

RÉSUMÉ DIGEST

Act 21 (HB 54)

2020 Second Extraordinary Session

James

Existing 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).

New law retains existing law.

New law defines "consumer", "digitized identification card", "person", and "trade" or "commerce".

New law requires a person who is engaged in trade or commerce to accept a consumer's state-issued digitized identification card as a valid form of identification when identification is requested for the purpose of proving the consumer's identity or age.

New law provides that a copy, photograph, or image of a digitized identification card which is not downloaded through a state-approved application on a mobile device is not a valid digitized identification card.

New 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.

New law absolves the state and any of its agencies and also a private business, legal entity, or person from liability as a result of the use or misuse of a digitized identification card.

New 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 new law.

New law does not apply to a location of business where a physical copy of an individual's current driver's license, valid passport, visa issued by the federal government or another country or nation, or other card of identity is held for lawful compliance purposes.

New law provides that the following are not required to accept a digitized identification card as a valid form of identification:

- (1) A federally insured depository institution organized under state or federal law.
- (2) Certain entities licensed by the La. Gaming Control Board, including casinos, official gaming establishments, or other establishments providing gaming operations.
- (3) Certain entities licensed by the La. State Racing Commission.
- (4) A person who validates identification for certain notarial acts.
- (5) A person or entity licensed pursuant to the La. Title Insurance Act.
- (6) A licensed used motor vehicle dealer or licensed vehicle dealer.

However, new law provides that the aforementioned entities, licensees, or persons may exercise the option to accept a digitized identification card.

New law terminates certain exceptions on Jan. 1, 2023.

(Adds R.S. 51:3211-3214)