

2016 Regular Session

HOUSE BILL NO. 702

BY REPRESENTATIVES JIMMY HARRIS AND TERRY LANDRY AND SENATOR
CARTER

1 AN ACT

2 To enact R.S. 32:409.1(A)(2)(d)(ix) and 410(E) and (F) and R.S. 40:1321(O) and (P) and to
3 repeal Act No. 807 of the 2008 Regular Session of the Legislature and Act No. 151
4 of the 2010 Regular Session of the Legislature, relative to the issuance of drivers'
5 licenses and special identification cards; to require applicants for either a driver's
6 license or special identification card to provide proof of Louisiana residency; to
7 provide for implementation of the REAL ID Act of 2005; to provide for exceptions;
8 to require certain documents or photographs obtained in the process of applying for
9 a driver's license or special identification card to be disposed of under certain
10 circumstances; to provide for an effective date; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 32:409.1(A)(2)(d)(ix) and 410(E) and (F) are hereby enacted to read
13 as follows:

14 §409.1. Application or special certificate applications; penalties for false
15 information

16 A.

17 * * *

18 (2) An applicant for a driver's license shall provide the following
19 information:

20 * * *

21 (d) Identifying information including:

22 * * *

1 (ix) Proof of Louisiana residency. Proof of residency shall include but not
2 be limited to paid receipts for utility bills and bank statements.

3 * * *

4 §410. Form of license; photograph, signature of licensee, anatomical gift statement,
5 declaration of life-sustaining procedures, and additional information on
6 license

7 * * *

8 E.(1) The department shall provide for the option of the issuance of a driver's
9 license that is either compliant or not compliant with the standards of the REAL ID
10 Act of 2005, P. L. 109-13, and federal rules adopted pursuant thereto as of January
11 1, 2016, hereinafter collectively referred to as REAL ID, in the manner set forth in
12 this Subsection.

13 (2) Any person applying for a driver's license pursuant to the provisions of
14 this Chapter may elect to apply for a driver's license that complies with the standards
15 of REAL ID. If that person is eligible for a driver's license to be issued pursuant to
16 the provisions of this Chapter and meets all requirements of the United States
17 Department of Homeland Security for a REAL ID compliant credential, that person
18 shall be issued a driver's license which bears a United States Department of
19 Homeland Security approved security marking reflecting that such credential meets
20 REAL ID standards. A person who is issued a REAL ID compliant driver's license
21 shall not be issued a REAL ID compliant special identification card.

22 (3) Any person applying for a driver's license pursuant to the provisions of
23 this Chapter, who elects not to apply for a driver's license that complies with REAL
24 ID standards, and who is otherwise eligible to be issued a driver's license pursuant
25 to the provisions of this Chapter, shall be issued a driver's license which indicates the
26 driver's license is not in compliance with REAL ID. If the person has elected not to
27 apply for a REAL ID compliant driver's license, the department shall not require the
28 applicant to comply with any REAL ID requirements that were not required by the
29 state as of January 1, 2016, or require the applicant to submit to a facial image
30 capture in connection with such application prior to determining if such applicant is

1 eligible to be issued a driver's license pursuant to the provisions of this Chapter. If
2 the person has elected not to apply for a REAL ID compliant driver's license, the
3 department shall not copy, scan, maintain, or share a copy of the applicant's
4 documents proving his identity. This includes but is not limited to the applicant's
5 birth certificate, social security card, or United States issued passport.

6 (4)(a) Each applicant for a driver's license shall be informed that he is not
7 required by law to be issued a REAL ID compliant driver's license and may be issued
8 a driver's license which is not REAL ID compliant. The applicant shall be required
9 to indicate on his driver's license application whether he is applying for a REAL ID
10 compliant driver's license or a driver's license that is not REAL ID compliant.
11 Additionally, each applicant shall indicate receipt of the printed document required
12 by Subparagraph (b) of this Paragraph on the application for a driver's license.

13 (b) The department shall provide each applicant for a driver's license a
14 printed document that includes the following information:

15 (i) The documents that an applicant is required to provide to obtain a REAL
16 ID compliant driver's license, and the documents an applicant is required to provide
17 to obtain a driver's license that is not REAL ID compliant.

18 (ii) The purposes for which a REAL ID compliant driver's license may be
19 utilized, and the purposes for which a driver's license that is not REAL ID compliant
20 may be utilized.

21 (iii) The electronic technology incorporated into a REAL ID compliant
22 driver's license, and the electronic technology incorporated into a driver's license that
23 is not REAL ID compliant.

24 (5) Compliance with REAL ID referenced in this Subsection shall be limited
25 to those standards in effect as of January 1, 2016. Any subsequent changes or
26 additions to federal laws or rules for implementation of REAL ID shall be
27 implemented by the state only if such changes are approved by the legislature by a
28 favorable vote of a majority of the elected members of each house.

29 (6) Any eligible person electing to obtain a driver's license which bears a
30 United States Department of Homeland Security approved security marking

1 reflecting that such credential meets REAL ID standards prior to the renewal date of
2 his driver's license may be issued such driver's license at the cost of a duplicate
3 license.

4 (7) Upon the request of any applicant for a driver's license, the department
5 shall record and retain the applicant's name, date of birth, certificate numbers, date
6 filed, and issuing agency in lieu of retaining an image or copy of the applicant's birth
7 certificate.

8 (8) The department shall not participate in any programs that exchange or
9 allow the access of facial biometric data of Louisiana citizens obtained in the
10 issuance or renewal of Louisiana drivers' licenses to the agencies, governments, or
11 contractors of other states or nations without a warrant.

