

Regular Session, 2014

HOUSE BILL NO. 963

BY REPRESENTATIVE GAROFALO

1 AN ACT

2 To enact R.S. 32:410.1, relative to official state identification credentials; to prohibit novelty
3 or unofficial credentials intended to simulate state credentials; and to provide for
4 related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 32:410.1 is hereby enacted to read as follows:

7 §410.1. Novelty or unofficial credentials; prohibited

8 A. It shall be unlawful for any person to manufacture, advertise for sale, sell,
9 or possess any fictitious or facsimile credential that is intended to simulate a valid
10 credential issued by any state, territory, or possession of the United States, the
11 District of Columbia, the Commonwealth of Puerto Rico, any foreign country or
12 government, a United States government-issued credential, or a United States
13 passport or foreign government visa.

14 B. For purposes of this Section, a valid credential shall include, but is not
15 limited to, any driver's license, driver permit, temporary license, restricted or
16 hardship license, government-issued identification card, school-issued identification
17 card, vehicle registration certificate, or vehicle license plate.

18 C. The following language shall appear on every item that can be interpreted
19 as a novelty credential in a size or font equal in size to the largest print appearing
20 anywhere on the novelty item: "This document is a novelty item and cannot be used
21 for any official purposes or as a lawful means of identification or for the operation
22 of a motor vehicle on any public highway or street".

23 D. The Department of Public Safety and Corrections, office of motor
24 vehicles, may issue a cease and desist order to any person or business who

1 manufactures, advertises for sale, sells, or possesses any credential, including any
 2 novelty or unofficial credential, which is not in compliance with this Section. Any
 3 such cease and desist order may be served by regular mail with a proof of mailing
 4 issued by the United States Postal Service, or hand delivered by a representative of
 5 the department. If the cease and desist order is served by mail with proof of mailing,
 6 it shall be deemed delivered on the seventh calendar day after the date affixed on the
 7 certificate or proof of mailing. The presumption of delivery in this Subsection shall
 8 not apply if the cease and desist order is returned as undeliverable.

9 E. If the person or business subject to the cease and desist order cannot be
 10 served or does not comply with the cease and desist order, the department may file
 11 a petition for injunctive relief as provided in the Code of Civil Procedure for
 12 injunctions in the district court. There shall be no suspensive appeal or stay of an
 13 order or judgment of the district court granting the department a preliminary or
 14 permanent injunction.

15 F. The department may promulgate rules it determines necessary to aid in the
 16 implementation and enforcement of this Section.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____