

SENATE BILL NO. 227

BY SENATORS COLOMB AND CARTER

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AN ACT

To enact R.S. 32:409.1(A)(2)(d)(ix) and 410(E) and (F) and R.S. 40:1321(O) and (P) and to repeal Act No. 807 of the 2008 Regular Session of the Legislature and Act No. 151 of the 2010 Regular Session of the Legislature, relative to the issuance of drivers' licenses and special identification cards; to require applicants for either a driver's license or special identification card to provide proof of Louisiana residency; to provide for implementation of the REAL ID Act of 2005; to require certain documents or photographs obtained in the process of applying for a driver's license or special identification card be disposed of in certain circumstances; to provide for exceptions; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:409.1(A)(2)(d)(ix) and 410(E) and (F) are hereby enacted to read as follows:

§409.1. Application or special certificate applications; penalties for false information

A.

* * *

(2) An applicant for a driver's license shall provide the following information:

* * *

(d) Identifying information including:

* * *

(ix) Proof of Louisiana residency. Proof of residency shall include but

1 **not be limited to paid receipts for utility bills and bank statements.**

2 * * *

3 §410. Form of license; photograph, signature of licensee, anatomical gift statement,
 4 declaration of life-sustaining procedures, and additional information
 5 on license

6 * * *

7 **E.(1) The department shall provide for the option of the issuance of**
 8 **drivers' licenses that are either compliant or not compliant with the standards**
 9 **of the REAL ID Act of 2005, P. L. 109-13, and federal rules adopted pursuant**
 10 **thereto as of January 1, 2016, hereinafter collectively referred to as REAL ID,**
 11 **in the manner set forth in this Subsection.**

12 **(2) Any person applying for a driver's license pursuant to the provisions**
 13 **of this Chapter may elect to apply for a driver's license that complies with the**
 14 **standards of REAL ID. If that person is eligible for a driver's license to be**
 15 **issued pursuant to the provisions of this Chapter and meets all requirements of**
 16 **the United States Department of Homeland Security for a REAL ID compliant**
 17 **credential, that person shall be issued a driver's license which bears a United**
 18 **States Department of Homeland Security approved security marking reflecting**
 19 **that such credential meets REAL ID standards. A person who is issued a REAL**
 20 **ID compliant driver's license shall not be issued a REAL ID compliant special**
 21 **identification card.**

22 **(3) Any person applying for a driver's license pursuant to the provisions**
 23 **of this Chapter, who elects not to apply for a driver's license that complies with**
 24 **REAL ID standards, and who is otherwise eligible to be issued a driver's license**
 25 **pursuant to the provisions of this Chapter, shall be issued a driver's license**
 26 **which indicates the driver's license is not in compliance with REAL ID. If the**
 27 **person has elected not to apply for a REAL ID compliant driver's license, the**
 28 **department shall not require the applicant to comply with any REAL ID**
 29 **requirements that were not required by the state as of January 1, 2016, or**
 30 **require the applicant to submit to a facial image capture in connection with**

1 such application prior to determining if such applicant is eligible to be issued
2 a driver's license pursuant to the provisions of this Chapter. If the person has
3 elected not to apply for a REAL ID compliant driver's license, the department
4 shall not copy, scan, maintain, or share a copy of the applicant's documents
5 proving his identity. This includes but is not limited to the applicant's birth
6 certificate, social security card, or United States issued passport.

7 (4)(a) Each applicant for a driver's license shall be informed that he is
8 not required by law to be issued a REAL ID compliant driver's license and may
9 be issued a driver's license which is not REAL ID compliant. The applicant shall
10 be required to indicate on his driver's license application whether he is applying
11 for a REAL ID compliant driver's license or a driver's license that is not REAL
12 ID compliant. Additionally, each applicant shall indicate receipt of the printed
13 document required by Subparagraph (b) of this Paragraph on the application
14 for a driver's license.

15 (b) The department shall provide each applicant for a driver's license
16 a printed document that includes the following information:

17 (i) The documents that an applicant is required to provide to obtain a
18 REAL ID compliant driver's license, and the documents an applicant is
19 required to provide to obtain a driver's license that is not REAL ID compliant.

20 (ii) The purposes for which a REAL ID compliant driver's license may
21 be utilized, and the purposes for which a driver's license that is not REAL ID
22 compliant may be utilized.

23 (iii) The electronic technology incorporated into a REAL ID compliant
24 driver's license, and the electronic technology incorporated into a driver's
25 license that is not REAL ID compliant.

