

RÉSUMÉ DIGEST

ACT 496 (SB 227)

2016 Regular Session

Colomb

New law requires the Department of Public Safety and Corrections (DPSC) to provide all applicants for a Louisiana driver's license, the option of receiving a driver's license that is REAL ID (REAL ID license) compliant as required by the REAL ID Act of 2015, federal P.L. 109-13, and federal rules adopted as of January 1, 2016. Requires that if the applicant opts for a REAL ID license, is eligible for a Louisiana driver's license, and meets all requirements of the U.S. Department of Homeland Security for a REAL ID compliant credential, then DPSC is to issue a driver's license which bears the approved security marking of the U.S. Department of Homeland Security.

New law requires that subsequent changes to REAL ID license standards in effect as of January 1, 2016, be implemented only if approved by legislature by favorable vote of majority of elected members.

New law provides that if an applicant who is eligible for a Louisiana driver's license opts out of applying for the REAL ID license, then requires DPSC to issue a driver's license which indicates that the license is not REAL ID compliant and prohibits DPSC from requiring that the applicant comply with REAL ID requirements that were not required by the state as of January 1, 2016, nor require the applicant to submit to a facial image capture in connection with his application prior to determining the applicant's eligibility for a driver's license. Provides that if the applicant opts not to apply for a REAL ID license, then DPSC is prohibited from copying, scanning, maintaining, or sharing a copy of the applicant's documents proving his identity which documents include his birth certificate, social security card, or U.S. passport.

New law requires that an applicant for a driver's license who opts out of receiving a REAL ID license is to indicate on the application whether he is applying for a REAL ID license or one that is not REAL ID compliant. Requires that the applicant indicate on his application that he has received the following information:

- (1) Documents the applicant is required to provide to get a REAL ID license and documents needed to be a license that is not REAL ID compliant.
- (2) Purposes for which a REAL ID license may be utilized and purposes for which noncompliant REAL ID license may be utilized.
- (3) The electronic technology incorporated into a REAL ID license, and the electronic technology incorporated into a noncompliant REAL ID license.

New law provides that an eligible person electing to obtain a REAL ID license prior to their license renewal, may be issued a REAL ID license at the cost of a duplicate license.

New law requires DPSC, upon request of any applicant for a driver's license or special identification card, to record and retain the applicant's name, date of birth, certificate numbers, date filed, and issuing agency in lieu of retaining an image or copy of the applicant's birth certificate.

New law prohibits DPSC from participating in any programs that exchange or allow the access of facial biometric data of La. citizens obtained in the issuance or renewal of a La. driver's license to the agencies, governments, or contractors of other states or nations without a warrant or a court order issued for access to that data.

New law provides that upon request of any person, any personal identifying source documents or photographs of the person obtained by the 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 new law that were not required by state law to be captured by the DPSC or a contractor as of July 7, 2008, shall be removed and purged from DPSC and contractor databases and systems and all photographs of the person obtained by DPSC in the possession of a contractor are to be purged from the database or system of that contractor.

New law defines "contractor" as any contractor DPSC, any affiliate or subsidiary of the contractor, and any subcontractor of the contractor or any affiliate or subsidiary of the subcontractor. Defines "personal identifying source documents" to mean any document

provided by a person to prove his identity or residence and includes all copies, scans, or digital images of documents. Defines "photographs" to mean any captured image, digital or otherwise, of a person's face and includes all copies, scans, or digital images of the image.

New law authorizes DPSC to provide an option to issue a special identification card (SPID) that is compliant with standards of the REAL ID Act of 2015, federal P.L. 109-13, and federal rules adopted as of January 1, 2016. Requires that if the applicant opts for a SPID and meets all requirements of the U.S. Department of Homeland Security for a REAL ID compliant credential, then DPSC is to issue an SPID which bears the approved security marking reflecting that such credential meets REAL ID standards. Prohibits DPSC from issuing a REAL ID compliant driver's license to a person who has been issued a REAL ID SPID.

New law requires that the applicant for a REAL ID license or a SPID is not required to comply with any REAL ID requirements not required by the state as of January 1, 2016, or required that he submit to facial image capture in connection with his application prior to determining if the applicant is eligible for a special identification card. Prohibits DPSC from copying, scanning, maintaining, or sharing a copy of the applicant's documents proving his identity which documents include his birth certificate, social security card, or U.S. passport and which are obtained from the person applying for issuance or renewal of the special identification card.

New law requires that an applicant for a SPID be informed that he is not required to be issued a REAL ID compliant SPID and may be issued a special identification card that is not REAL ID compliant. Requires that the applicant indicate on his application that he has received the following information:

- (1) Documents the applicant is required to provide to get a REAL ID compliant SPID and documents needed to be a special identification card that is not REAL ID compliant.
- (2) Purposes for which a REAL ID compliant SPID may be utilized and purposes for which a special identification card that is not REAL ID compliant may be utilized.
- (3) The electronic technology incorporated into a REAL ID compliant SPID and the electronic technology incorporated into a special identification card that is not REAL ID compliant.

New law provides that an eligible person electing to obtain a REAL ID compliant SPID prior to its renewal, may be issued a REAL ID compliant SPID at the cost of a duplicate license.

Prior law (Act 807 of 2008 R.S.) directed the DPSC, including the office of motor vehicles, not to implement the provisions of the REAL ID Act. New law repeals these provisions.

Prior law (Act 151 of 2010 R.S.) directs the DPSC, including the office of motor vehicles, not to implement the provisions of the PASS ID Act. New law repeals these provisions.

Effective upon signature of governor (June 14, 2016).

(Adds R.S. 32:409.1(A)(2)(d)(ix) and 410(E) and (F) and R.S. 40:1321(O) and (P); repeals Act 807 of 2008 R.S. and Act 151 of 2010 R.S.)