2016 Regular Session

HOUSE BILL NO. 481

BY REPRESENTATIVES JAMES AND BOUIE AND SENATOR BISHOP

1   AN ACT

2   To amend and reenact R.S. 32:411(F)(1) and 412(D)(6) and to enact R.S. 32:411(F)(3),

3   relative to the issuance and possession of drivers' licenses; to provide for the issuance

4   of a digitized driver's license; to provide for a fee to install the application to display

5   a digitized driver's license; to provide new requirements for the issuance of a driver's

6   license that was renewed by mail or electronic commerce; and to provide for related

7   matters.

8   Be it enacted by the Legislature of Louisiana:

9   Section 1. R.S. 32:411(F)(1) and 412(D)(6) are hereby amended and reenacted and

10   R.S. 32:411(F)(3) is hereby enacted to read as follows:

11   §411. Deposit of license in lieu of security upon arrest; receipt; licensee to have

12   license or receipt in immediate possession; notification to vehicle owner;

13   surrender of license; issuance of temporary permits

14   *   *   *

1   F.(1) The licensee shall have his license, or a digitized driver's license as

2   provided in this Section, in his immediate possession at all times when driving a

3   motor vehicle and shall display it upon demand of any officer or agent of the

4   department or any police officer of the state, parish, or municipality, except that

5   where the licensee has previously deposited his license as provided in Subsection C

6   of this Section, and has received a receipt, as provided in Subsection D of this

7   Section, the licensee shall display the receipt upon demand of any officer or agent

8   of the department or any police officer of the state, parish, or municipality, the same

9   to serve as a substitute for the license until the license is returned to the licensee.

10   However, when an officer or agent of the department or any police officer of the

11   state, or any parish or municipality has reasonable grounds to believe a person has

12   committed an offense of driving without a valid driver's license in his possession, the

13   police officer shall make every practical attempt based on identifying information

14   provided by the person to confirm that the person has been issued a valid driver's

15   license. If the police officer determines that the person has been issued a valid

16   driver's license ~~which~~ that is ~~neither~~ not under revocation, suspension, or

17   cancellation, but that the license is not in his possession, the peace officer shall issue

18   a written summons to the offender in accordance with law, commanding him to

19   appear and answer the charge.

20   *   *   *

21   (3)(a) For the purposes of this Subsection, a digitized driver's license shall

22   mean a data file available on any mobile device which has connectivity to the

23   internet through an application that allows the mobile device to download the data

24   file from the department or an authorized representative of the department, contains

25   all of the data elements visible on the face and back of the license, and also displays

26   the current status of the license. For the purposes of this Subparagraph, "current

27   status" shall include but is not limited to valid, expired, cancelled, suspended,

28   disqualified, hardship, or interlock hardship status.

1   (b) A digital copy, photograph, or image of a driver's license which is not

2   downloaded through the application on a mobile device shall not be a valid digitized

3   driver's license as provided by this Section.

4   (c) A person shall not be issued a citation for driving a motor vehicle without

5   a physical driver's license in his possession if he presents a digitized driver's license

6   to a law enforcement officer in connection with a traffic stop or checkpoint in

7   Louisiana. However, in connection with requests for identification not associated

8   with traffic stops or checkpoints in Louisiana, a person may be required to produce

9   a physical driver's license to a law enforcement officer, a representative of a state or

10   federal department or agency, or a private entity when so requested and be subject

11   to all the applicable laws and consequences for failure to produce such license.

12   (d)   The department shall promulgate such rules as are necessary to

13   implement a digitized driver's license. No digitized driver's license shall be valid

14   until the department has adopted such rules.

15   (e) The display of a digitized driver's license shall not serve as consent or

16   authorization for a law enforcement officer, or any other person, to search, view, or

17   access any other data or application on the mobile device. If a person presents their

18   mobile device to a law enforcement officer for purposes of displaying their digitized

19   driver's license, the law enforcement officer shall promptly return the mobile device

20   to the person once he has had an opportunity to verify the identity and license status

21   of the person.

22   (f) The fee to install the application to display a digitized driver's license as

23   defined in Subparagraph (a) of this Paragraph shall not exceed six dollars.

24   *   *   *

25   §412. Amount of fees; credit or refund; duration of license; veteran designation;

26   university logo; "I'm a Cajun" designation; disbursement of funds; renewal

27   by mail or electronic commerce of Class "D" or "E" drivers' licenses;

28   disposition of certain fees; exception

29   *   *   *

1   D.

2   *   *   *

3   (6) When a license is renewed by mail or electronic commerce, the secretary

4   shall issue a new license which indicates the new expiration date ~~evidence of renewal~~

5   ~~which shall be affixed to the previously issued license to indicate the date the license~~

6   ~~expires in the future~~.

7   *   *   *

_____
SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____