

ACT No. 21

2020 Second Extraordinary Session

HOUSE BILL NO. 54

BY REPRESENTATIVE JAMES

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

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

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

10 §3212. Digitized identification card acceptance; limitation of liability

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

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

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

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

28 (2) Under no circumstances shall a private business, legal entity, or person
29 be held liable in any manner legally or otherwise as a result of the use or misuse of
30 a digitized identification card.

1 §3213. Powers and duties

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

6 §3214. Limitations of applicability

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

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

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

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

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

25 (4) A person validating identification for notarial acts involving immovable
26 property, authentic acts, testaments or codicils thereto, trust instruments or
27 acknowledgments thereof, donations inter vivos, matrimonial agreements or
28 acknowledgments thereof, and acts modifying, waiving, or extinguishing an
29 obligation of final spousal support or acknowledgments thereof. However, a notary

1 public may, at its option, accept a digitized identification card as a valid form of
2 identification.

3 (5) A person or entity licensed pursuant to the provisions of Subpart R of
4 Part I of Chapter 2 of Title 22 of the Louisiana Revised Statutes of 1950. However,
5 such licensee may, at its option, accept a digitized identification card as a valid form
6 of identification.

7 (6) A used motor vehicle dealer licensed pursuant to the provisions of
8 Chapter 4-C of Title 32 of the Louisiana Revised Statutes of 1950 or a dealer
9 licensed pursuant to the provisions of Chapter 6 of Title 32 of the Louisiana Revised
10 Statutes of 1950. However, the licensed used motor vehicle dealer or licensed dealer
11 may, at its option, accept a digitized identification card as a valid form of
12 identification.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____