

RÉSUMÉ DIGEST**ACT 505 (HB 702)****2016 Regular Session****Jimmy Harris**

Prior law (Act No. 807 of the 2008 R.S.) directed the Dept. of Public Safety and Corrections (DPSC), including the office of motor vehicles (OMV), not to implement the provisions of the REAL ID Act.

New law repeals prior law.

Prior law (Act No. 151 of the 2010 R.S.) directed DPSC, including OMV, not to implement the provisions of the PASS ID Act.

New law repeals prior law.

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

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

New 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 new law.

New 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.

New 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 must 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.

New 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 existing law, that person must 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.

New law provides that if a person elects not to apply for a REAL ID compliant driver's license or special identification card, the department cannot require the applicant to comply with any of the REAL ID requirements which were not required by the state as of Jan. 1, 2016.

New law requires DPSC and OMV 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.

New 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.

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

New law requires that compliance with REAL ID referenced in new law be limited to those standards in effect as of Jan. 1, 2016.

New 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.

New 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.

New 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 new law that were not required by state law to be captured by the department or a contractor as of July 7, 2008.

New law defines "contractor", "personal identifying source documents", and "photographs" for purposes of new law.

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