26 (5) Compliance with REAL ID referenced in this Subsection shall be
27 limited to those standards in effect as of January 1, 2016. Any subsequent
28 changes or additions to federal laws or rules for implementation of REAL ID
29 shall be implemented by the state only if such changes are approved by the
30 legislature by a favorable vote of a majority of the elected members of each

1 house.

2 (6) Any eligible person electing to obtain a driver's license which bears
3 a United States Department of Homeland Security approved security marking
4 reflecting that such credential meets REAL ID standards prior to the renewal
5 date of his driver's license may be issued such driver's license at the cost of a
6 duplicate license.

7 (7) Upon the request of any applicant for a driver's license, the
8 department shall record and retain the applicant's name, date of birth,
9 certificate numbers, date filed, and issuing agency in lieu of retaining an image
10 or copy of the applicant's birth certificate.

11 (8) The department shall not participate in any programs that exchange
12 or allow the access of facial biometric data of Louisiana citizens obtained in the
13 issuance or renewal of a Louisiana driver's license to the agencies, governments,
14 or contractors of other states or nations without a warrant or a court order
15 issued for access to that data.

16 F.(1) Upon request of any person, any personal identifying source
17 documents or photographs of such person obtained by the department or a
18 contractor in the process of a person applying for or renewing a driver's license
19 between July 7, 2008, and the effective date of this Subsection that were not
20 required by state law to be captured by the department or a contractor as of
21 July 7, 2008, shall be disposed of as follows:

22 (a) Personal identifying source documents shall be removed and
23 purged from department and contractor databases and systems.

24 (b) All photographs of persons obtained by the department
25 which are in the possession of a contractor shall be purged from the
26 database or system of that contractor.

27 (2) As used in this Subsection, the following terms shall mean and
28 include:

29 (a) "Contractor" shall mean and include any contractor of the
30 department, any affiliate or subsidiary of such contractor, and any

1 subcontractor of such contractor or any affiliate or subsidiary of such
 2 subcontractor.

3 (b) "Personal identifying source documents" shall mean and include any
 4 document provided by any person to prove his identity or residence. It shall
 5 include all copies, scans, or digital images of such documents.

6 (c) "Photographs" shall mean and include any captured image, digital
 7 or otherwise, of a person's face. It shall include all copies, scans, or digital
 8 images of such image.

9 Section 2. R.S. 40:1321(O) and (P) are hereby enacted to read as follows:

10 §1321. Special identification cards; issuance; veteran designation; university logo;
 11 "I'm a Cajun" designation; fees; expiration and renewal; exceptions;
 12 promulgation of rules; promotion of use; persons less than twenty-
 13 one years of age; the Protect and Save our Children Program;
 14 Selective Service Registration

15 * * *

16 O.(1) The Department of Public Safety and Corrections, office of motor
 17 vehicles, hereinafter in this Subsection referred to as "department", shall
 18 provide for the option of the issuance of special identification cards that are
 19 compliant with the standards of the REAL ID Act of 2005, P. L. 109-13, and
 20 federal rules adopted pursuant thereto as of January 1, 2016, hereinafter
 21 collectively referred to as REAL ID, for official purposes, in the manner set
 22 forth in this Subsection.

23 (2) Any person applying for a special identification card pursuant to the
 24 provisions of this Section may elect to apply for a special identification card that
 25 complies with the standards of REAL ID. If that person is eligible for a special
 26 identification card to be issued pursuant to the provisions of this Section and
 27 meets all requirements of the United States Department of Homeland Security
 28 for a REAL ID compliant credential, that person shall be issued a special
 29 identification card which bears a United States Department of Homeland
 30 Security approved security marking reflecting that such credential meets REAL

1 ID standards. A person who is issued a REAL ID compliant special
2 identification card shall not be issued a REAL ID compliant driver's license.

