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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Sharon F. Lyles.

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DIGEST

SB 227 Engrossed

2016 Regular Session

Colomb

Proposed law provides for the option of the issuance of drivers' licenses and special identification cards in the manner set forth in proposed law that are compliant or not compliant with the standards of the REAL ID Act of 2005, P. L. 109-13, and federal rules adopted pursuant thereto as of Jan. 1, 2016.

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 driver's 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 driver's 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 prohibits issuance of a REAL ID compliant special identification card to a person who is issued a REAL ID compliant driver's license.

Proposed law prohibits issuance of a REAL ID compliant driver's license to a person who is issued a REAL ID compliant special identification card.

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 driver's license or special identification card which indicates the license or special identification card is not in compliance with REAL ID.

Proposed law provides that each applicant for a driver's license or special identification card shall be informed that if the person has elected not to apply for a REAL ID compliant driver's license or special identification card, the department shall not require the applicant to comply with any of the REAL ID requirements which were not required by the state as of Jan. 1, 2016. Provides that the DPSC, OMV, shall not scan or maintain a copy of an applicant's documents proving his identity, including but not limited to a birth certificate, social security card, or United States issued passport, upon renewal for persons who elect not to apply for a REAL ID compliant driver's license or special identification card.

Proposed law provides that each applicant for a driver's license or special identification card shall

be informed that he is not required by law to be issued a REAL ID compliant driver's license and may be issued a driver's license which is not REAL ID compliant. Provides that each applicant shall be required to indicate on his driver's license or special identification card application whether he is applying for a REAL ID compliant driver's license or special identification card or a driver's license or special identification card that is not REAL ID compliant.

Proposed law requires that the OMV post a sign in each location that provides a complete description of the REAL ID compliant driver's license and special identification card, including but not limited to an explanation of what the driver's license and special identification card does, what information is collected and maintained, who has access to the data collected, how the data collected will be utilized, and that persons are not required by the state to accept the "gold star" or the REAL ID compliant driver's license and special identification card.

Proposed law provides that compliance with REAL ID in proposed law is limited to those standards in effect as of January 1, 2016, and that any subsequent changes or additions to federal laws or rules for implementation of REAL ID shall 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.

Proposed law provides that any eligible person electing to obtain a driver's 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 prior to the renewal date of his driver's license or special identification card may be issued a duplicate driver's license or special identification card.

Proposed law requires that before January 2017, the OMV provide the Senate and House committees on transportation, highways, and public works a specific and detailed list of those standards in effect as of January 1, 2016, to which compliance with REAL ID in Louisiana by proposed law is limited.

Present law (Act No. 807 of the 2008 R.S.) directs the Dept. of Public Safety and 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(E) and R.S. 40:1321(O); repeals Act No. 807 of the 2008 R.S. and Act No. 151 of the 2010 R.S.)

## Summary of Amendments Adopted by Senate

### Committee Amendments Proposed by Senate Committee on Transportation, Highways, and Public Works to the original bill

1. Adds that the DPSC, OMV shall not scan or maintain a copy of an applicant's documents proving his identity, including but not limited to a birth certificate, social security card, or United States issued passport, upon renewal for persons who elect not to apply for a REAL ID compliant driver's license or special identification card.