

2020 Second Extraordinary Session

HOUSE BILL NO. 54

BY REPRESENTATIVE JAMES

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

1 AN ACT

2 To enact Chapter 61 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 51:3211 through 3214, relative to the use of digitized identification cards; to
4 provide definitions; to provide for the acceptance of digitized identification cards at
5 places of business; to provide for exceptions; to limit liability; to provide for certain
6 powers and duties; to provide for applicability; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Chapter 61 of Title 51 of the Louisiana Revised Statutes of 1950,
9 comprised of R.S. 51:3211 through 3214, is hereby enacted to read as follows:

10 CHAPTER 61. DIGITIZED IDENTIFICATION CARD ACCEPTANCE

11 §3211. Definitions

12 As used in this Chapter, the following terms have the meanings ascribed to
13 them in this Section unless the context clearly indicates otherwise:

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

16 (2) "Digitized identification card" means a data file available on any mobile
17 device which has connectivity to the internet through a state-approved application
18 that allows the mobile device to download the data file from the Department of
19 Public Safety and Corrections or an authorized representative of the Department of
20 Public Safety and Corrections that contains all of the data elements visible on the

1 face and back of a license or identification card and displays the current status of the
2 license or identification card. For purposes of this Chapter, "current status" includes
3 valid, expired, cancelled, suspended, disqualified, active, inactive, member,
4 nonmember, eligible, or ineligible.

5 (3) "Person" means any individual, firm, partnership, corporation,
6 association, union, public or private education institution, or other organization,
7 including but not limited to a bar or restaurant that is engaged in trade or commerce
8 within the geographic boundaries of this state.

9 (4) "Trade" or "commerce" means the advertising, offering for sale, sale, or
10 distribution of any services, including educational services, and any property,
11 corporeal or incorporeal, immovable or movable, and any other article, commodity,
12 or thing of value wherever situated, and includes any trade or commerce directly or
13 indirectly affecting the people of this state.

14 §3212. Digitized identification card acceptance; limitation of liability

15 A. When a person requests a consumer to produce valid identification for the
16 purpose of furnishing proof of the consumer's identification or age, the person shall
17 accept a state-issued digitized identification card as a valid form of identification.

18 B. A digital copy, photograph, or image of a digitized identification card
19 which is not downloaded through a state-approved application on a mobile device
20 shall not be considered a valid digitized identification card as provided for by this
21 Chapter.

22 C. The display of a digitized identification card does not serve as consent or
23 authorization for a person to search, view, or access any other data or application on
24 the consumer's mobile device. When a consumer presents his mobile device to a
25 person for the purpose of displaying a digitized identification card, the person shall
26 promptly return the mobile device to the consumer once the person has had an
27 opportunity to verify the identity or age of the consumer and the current status of the
28 license or identification card.

1 D. Under no circumstances shall this state, or any of its agencies, be held
2 liable in any manner legally or otherwise as a result of the use or misuse of a
3 digitized identification card.

4 §3213. Powers and duties

5 The Louisiana Gaming Control Board, the Louisiana State Racing
6 Commission, and the office of alcohol and tobacco control have authority to take
7 actions, not inconsistent with law, as deemed necessary to ensure a respective
8 licensee's compliance with the provisions of this Chapter.

9 §3214. Limitations of applicability

10 A. The provisions of this Chapter do not apply to a location of business in
11 the state of Louisiana where a physical copy of an individual's current driver's
12 license, valid passport, or visa issued by the federal government or another country
13 or nation, or other card of identity is held in compliance with state or federal law.

14 B. Notwithstanding any other provision of law to the contrary, the provisions
15 of this Chapter do not apply to the following:

16 (1) A federally insured depository institution that is organized under the laws
17 of this state, another state, or the United States. However, a federally insured
18 depository institution may, at its option, accept a digitized identification card as a
19 valid form of identification.

20 (2) An entity licensed pursuant to the provisions of Title 27 of the Louisiana
21 Revised Statutes of 1950, including but not limited to a casino, official gaming
22 establishment, or other establishment providing gaming operations. However, such
23 licensee may, at its option, accept a digitized identification card as a valid form of
24 identification.

25 (3) An entity licensed pursuant to the provisions of Chapter 4 of Title 4 of
26 the Louisiana Revised Statutes of 1950. However, such licensee may, at its option,
27 accept a digitized identification card as a valid form of identification.

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)]

HB 54 Reengrossed

2020 Second Extraordinary Session

James

Abstract: Provides for the acceptance of digitized identification cards at places of business in the state of La.

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.

(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.).