

GREEN SHEET REDIGEST

HB 54

2020 Second Extraordinary Session

James

COMMERCIAL REGULATIONS: Provides relative to the acceptance of digital identification (Item #28)

DIGEST

Present law authorizes a resident to have a digitized driver's license or identification card provided by the Dept. of Public Safety and Corrections, office of motor vehicles, as an alternative to a physical driver's license or identification card (R.S. 32:411).

Proposed law retains present law.

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

Proposed law requires a person who is engaged in trade or commerce to accept the state-issued 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 or age.

Proposed law provides that a copy, photograph, or image of a digitized identification card that is not downloaded through the state-approved 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 or age and current status of the license or identification card.

Proposed law absolves the state and any of its agencies from liability as a result of the use or misuse of a digitized identification card.

Proposed law authorizes the La. Gaming Control Board, La. State Racing Commission, and office of alcohol and tobacco control to take actions as deemed necessary to ensure respective licensees' compliance with the provisions of proposed law.

Proposed law does not apply to a location of business where a physical copy of an individual's current driver's license, valid passport, or visa issued by the federal government or another country or nation, or other card of identity is held for lawful compliance purposes.

Proposed law provides that federally insured depository institutions are not required to accept a digitized identification card as a valid form of identification. Such institutions may exercise the option to accept digitized identification.

Proposed law provides that certain entities licensed by the La. Gaming Control Board, including casinos, official gaming establishments, or other establishments providing gaming operations are not required to accept a digitized identification card as a valid form of identification. Such licensees may exercise the option to accept digitized identification.

Proposed law provides that certain entities licensed by the La. State Racing Commission are not required to accept a digitized identification card as a valid form of identification. Such licensees may exercise the option to accept digitized identification.

Proposed law provides that a person who validates identification for certain notarial acts is not required to accept a digitized identification card as a valid form of identification. A notary public may exercise the option to accept digitized identification.

Proposed law provides that a person or entity licensed pursuant to the La. Title Insurance Act is not required to accept a digitized identification card as a valid form of identification. Such licensee may exercise the option to accept digitized identification.

(Adds R.S. 51:3211-3214)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Make technical changes.
2. Require the mobile application be a state-approved application.
3. Specify that proposed law applies to bars, restaurants, casinos, official gaming establishments, other establishments providing gaming operations, and financial institutions.
4. Add "educational services" to the definition of "trade" or "commerce".
5. Specify "age" as a form of identification that may be requested.
6. Require that the digital identification be state-issued.
7. Create an exception for federally insured depository institutions.
8. Delete proposed law provision that would have been applicable to businesses needing physical identification for non-identification purposes.
9. Authorize the La. Gaming Control Board and the office of alcohol and tobacco control to ensure licensees' compliance with proposed law.
10. Exempt places of business that may require a physical copy of a person's identification for lawful compliance purposes.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Authorize the La. State Racing Commission to ensure licensees' compliance with proposed law.
3. Create an exception for certain businesses licensed by the La. Gaming Control Board (R.S. 27:1 et seq.) and the La. State Racing Commission (R.S. 4:141 et seq.).

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the reengrossed bill

1. Adds an exception for certain persons who validate identification for certain notarial acts and for persons or entities licensed pursuant to the La. Title Insurance Act.