

HOUSE SUMMARY OF SENATE AMENDMENTS**HB 702****2016 Regular Session****Jimmy Harris**

MTR VEHICLE/DRIVER LIC: Provides for the issuance of REAL ID compliant special identification cards and driver's licenses

Synopsis of Senate Amendments

1. Adds that an applicant for a driver's license or special identification card would be required to provide proof of La. residency. Specifies that proof of residency would include but not be limited to paid receipts for utility bills and bank statements.
2. Removes prohibition of the issuance of any driver's license in compliance with the REAL ID Act of 2005, P.L. 109-13, and federal rules adopted pursuant thereto.
3. Provides for the option of the issuance of driver's licenses or special identification cards that are compliant or not compliant with the REAL ID Act.
4. 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.
5. Prohibits issuance of a REAL ID compliant special identification card to a person with a REAL ID compliant driver's license.
6. 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 Dept. of Public Safety and Corrections (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 Jan. 1, 2016, to submit to facial image capture prior to determining eligibility for the issuance of the license, and from copying, scanning, maintaining, or sharing a copy of the applicant's documents proving his identity, including but not limited to, the applicant's birth certificate, social security card, or U.S. passport.
7. 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.
8. Provides that compliance with REAL ID standards in Louisiana is limited to those standards in effect as of Jan. 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.
9. Allows a driver's license or special identification card 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.
10. Prohibits the DPSC from requiring a person who applies for a noncompliant REAL ID special identification card to facial image capture prior to determining the eligibility for the issuance of the card, and from copying, scanning, maintaining, or sharing a copy of the applicant's documents proving his identity, including but not limited to applicant's birth certificate, social

security card, or U.S. passport.

11. Removes requirement for DPSC, office of motor vehicles, prior to Jan. 2017, to provide to the Senate and House committees on transportation, highways and public works a specific and detailed list of those standards in effect as of Jan. 1, 2016, to which compliance with REAL ID in La. is limited.
12. 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 La. driver's licenses or special identification cards to the agencies, governments, or contractors of other states or nations without a warrant.
13. Adds that the removal or purging of any personal identifying source documents or photographs obtained from DPSC in connection with the renewal or issuance of a driver's license within a certain time period be upon request of such person.
14. Adds that upon request of any person, DPSC must remove and purge from DPSC and contractor databases and systems any personal identifying source documents and to purge photographs of the person from a contractor database or system obtained by DPSC or a contractor in the process of a person applying for or renewing a special identification card between July 7, 2008, and the effective date of proposed law that were not required by state law to be captured by the department or a contractor as of July 7, 2008.
15. Defines "contractor", "personal identifying source documents", and "photographs" for purposes of proposed law applicable to special identification cards.
16. Makes technical changes.

Digest of Bill as Finally Passed by Senate

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.

Present law requires applicants for a driver's license or special identification card to provide identifying information.

Proposed law adds that an applicant for a driver's license or special identification card shall provide identifying information including proof of La. residency. Specifies that proof of residency shall include but not be limited to paid receipts for utility bills and bank statements.

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 Jan. 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, but 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 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.

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 allows a driver's license or special identification card 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.

Proposed 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 Louisiana driver's licenses or special identification cards to the agencies, governments, or contractors of other states or nations without a warrant.

Proposed law requires that compliance with REAL ID referenced in proposed law be limited to those standards in effect as of Jan. 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 driver's license or special identification card at the cost of a duplicate.

Proposed law provides that upon request of any person, DPSC shall remove and purge from DPSC and contractor databases and systems any personal identifying source documents and purge photographs of the 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 or special identification card between July 7, 2008, and the effective date of proposed law that were not required by state law to be captured by the department or a contractor as of July 7, 2008.

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

(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 No. 807 of the 2008 R.S. and Act No. 151 of the 2010 R.S.)