
DIGEST

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St. Germain

HB No. 907

Abstract: Provides for the issuance of REAL ID compliant driver's licenses and special identification cards.

Proposed law requires the issuance of driver's licenses and special identification cards in the manner set forth in present law upon the occurrence of official notification by the U.S. Dept. of Homeland Security that, on a date certain, federal agencies will no longer accept the La. issued driver's licenses and special identification cards that are not compliant with the standards of the REAL ID Act of 2005 and federal rules adopted pursuant thereto as of Jan. 1, 2014.

Proposed law specifies that any person applying for a driver's license or special identification card pursuant to the provisions of present law may elect to apply for a license that complies with the standards of REAL ID.

Proposed law provides that if a person is eligible for a license or special identification card to be issued pursuant to the provisions of present law and meets all requirements of the U.S. Dept. of Homeland Security for a REAL ID compliant credential, that person must be issued a license or special identification card which bears a U.S. Dept. of Homeland Security approved security marking reflecting that such credential meets REAL ID standards.

Proposed law specifies that if a person applying for a driver's license or special identification card pursuant to the provisions of present law does not elect to apply for a license or special identification card that complies with REAL ID standards and that person is otherwise eligible to be issued a license or special identification card pursuant to the provisions of present law, that person shall be issued a license or special identification card which indicates the license or special identification card is not in compliance with REAL ID.

Proposed law provides that if the person has elected not to apply for a REAL ID compliant license or special identification card, the department must not require the applicant to, relative to labeling of the license, comply with any of the REAL ID requirements, other than those required by proposed law, which were not required by the state as of Jan. 1, 2014. If the person has elected to not apply for a REAL ID compliant driver's license or special identification card, the department shall not scan or maintain a copy of the applicant's documents proving his identity upon renewal. This includes but is not limited to the applicant's birth certificate, social security card, or United States issued passports.

Proposed law provides that all persons applying for a Louisiana's driver's license must be given a

complete description of the REAL ID card, with an explanation of what the card does, what information is collected and maintained, who has access to the data, how the data will be used, that the applicant may choose to not waive their right to privacy, and that if they are harassed, they can take legal action. Each applicant must be told that he is not required by the state to accept the "gold star" or the REAL ID. Each applicant must certify in writing that they have been given information related to the issuance of the REAL ID.

Proposed law provides that any documents collected from a person applying for a REAL ID in Louisiana may not be released to anyone except Louisiana law enforcement agencies, the Department of Public Safety and Corrections, the U.S. Department of Homeland Security, and the FBI. The database containing information from the documents collected from applicants for the REAL ID card in Louisiana shall not have any interoperability with any international database. Any person who illegally accesses or releases the data shall be subject to a fine of not more than \$10,000 and six months in jail for each offense.

Proposed law provides, except as provided in proposed law, compliance with REAL ID referenced must be limited to those standards in effect as of Jan. 1, 2014. Provides that any subsequent changes or additions to federal laws or rules for implementation of REAL ID must be implemented by the state if and only if such changes are approved by the legislature by a favorable vote of a majority of the elected members of each house.

Present law (Act No. 807 of the 2008 R.S.) directs the Dept. of Public Safety ad Corrections, including the office of motor vehicles, not to implement the provisions of the REAL ID Act.

Proposed law repeals present law.

Present law (Act No. 151 of the 2010 R.S.) directs the Dept. of Public Safety and Corrections, including the office of motor vehicles, not to implement the provisions of the PASS ID Act.

Proposed law repeals present law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 32:410(D) and R.S. 40:1321(M); Repeals Act No. 807 of the 2008 R.S. and Act No. 151 of the 2010 R.S.)

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Made technical changes.
2. Added that any documents collected from a person applying for a REAL ID in Louisiana may not be released to anyone except Louisiana law enforcement agencies, the Department of Public Safety and Corrections, the U.S. Department of Homeland

Security, and the FBI. The database containing information from the documents collected from applicants for the REAL ID card in Louisiana shall not have any interoperability with any international database. Any person who illegally accesses or releases the data shall be subject to a fine of not more than \$10,000 and six months in jail for each offense.

3. Added that if a person has elected to not apply for a REAL ID compliant driver's license or special identification card, the department shall not scan or maintain a copy of the applicant's documents proving his identity upon renewal. This includes but is not limited to the applicant's birth certificate, social security card, or United States issued passports.
4. Added that all persons applying for a Louisiana driver's license must be given a complete description of the REAL ID card, with an explanation of what the card does, what information is collected and maintained, who has access to the data, how the data will be used, that the applicant may choose to not waive their right to privacy, and that if they are harassed, they can take legal action. Each applicant must be told that he is not required by the state to accept the "gold star" or the REAL ID. Each applicant must certify in writing that they have been given information related to the issuance of the REAL ID.