

2016 Regular Session

HOUSE BILL NO. 702

BY REPRESENTATIVES JIMMY HARRIS AND TERRY LANDRY

MTR VEHICLE/DRIVER LIC: Provides for the issuance of REAL ID compliant special identification cards

1 AN ACT

2 To amend and reenact R.S. 32:410(A)(1), to enact R.S. 32:410(A)(3)(a)(x), (E), and (F) and  
3 R.S. 40:1321(O), and to repeal Act No. 807 of the 2008 Regular Session of the  
4 Legislature and Act No. 151 of the 2010 Regular Session of the Legislature, relative  
5 to the REAL ID Act of 2005; to provide for implementation of the REAL ID Act for  
6 special identification cards; to prohibit the issuance of driver's licenses in compliance  
7 with the REAL ID Act of 2005; to provide for exceptions; to provide for an effective  
8 date; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 32:410(A)(1) is hereby amended and reenacted and R.S.  
11 32:410(A)(3)(a)(x), (E), and (F) are hereby enacted to read as follows:

12 §410. Form of license; photograph, signature of licensee, anatomical gift statement,  
13 declaration of life-sustaining procedures, and additional information on  
14 license

15 A.(1) Every application for a driver's license and the license issued as a  
16 result of such application shall contain the photograph of the applicant or licensee,  
17 as the case may be. However, no driver's license issued as a result of such  
18 application shall be compliant with the standards of the REAL ID Act of 2005, P.L.  
19 109-13, and federal rules adopted pursuant thereto. At the time of renewal of a

1 license, the expired or expiring license shall be surrendered to the office of motor  
2 vehicles of the Department of Public Safety and Corrections.

3 \* \* \*

4 (3)(a) Every license issued shall bear thereon:

5 \* \* \*

6 (x) An indication that such license is not in compliance with the REAL ID  
7 Act of 2005, P.L. 109-13.

8 \* \* \*

9 E. The department shall not copy, scan, maintain, or share personal  
10 identifying source documents or biometrics obtained from any person in the process  
11 of applying for the issuance or renewal of a driver's license.

12 F.(1) Any personal identifying source documents or photographs of persons  
13 obtained by the department or a contractor in the process of a person applying for or  
14 renewing a driver's license between July 7, 2008, and the effective date of the Act  
15 which originated as House Bill 702 of the 2016 Regular Session that were not  
16 required by state law to be captured by the department or a contractor as of July 7,  
17 2008, shall be disposed of as follows:

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

20 (b) All photographs of persons obtained by the department prior to 2012  
21 which are in the possession of a contractor shall be purged from the database or  
22 system of that contractor.

23 (2) Any photographs of a person captured in the process of a person applying  
24 for or renewing a driver's license between July 7, 2008, and the effective date of the  
25 Act which originated as House Bill 702 of the 2016 Regular Session may be retained  
26 by the department; however, any such photographs shall be removed and purged  
27 from all databases and systems of any contractor.



1        identification card to be issued pursuant to the provisions of this Section and meets  
2        all requirements of the United States Department of Homeland Security for a REAL  
3        ID compliant credential, that person shall be issued a special identification card  
4        which bears a United States Department of Homeland Security approved security  
5        marking reflecting that such credential meets REAL ID standards. A person who is  
6        issued a REAL ID compliant special identification card shall not be issued a REAL  
7        ID compliant driver's license.

8                (3) If a person applying for a special identification card pursuant to the  
9        provisions of this Section does not elect to apply for a special identification card that  
10        complies with REAL ID standards and that person is otherwise eligible to be issued  
11        a special identification card pursuant to the provisions of this Section, that person  
12        shall be issued a special identification card which indicates the special identification  
13        card is not in compliance with REAL ID. If the person has elected not to apply for  
14        a REAL ID compliant special identification card, the department shall not require the  
15        applicant to comply with any of the REAL ID requirements which were not required  
16        by the state as of January 1, 2016.

17                (4)(a) Each applicant for a special identification card shall be informed that  
18        he is not required by law to be issued a REAL ID compliant special identification  
19        card and may be issued a special identification card which is not REAL ID  
20        compliant. Each applicant shall be required to indicate on his special identification  
21        card application whether he is applying for a REAL ID compliant special  
22        identification card or a special identification card that is not REAL ID compliant.  
23        Each applicant shall also be required to indicate on his special identification card  
24        application that he was provided the printed document as required pursuant to  
25        Subparagraph (b) of this Paragraph.

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

28                (i) The documents that are required to be provided by the applicant to obtain  
29        a REAL ID compliant special identification card and the documents that are required

1 to be provided by the applicant to obtain a special identification card that is not  
2 REAL ID compliant.

3 (ii) The purposes for which a REAL ID compliant special identification card  
4 may be utilized and the purposes for which a special identification card that is not  
5 REAL ID compliant may be utilized.

6 (iii) The electronic technology incorporated into a REAL ID compliant  
7 special identification card and the electronic technology incorporated into a special  
8 identification card that is not REAL ID compliant.

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

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

19 (7) Before January 2017, the department shall provide to the House and  
20 Senate committees on transportation, highways, and public works a specific and  
21 detailed list of those standards in effect as of January 1, 2016, to which compliance  
22 with REAL ID in Louisiana is limited in this Subsection.

