2018 Regular Session

HOUSE BILL NO. 450

BY REPRESENTATIVE JAMES

1	AN ACT
2	To amend and reenact R.S. 32:401(introductory paragraph) and (14), 404(F), and 411(F)(1)
3	and (3)(a) and R.S. 40:1321(B), relative to driver's licenses and special identification
4	cards; to provide with respect to reciprocity agreements relative to driver's licenses;
5	to authorize a digitized format of a driver's license and special identification card that
6	complies with the standards of REAL ID; to provide for the issuance of a digitized
7	special identification card; to establish a fee to install the application to display a
8	digitized driver's license; to provide for definitions; and to provide for related
9	matters.
10	Be it enacted by the Legislature of Louisiana:
11	Section 1. R.S. 32:401(introductory paragraph) and (14), 404(F), and 411(F)(1) and
12	(3)(a) are hereby amended and reenacted to read as follows:
13	§401. Definitions
14	The following words and phrases when used in this Chapter shall have the
15	meaning herein assigned to them in this Section unless the context clearly indicates
16	otherwise:
17	* * *
18	(14) "License" or "driver's license" means any license, which shall include
19	a license that complies with the standards of REAL ID as provided for in R.S.
20	32:410(E), secured from the Department of Public Safety and Corrections, in
21	accordance with this Chapter to operate a motor vehicle on the highways of this
22	state.
23	* * *
24	§404. Operation of motor vehicles by nonresidents, students, and military personnel
25	and dependents; reciprocity agreements with foreign countries
26	* * *

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1	F.(1) The deputy secretary of public safety services of the Department of
2	Public Safety and Corrections is hereby authorized to promulgate rules and
3	regulations as may be necessary to enter into reciprocity agreements with
4	jurisdictions or agencies in foreign countries or with foreign governments that issue
5	driver's licenses or the equivalent.
6	(2) The rules shall specify that the following:
7	(a) the The driver's license standards of a the licensing jurisdiction or agency
8	in a foreign country or the foreign government shall be comparable to those of this
9	state.
10	(b) The rules shall also require foreign drivers, who are operating a motor
11	vehicle in Louisiana under such a reciprocity agreement, to shall comply with the
12	compulsory motor vehicle liability security laws of this state.
13	(c) The department shall specify in the agreement which licensing
14	requirements may be waived for an applicant for a driver's license in this state.
15	(3) The issuance of a commercial driver's license pursuant to a reciprocity
16	agreement shall be prohibited.
17	* * *
18	§411. Deposit of license in lieu of security upon arrest; receipt; licensee to have
19	license or receipt in immediate possession; notification to vehicle owner;
20	surrender of license; issuance of temporary permits
21	* * *
22	F.(1) The licensee shall have his <u>physical</u> license, or a digitized driver's
23	license as provided in this Section, in his immediate possession at all times when
24	driving a motor vehicle and shall display it upon demand of any officer or agent of
25	the department or any police officer of the state, parish, or municipality, except that
26	where the licensee has previously deposited his license as provided in Subsection C
27	of this Section, and has received a receipt, as provided in Subsection D of this
28	Section, the licensee shall display the receipt upon demand of any officer or agent
29	of the department or any police officer of the state, parish, or municipality, the same
30	to serve as a substitute for the license until the license is returned to the licensee.

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1	However, when an officer or agent of the department or any police officer of the
2	state, or any parish or municipality has reasonable grounds to believe a person has
3	committed an offense of driving without a valid driver's license in his possession, the
4	police officer shall make every practical attempt based on identifying information
5	provided by the person to confirm that the person has been issued a valid driver's
6	license. If the police officer determines that the person has been issued a valid
7	driver's license that is not under revocation, suspension, or cancellation, but that the
8	license is not in his possession, the peace officer shall issue a written summons to the
9	offender in accordance with law, commanding him to appear and answer the charge.
10	* * *
11	(3)(a) For the purposes of this Subsection, a digitized driver's license, which
12	shall include a license that complies with the standards of REAL ID as provided for
13	in R.S. 32:410(E), shall mean a data file available on any mobile device which has
14	connectivity to the internet through an application that allows the mobile device to
15	download the data file from the department or an authorized representative of the
16	department, contains all of the data elements visible on the face and back of the
17	license, and also displays the current status of the license. For the purposes of this
18	Subparagraph, "current status" shall include but is not limited to valid, expired,
19	cancelled, suspended, disqualified, hardship, or interlock hardship status.
20	* * *
21	Section 2. R.S. 40:1321(B) is hereby amended and reenacted to read as follows:
22	§1321. Special identification cards; issuance; veteran designation; disabled veteran
23	designation; university logo; "I'm a Cajun" designation; needs
24	accommodation designation; fees; expiration and renewal; exceptions;
25	promulgation of rules; promotion of use; persons less than twenty-one years
26	of age; the Protect and Save our Children Program; Selective Service
27	Registration
28	* * *
29	B.(1) Each special identification card shall be accepted as valid identification
30	of the person to whom it was issued when it is presented physically or in the form

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1	of a digitized special identification card for the purpose of furnishing proof of that
2	person's identification. Under no circumstances shall the state of Louisiana, or any
3	of its agencies, be held liable in any manner legally or otherwise as a result of the use
4	or misuse of a special identification card.
5	(2)(a) For purposes of this Subsection, a digitized special identification card
6	shall mean a data file available on any mobile device which has connectivity to the
7	internet through an application that allows the mobile device to download the data
8	file from the department or an authorized representative of the department and
9	contains all of the data elements visible on the face and back of the special
10	identification card, displays the current status of the identification card, and shall
11	include any special identification card that complies with the standards of REAL ID
12	as provided for in Subsection P of this Section. For purposes of this Subparagraph,
13	"current status" shall include but is not limited to valid, expired, or cancelled.
14	(b) A digital copy, photograph, or image of a special identification card
15	which is not downloaded through the application on a mobile device shall not be
16	considered a valid digitized special identification card as provided by this
17	Subsection.
18	(c) In connection with requests for identification not associated with traffic
19	stops or checkpoints in Louisiana, a person may be required to produce a physical
20	special identification card to a law enforcement officer, a representative of a state or
21	federal department or agency, or a private entity when so requested and be subject
22	to all the applicable laws and consequences for failure to produce such identification
23	<u>card.</u>
24	(d) The Department of Public Safety and Corrections shall promulgate rules
25	as are necessary to implement a digitized special identification card. No digitized
26	special identification card shall be valid until the department has adopted the rules.
27	(e) The display of a digitized special identification card shall not serve as
28	consent or authorization for a law enforcement officer, or any other person, to search,
29	view, or access any other data or application on the mobile device. If a person
30	presents their mobile device to a law enforcement officer for purposes of displaying

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1	their digitized special identification card, the law enforcement officer shall promptly
2	return the mobile device to the person once he has had an opportunity to verify the
3	identity of the person.
4	(f) The fee to install the application to display a digitized special
5	identification card as defined in Subparagraph (a) of this Paragraph shall not exceed
6	six dollars.
7	* * *
8	Section 3. Any existing reciprocity agreement as of the effective date of this Act
9	shall remain in full force and effect until terminated in accordance with its terms. The
10	legislature hereby specifically declares that this Act in no way and to no extent is intended
11	to nor shall it be construed in any manner to impair any obligation of any reciprocity
12	agreement in effect as of the effective date of this Act.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____