

2020 Regular Session

HOUSE BILL NO. 810

BY REPRESENTATIVE JAMES

COMMERCIAL REGULATIONS: Provides relative to the acceptance of digitized identification cards by financial institutions and persons engaged in trade or commerce

1 AN ACT

2 To amend and reenact R.S. 40:1321(B)(2)(c) and to enact R.S. 6:2(18) and 6 and Chapter
3 61 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S.
4 51:3211 through 3212, relative to the use of digitized identification cards; to provide
5 definitions; to provide for the acceptance of digitized identification cards; to limit
6 liability; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 6:2(18) and 6 are hereby enacted to read as follows:

9 §2. General definitions

10 As used in this law:

11 * * *

12 (18) "Digitized identification card" means a data file available on any mobile
13 device which has connectivity to the internet through an application that allows the
14 mobile device to download the data file from the Department of Public Safety and
15 Corrections or an authorized representative of the Department of Public Safety and
16 Corrections that contains all of the data elements visible on the face and back of a
17 license or identification card and displays the current status of the license or
18 identification card. For purposes of this Paragraph, "current status" shall include

1 valid, expired, cancelled, suspended, disqualified, active, inactive, member,
2 nonmember, eligible, or ineligible.

3 * * *

4 §6. Digitized identification card acceptance; limitation of liability

5 A.(1)(a) When a financial institution requests a customer to produce valid
6 identification for the purpose of furnishing proof of the customer's identification, the
7 financial institution shall accept a digitized identification card as a valid form of
8 identification.

9 (b) When a financial institution requests a customer to produce valid
10 identification for a purpose that is not associated with furnishing proof of the
11 customer's identification, the customer may be required to produce a physical driver's
12 license or identification card to the financial institution and be subject to all the
13 applicable laws and consequences for failure to produce a physical driver's license
14 or identification card.

15 (c) For purposes of this Section, "customer" shall mean any person who has
16 transacted, or is transacting, any business with the financial institution or who has
17 used, or is using, any service of the financial institution, including any person who
18 was or is indebted or otherwise obligated to the financial institution, whether directly
19 or indirectly; any person who has provided, or is providing, any collateral security
20 for any indebtedness or other obligation to the financial institution; any person who
21 has had, or currently has, any funds on deposit at the financial institution; or any
22 person for whom the financial institution is acting or has acted as a fiduciary.

23 (2) A digital copy, photograph, or image of a digitized identification card
24 which is not downloaded through the application on a mobile device shall not be
25 considered a valid digitized identification card as provided for by this Section.

26 (3) The display of a digitized identification card shall not serve as consent
27 or authorization for a financial institution to search, view, or access any other data
28 or application on the customer's mobile device. When a customer presents his
29 mobile device to a financial institution for the purpose of displaying a digitized

1 identification card, the financial institution shall promptly return the mobile device
2 to the customer once the financial institution has had an opportunity to verify the
3 identity of the customer and the current status of the license or identification card.

4 (4) Under no circumstances shall this state, or any of its agencies, be held
5 liable in any manner legally or otherwise as a result of the use or misuse of a
6 digitized identification card.

7 Section 2. R.S. 40:1321(B)(2)(c) is hereby amended and reenacted to read as
8 follows:

9 §1321. Special identification cards; issuance; veteran designation; disabled veteran
10 designation; university logo; "I'm a Cajun" designation; needs
11 accommodation designation; fees; expiration and renewal; exceptions;
12 promulgation of rules; promotion of use; persons less than twenty-one years
13 of age; the Protect and Save our Children Program; Selective Service
14 Registration

15 * * *

16 B.

17 * * *

18 (2)

19 * * *

20 (c) In connection with requests for identification not associated with traffic
21 stops or checkpoints in Louisiana, a person may be required to produce a physical
22 special identification card to a law enforcement officer; or a representative of a ~~state~~
23 ~~or federal department or agency, or a private entity~~ when so requested and be subject
24 to all the applicable laws and consequences for failure to produce such identification
25 card.

26 * * *

27 Section 3. Chapter 61 of Title 51 of the Louisiana Revised Statutes of 1950,
28 comprised of R.S. 51:3211 through 3212, is hereby enacted to read as follows:

1 CHAPTER 61. DIGITIZED IDENTIFICATION CARD ACCEPTANCE

2 §3211. Definitions

3 As used in this Chapter, the following terms have the meaning ascribed to
4 them in this Section unless the context clearly indicates otherwise:

5 (1) "Consumer" means any individual who uses, purchases, or leases goods
6 or services.

7 (2) "Digitized identification card" means a data file available on any mobile
8 device which has connectivity to the internet through an application that allows the
9 mobile device to download the data file from the Department of Public Safety and
10 Corrections or an authorized representative of the Department of Public Safety and
11 Corrections that contains all of the data elements visible on the face and back of a
12 license or identification card and displays the current status of the license or
13 identification card. For purposes of this Chapter, "current status" shall include valid,
14 expired, cancelled, suspended, disqualified, active, inactive, member, nonmember,
15 eligible, or ineligible.

16 (3) "Person" means any individual, firm, partnership, corporation,
17 association, union, public or private education institution, or other organization who
18 is engaged in trade or commerce within the geographic boundaries of this state.

19 (4) "Trade" or "commerce" means the advertising, offering for sale, sale, or
20 distribution of any services and any property, corporeal or incorporeal, immovable
21 or movable, and any other article, commodity, or thing of value wherever situated,
22 and includes any trade or commerce directly or indirectly affecting the people of this
23 state.

24 §3212. Digitized identification card acceptance; limitation of liability

25 A.(1) When a person requests a consumer to produce valid identification for
26 the purpose of furnishing proof of the consumer's identification, the person shall
27 accept a digitized identification card as a valid form of identification.

28 (2) When a person requests a consumer to produce valid identification for
29 a purpose that is not associated with furnishing proof of the consumer's

Proposed law defines "consumer", "customer", "digitized identification card", "person", and "trade" or "commerce".

Proposed law requires financial institutions to accept the digitized identification card of a customer as a valid form of identification when identification is requested for the purpose of proving the customer's identity. Further, proposed law provides that a copy, photograph, or image of a digitized identification card that is not downloaded through the application on a mobile device is not a valid digitized identification card.

Proposed law specifies that display of a digitized identification card does not serve as consent or authorization for a financial institution to view, search, or access any other data or application on the mobile device and requires that a financial institution promptly return the mobile device to the customer once the financial institution has had an opportunity to verify the customer's identity and current status of the license or identification card.

Proposed law requires a person who is engaged in trade or commerce to accept the digitized identification card of a consumer as a valid form of identification when identification is requested for the purpose of proving the consumer's identity. Further, proposed law provides that a copy, photograph, or image of a digitized identification card that is not downloaded through the application on a mobile device is not a valid digitized identification card.

Proposed law specifies that display of a digitized identification card does not serve as consent or authorization for a person to view, search, or access any other data or application on the mobile device and requires that a person promptly return the mobile device to the consumer once the person has had an opportunity to verify the consumer's identity and current status of the license or identification card.

Proposed law provides that the state or any of its agencies shall under no circumstances be held liable as a result of the use or misuse of a digitized identification card.

(Amends R.S. 40:1321(B)(2)(c); Adds R.S. 6:2(18) and 6 and R.S. 51:3211 and 3212)