23 Section 3. Act No. 807 of the 2008 Regular Session of the Legislature and Act No.  
24 151 of the 2010 Regular Session of the Legislature are hereby repealed in their entirety.

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

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 702 Reengrossed

2016 Regular Session

Jimmy Harris

**Abstract:** Provides for the issuance of REAL ID special identification cards.

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.

Proposed law requires that the department provide for the option of the issuance of special identification cards that are compliant or not compliant with the standards of the REAL ID Act of 2005 and federal rules adopted pursuant thereto as of Jan. 1, 2016 in the manner set forth in proposed law.

Proposed law specifies that a person can only be issued a REAL ID compliant special identification card. Prohibits the issuance of REAL ID compliant driver's licenses.

Proposed law provides that any person applying for a special identification card may elect to apply for a special identification card that complies with the standards of REAL ID. Specifies that if that person is eligible for a special identification card and meets all requirements of the U.S. Dept. of Homeland Security for a REAL ID compliant credential, that person shall be issued a 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 provides that if a person applying for a driver's license does not elect to apply for a special identification card that complies with REAL ID standards and that person is otherwise eligible to be issued a special identification card pursuant to present law, that person shall be issued a special identification card which indicates the special identification card is not in compliance with REAL ID.

Proposed law provides that if a person elects not to apply for a REAL ID compliant special identification card, the department shall not require the applicant to comply with any of the REAL ID requirements which were not required by the state as of Jan. 1, 2016.

Proposed law requires the Dept. of Public Safety and Corrections and the office of motor vehicles to inform applicants for special identification cards that they are not required by law to be issued a REAL ID compliant special identification card and may be issued a special identification card which is not REAL ID compliant. Requires the applicant indicate on his special identification application whether he is applying for a REAL ID compliant special identification card or a special identification card that is not REAL ID compliant. Further requires each applicant to indicate on his special identification card application that he was provided a printed document that includes the following: (1) the documents required to obtain a REAL ID compliant special identification card and the documents required to obtain

a special identification card that is not REAL ID compliant; (2) the purposes for which a REAL ID compliant special identification card may be utilized and the purposes for which a special identification card that is not REAL ID compliant may be utilized; and (3) information about the electronic technology incorporated into a REAL ID compliant special identification card and the electronic technology incorporated into a special identification card that is not REAL ID compliant.

Proposed law requires that compliance with REAL ID referenced in proposed law be limited to those standards in effect as of Jan. 1, 2016.

Proposed law specifies that any subsequent changes or additions to federal laws or rules for implementation of REAL ID can only be implemented by the state if such changes are approved by the legislature by a favorable vote of a majority of the elected members of each house.

Proposed law provides that any eligible person electing to obtain a special identification card which bears a U.S. Dept. of Homeland Security approved security marking reflecting that such credential meets REAL ID standards prior to the renewal date of his special identification card may be issued a REAL ID compliant card at the cost of a duplicate card.

Proposed law provides that, prior to Jan. 2017, the Dept. of Public Safety and Corrections, office of motor vehicles, must provide to the House and Senate committees on transportation, highways and public works a specific and detailed list of those standards in effect as of Jan. 1, 2016, to which compliance with REAL ID in La. is limited in proposed law.

(Amends R.S. 32:410(A)(1); Adds R.S. 32:410(A)(3)(a)(x), (E), and (F) and R.S. 40:1321(O); Repeals Act No. 807 of the 2008 R.S. and Act No. 151 of the 2010 R.S.)

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the original bill:

1. Adds a person may obtain a REAL ID compliant driver's license or special identification card prior to the renewal date of such driver's license or special identification card at the cost of a duplicate license or card.

The House Floor Amendments to the engrossed bill:

1. Remove proposed law provisions providing for the option of the issuance of driver's licenses that are compliant or not compliant with the REAL ID Act.
2. Prohibit the issuance of REAL ID compliant driver's licenses and requires every license issued include an indication that such license is not REAL ID compliant.
3. Prohibit the department from copying, scanning, maintaining, or sharing personal identifying source documents or biometrics obtained from any person during the driver's license issuance or renewal application process.
4. Establish procedures for disposal of personal identifying source documents or photographs of applicants obtained by the department or a contractor during the application process between July 7, 2008, and the effective date of proposed law that was not required to be captured by the department or a contractor prior to July 7, 2008.
5. Authorize the department to retain photographs of a person captured during the application process between July 7, 2008, and the effective date of proposed law

but requires any such photographs be removed and purged from all databases and systems of any contractor.

6. Require the department to notify, in writing, any person who has personal identifying source documents or photographs disposed of or retained pursuant to proposed law and requires that such person be apprised of what was disposed of or retained by the department or a contractor.
7. Defines the terms "contractor", "personal identifying source documents", and "photographs" for purposes of proposed law.
8. Require each applicant to indicate on his special identification card application that he was provided a printed document that includes: the documents required to obtain a REAL ID compliant special identification card and the documents required to obtain a special identification card that is not REAL ID compliant, the purposes for which a REAL ID compliant special identification card may be utilized and the purposes for which a special identification card that is not REAL ID compliant may be utilized, and information about the electronic technology incorporated into a REAL ID compliant special identification card and the electronic technology incorporated into a special identification card that is not REAL ID compliant.