, 2016 or require that he submit to facial image capture in connection with his application prior to determining if the applicant is eligible for a special identification card. Prohibits DPSC from copying, scanning, maintaining, or sharing a copy of the applicant's documents proving his identity which documents include his birth certificate, social security card, or U.S. passport and which are obtained from the person applying for issuance or renewal of the special identification card.

Proposed law requires that an applicant for a SPID be informed that he is not required to be issued a REAL ID compliant SPID and may be issued a special identification card that is not REAL ID compliant. Requires that the applicant indicate on his application that he has received the following information:

- (1) Documents the applicant is required to provide to get a REAL ID compliant SPID and documents needed to be a special identification card that is not REAL ID compliant.
- (ii) Purposes for which a REAL ID compliant SPID may be utilized and purposes for which a special identification card that is not REAL ID compliant may be utilized.
- (iii) The electronic technology incorporated into a REAL ID compliant SPID and the electronic technology incorporated into a special identification card that is not REAL ID compliant.

Proposed law provides that an eligible person electing to obtain a REAL ID compliant SPID prior to its renewal, may be issued a REAL ID compliant SPID at the cost of a duplicate license.

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 these provisions.

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 these provisions.

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

(Adds R.S. 32:409.1(A)(2)(d)(ix) and 410(E) and (F) and R.S. 40:1321(O) and (P); Repeals Act No. 807 of the 2008 R.S. and Act No. 151 of the 2010 R.S.)

Thomas L. Tyler
Deputy Chief of Staff