

ACT No. 552

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 * * *

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 physical 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.

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 card.

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