3 (3) Any person applying for a special identification card pursuant to the
4 provisions of this Section who elects not to apply for a special identification card
5 that complies with REAL ID standards and who is otherwise eligible to be
6 issued a special identification card pursuant to the provisions of this Section
7 shall be issued a special identification card which indicates the special
8 identification card is not in compliance with REAL ID. If the person has elected
9 not to apply for a REAL ID compliant special identification card, the
10 department shall not require the applicant to comply with any REAL ID
11 requirements that were not required by the state as of January 1, 2016, or
12 require the applicant to submit to a facial image capture in connection with
13 such application prior to determining if such applicant is eligible to be issued
14 a special identification card. If the person has elected not to apply for a REAL
15 ID compliant special identification card, the department shall not copy, scan,
16 maintain, or share a copy of the applicant's documents proving his identity
17 obtained from any person in the process of applying for the issuance or renewal
18 of a special identification card. Documents proving identity shall include but
19 not be limited to the applicant's birth certificate, social security card, or United
20 States issued passport. If the person has elected not to apply for a REAL ID
21 compliant special identification card, the department shall not scan or maintain
22 a copy of the applicant's documents proving his identity. This includes but is not
23 limited to the applicant's birth certificate, social security card, or United States
24 issued passport.

25 (4)(a) Each applicant for a special identification card shall be informed
26 that he is not required by law to be issued a REAL ID special identification card
27 and may be issued a special identification card which is not REAL ID
28 compliant. The applicant shall be required to indicate on the special
29 identification card application whether he is applying for a REAL ID compliant
30 special identification card or a special identification card that is not REAL ID

1 compliant. Additionally, each applicant shall indicate receipt of the printed
2 document required by Subparagraph (b) of this Paragraph on the application
3 for a special identification card.

4 (b) The department shall provide each applicant for a special
5 identification card a printed document that includes the following information:

6 (i) The documents that are required to be provided by the applicant to
7 obtain a REAL ID compliant special identification card, and the documents that
8 are required to be provided by the applicant to obtain a special identification
9 card that is not REAL ID compliant.

10 (ii) The purposes for which a REAL ID compliant special identification
11 card may be utilized and the purposes for which a special identification card
12 that is not REAL ID compliant may be utilized.

13 (iii) The electronic technology incorporated into a REAL ID compliant
14 special identification card and the electronic technology incorporated into a
15 special identification card that is not REAL ID compliant.

16 (5) Compliance with REAL ID referenced in this Subsection shall be
17 limited to those standards in effect as of January 1, 2016. Any subsequent
18 changes or additions to federal laws or rules for implementation of REAL ID
19 shall be implemented by the state only if such changes are approved by the
20 legislature by a favorable vote of a majority of the elected members of each
21 house.

22 (6) Any eligible person electing to obtain a special identification card
23 which bears a United States Department of Homeland Security approved
24 security marking reflecting that such credential meets REAL ID standards
25 prior to the renewal date of his special identification card may be issued such
26 special identification card at the cost of a duplicate special identification card.

27 (7) Upon the request of any applicant for a special identification card,
28 the department shall record and retain the applicant's name, date of birth,
29 certificate numbers, date filed, and issuing agency in lieu of retaining an image
30 or copy of the applicant's birth certificate.

1 **(8) The department shall not participate in any programs that exchange**
2 **or allow the access of facial biometric data of Louisiana citizens obtained in the**
3 **issuance or renewal of a Louisiana special identification card to the agencies,**
4 **governments, or contractors of other states or nations without a warrant or a**
5 **court order issued for access to that data.**

6 **P.(1) Upon the request of any person, any personal identifying source**
7 **documents or photographs of such person obtained by the department or a**
8 **contractor in the process of a person applying for or renewing a special**
9 **identification card between July 7, 2008, and the effective date of this**
10 **Subsection that were not required by state law to be captured by the**
11 **department or a contractor as of July 7, 2008, shall be disposed of as follows:**

12 **(a) Personal identifying source documents shall be removed and purged**
13 **from department and contractor databases and systems.**

14 **(b) All photographs of persons obtained by the department which are**
15 **in the possession of a contractor shall be purged from the database or system**
16 **of that contractor.**

17 **(2) As used in this Subsection, the following terms shall mean and**
18 **include:**

19 **(a) "Contractor" shall mean and include any contractor of the**
20 **department or any affiliate or subsidiary of such contractor and any**
21 **subcontractor of such contractor or any affiliate or subsidiary of such**
22 **subcontractor.**

23 **(b) "Personal identifying source documents" shall mean and include any**
24 **document provided by any person to prove his identity or residence. It shall**
25 **include all copies, scans, or digital images of such documents.**

26 **(c) "Photographs" shall mean and include any captured image, digital**
27 **or otherwise, of a person's face. It shall include all copies, scans, or digital**
28 **images of such image.**

29 Section 3. Act No. 807 of the 2008 Regular Session of the Legislature and Act No.
30 151 of the 2010 Regular Session of the Legislature are hereby repealed.

1 Section 4. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____