

GREEN SHEET REDIGEST

HB 702

2016 Regular Session

Jimmy Harris

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

MTR VEHICLE/DRIVER LIC. Provides for the issuance of REAL ID compliant special identification card.

DIGEST

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.

Proposed law requires that the department provide for the option of the issuance of drivers' licenses and special identification cards that are compliant or not compliant with the standards of the REAL ID Act of 2005 and federal rules adopted pursuant thereto as of January 1, 2016, in the manner set forth in proposed law.

Proposed law specifies that a person can either be issued a REAL ID compliant driver's license or a REAL ID special identification card, and not both.

Proposed law provides that any person applying for a driver's license or a special identification card may elect to apply either for a driver's license or a special identification card that complies with the standards of REAL ID. Specifies that if that person is eligible for a driver's license or a special identification card and meets all requirements of the U.S. Dept. of Homeland Security for a REAL ID compliant credential, that person shall be issued either 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 provides that if a person applying for a driver's license does not elect to apply for a driver's license or special identification card that complies with REAL ID standards and that person is otherwise eligible to be issued a driver's license or special identification card pursuant to present law, that person shall be issued a driver's license or special identification card which indicates the driver's license or special identification card is not in compliance with REAL ID.

Proposed law provides that if a person elects not to apply for a REAL ID compliant 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 January 1, 2016.

Proposed law requires the Dept. of Public Safety and Corrections and the office of motor vehicles to inform applicants for driver's licenses and special identification cards that they are not required by law to be issued a REAL ID compliant driver's license or special identification card and may be issued a driver's license or special identification card which is not REAL ID compliant. Requires the applicant to indicate on his driver's license or special identification 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. Further requires each applicant to indicate on his driver's license or special identification card application that he was provided a printed document that includes the following: (1) the documents required to obtain a REAL ID compliant driver's

license or special identification card and the documents required to obtain a driver's license or special identification card that is not REAL ID compliant; (2) the purposes for which a REAL ID compliant driver's license or special identification card may be utilized and the purposes for which a driver's license or special identification card that is not REAL ID compliant may be utilized; and (3) information about the electronic technology incorporated into a REAL ID compliant driver's license or special identification card and the electronic technology incorporated into a driver's license or special identification card that is not REAL ID compliant.

Proposed law requires that compliance with REAL ID referenced in proposed law be limited to those standards in effect as of January 1, 2016.

Proposed law specifies that any subsequent changes or additions to federal laws or rules for implementation of REAL ID can only be implemented by the state 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 REAL ID compliant card at the cost of a duplicate card.

Proposed law provides that, prior to January 2017, the Dept. of Public Safety and Corrections, office of motor vehicles, must provide to the House and Senate 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 is limited in proposed law.

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

(Adds R.S. 32:410(E) and (F) 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 House

The Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the original bill:

1. Adds a person may obtain a REAL ID compliant driver's license or special identification card prior to the renewal date of such driver's license or special identification card at the cost of a duplicate license or card.

The House Floor Amendments to the engrossed bill:

1. Remove proposed law provisions providing for the option of the issuance of driver's licenses that are compliant or not compliant with the REAL ID Act.
2. Prohibit the issuance of REAL ID compliant driver's licenses and requires every license issued include an indication that such license is not REAL ID compliant.
3. Prohibit the department from copying, scanning, maintaining, or sharing personal identifying source documents or biometrics obtained from any person during the driver's license issuance or renewal application process.
4. Establish procedures for disposal of personal identifying source documents or photographs of applicants obtained by the department or a contractor during the application process between July 7, 2008, and the effective date of proposed law that was not required to be captured by the department or a contractor prior to July 7, 2008.
5. Authorize the department to retain photographs of a person captured during the application process between July 7, 2008, and the effective date of proposed law

but requires any such photographs be removed and purged from all databases and systems of any contractor.

6. Require the department to notify, in writing, any person who has personal identifying source documents or photographs disposed of or retained pursuant to proposed law and requires that such person be apprised of what was disposed of or retained by the department or a contractor.
7. Defines the terms "contractor", "personal identifying source documents", and "photographs" for purposes of proposed law.
8. Require each applicant to indicate on his special identification card application that he was provided a printed document that includes: the documents required to obtain a REAL ID compliant special identification card and the documents required to obtain a special identification card that is not REAL ID compliant, the purposes for which a REAL ID compliant special identification card may be utilized and the purposes for which a special identification card that is not REAL ID compliant may be utilized, and information about the electronic technology incorporated into a REAL ID compliant special identification card and the electronic technology incorporated into a special identification card that is not REAL ID compliant.

Summary of Amendments Adopted by Senate

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

1. Provides for the option of the issuance of driver's licenses that are compliant or not compliant with the REAL ID Act.
2. Authorizes issuance of REAL ID compliant driver's licenses and requires the license to bear a U.S. Dept. of Homeland Security approved security marking indicating such license is REAL ID compliant.
3. Prohibits issuance of a REAL ID compliant special identification card to a person with a REAL ID compliant driver's license.
4. Authorizes issuance of a driver's license that is not REAL ID compliant and requires the license to indicate that it is not REAL ID compliant; prohibits the DPSC from requiring a person who applies for a noncompliant REAL ID driver's license to comply with any REAL ID requirements not required by the state as of January 1, 2016, to submit to facial image capture prior to issuance of the license, and from copying, scanning, maintaining, or sharing the applicant's documents proving his identity, to include applicant's birth certificate, social security card, or U. S. passport.
5. Requires the DPSC to inform each applicant for a driver's license of his option to apply for either a REAL ID compliant or non-REAL ID compliant driver's license; requires the applicant's application to indicate his choice; requires the DPSC to provide a printed document that informs a driver's license applicant of the documents required, the purposes of, and the electronic technology incorporated for both types of driver's license.
6. Provides that compliance with REAL ID standards in Louisiana is limited to those standards in effect as of January 1, 2016, and that any subsequent change or addition to federal law or rule requires approval by a majority vote of the legislature prior to implementation by the state.
7. Allows a driver's license applicant to request DPSC to record and retain the applicant's name, date of birth, certificate number, date filed, and issuing agency in lieu of retaining an image or copy of the applicant's birth certificate.

8. Requires DPSC, office of motor vehicles, prior to January 2017, to provide to the House and Senate 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 is limited.
9. Requires DPSC upon request of any person to remove and purge from DPSC and contractor databases and systems any personal identifying source documents and to purge photographs of such person from a contractor database or system obtained by DPSC or a contractor in the process of a person applying for or renewing a driver's license between July 7, 2008, and the effective date of the Act which originated as House Bill No. 702 of this 2016 Regular Session of the Legislature that were not required by state law to be captured by the department or a contractor as of July 7, 2008.
10. Makes technical corrections.