12 F.(1) Upon request of any person, any personal identifying source documents
13 or photographs of such person obtained by the department or a contractor in the
14 process of a person applying for or renewing a driver's license between July 7, 2008,
15 and the effective date of this Subsection that were not required by state law to be
16 captured by the department or a contractor as of July 7, 2008, shall be disposed of
17 as follows:

18 (a) Personal identifying source documents shall be removed and purged from
19 department and contractor databases and systems.

20 (b) All photographs of persons obtained by the department which are in the
21 possession of a contractor shall be purged from the database or system of that
22 contractor.

23 (2) As used in this Subsection, the following terms shall mean and include:

24 (a) "Contractor" shall mean and include any contractor of the department,
25 any affiliate or subsidiary of such contractor, and any subcontractor of such
26 contractor, or any affiliate or subsidiary of such subcontractor.

27 (b) "Personal identifying source documents" shall mean and include any
28 document provided by any person to prove his identity or residence. It shall include
29 all copies, scans, or digital images of such documents.

1 a special identification card which indicates the special identification card is not in
2 compliance with REAL ID. If the person has elected not to apply for a REAL ID
3 compliant special identification card, the department shall not require the applicant
4 to comply with any REAL ID requirements that were not required by the state as of
5 January 1, 2016, or require the applicant to submit to a facial image capture in
6 connection with such application prior to determining if such applicant is eligible to
7 be issued a special identification card. If the person has elected not to apply for a
8 REAL ID compliant special identification card, the department shall not copy, scan,
9 maintain, or share a copy of the applicant's documents proving his identity obtained
10 from any person in the process of applying for the issuance or renewal of a special
11 identification card. Documents proving identity shall include but not be limited to
12 the applicant's birth certificate, social security card, or United States issued passport.

13 (4)(a) Each applicant for a special identification card shall be informed that
14 he is not required by law to be issued a REAL ID compliant special identification
15 card and may be issued a special identification card which is not REAL ID
16 compliant. Each applicant shall be required to indicate on his special identification
17 card application whether he is applying for a REAL ID compliant special
18 identification card or a special identification card that is not REAL ID compliant.
19 Each applicant shall also be required to indicate on his special identification card
20 application that he was provided the printed document as required pursuant to
21 Subparagraph (b) of this Paragraph.

22 (b) The department shall provide each applicant for a special identification
23 card a printed document that includes the following information:

24 (i) The documents that are required to be provided by the applicant to obtain
25 a REAL ID compliant special identification card, and the documents that are
26 required to be provided by the applicant to obtain a special identification card that
27 is not REAL ID compliant.

28 (ii) The purposes for which a REAL ID compliant special identification card
29 may be utilized, and the purposes for which a special identification card that is not
30 REAL ID compliant may be utilized.

1 (iii) The electronic technology incorporated into a REAL ID compliant
2 special identification card, and the electronic technology incorporated into a special
3 identification card that is not REAL ID compliant.

4 (5) Compliance with REAL ID referenced in this Subsection shall be limited
5 to those standards in effect as of January 1, 2016. Any subsequent changes or
6 additions to federal laws or rules for implementation of REAL ID shall be
7 implemented by the state only if such changes are approved by the legislature by a
8 favorable vote of a majority of the elected members of each house.

9 (6) Any eligible person electing to obtain a special identification card which
10 bears a United States Department of Homeland Security approved security marking
11 reflecting that such credential meets REAL ID standards prior to the renewal date of
12 his special identification card may be issued such credential at the cost of a duplicate
13 special identification card.

14 (7) Upon the request of any applicant for a special identification card, the
15 department shall record and retain the applicant's name, date of birth, certificate
16 numbers, date filed, and issuing agency in lieu of retaining an image or copy of the
17 applicant's birth certificate.

18 (8) The department shall not participate in any programs that exchange or
19 allow the access of facial biometric data of Louisiana citizens obtained in the
20 issuance or renewal of a Louisiana special identification card to the agencies,
21 governments, or contractors of other states or nations without a warrant.

22 P.(1) Upon the request of any person, any personal identifying source
23 documents or photographs of such person obtained by the department or a contractor
24 in the process of a person applying for or renewing a special identification card
25 between July 7, 2008, and the effective date of this Subsection that were not required
26 by state law to be captured by the department or a contractor as of July 7, 2008, shall
27 be disposed of as follows:

28 (a) Personal identifying source documents shall be removed and purged from
29 department and contractor databases and systems.

1 (b) All photographs of persons obtained by the department which are in the
2 possession of a contractor shall be purged from the database or system of that
3 contractor.

4 (2) As used in this Subsection, the following terms shall mean and include:

5 (a) "Contractor" shall mean and include any contractor of the department or
6 any affiliate or subsidiary of such contractor and any subcontractor of such
7 contractor or any affiliate or subsidiary of such subcontractor.

8 (b) "Personal identifying source documents" shall mean and include any
9 document provided by any person to prove his identity or residence. It shall include
10 all copies, scans, or digital images of such documents.

11 (c) "Photographs" shall mean and include any captured image, digital or
12 otherwise, of a person's face. It shall include all copies, scans, or digital images of
13 such image.

14 Section 3. Act No. 807 of the 2008 Regular Session of the Legislature and Act No.
15 151 of the 2010 Regular Session of the Legislature are hereby repealed.

16 Section 4. This Act shall become effective upon signature by the governor or, if not
17 signed by the governor, upon expiration of the time for bills to become law without signature
18 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
19 vetoed by the governor and subsequently approved by the legislature, this Act shall become
20 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____