

2018 Regular Session

HOUSE BILL NO. 450

BY REPRESENTATIVE JAMES

MTR VEHICLE/DRIVER LIC: Provides relative to the possession of driver's licenses and special identification cards

1 AN ACT

2 To amend and reenact R.S. 32:401(14), 411(F)(1) and (3)(a), and R.S. 40:1321(B), relative
3 to the possession of driver's licenses and special identification cards; to authorize a
4 digitized format of a driver's license and special identification card that complies
5 with the standards of REAL ID; to provide for the issuance of a digitized special
6 identification card; to provide for definitions; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 32:401(14), and 411(F)(1) and (3)(a) are hereby amended and
9 reenacted to read as follows:

10 §401. Definitions

11 * * *

12 (14) "License" or "driver's license" means any license, which shall include
13 a license that complies with the standards of REAL ID as provided for in R.S.
14 32:410(E), secured from the Department of Public Safety and Corrections, in
15 accordance with this Chapter to operate a motor vehicle on the highways of this
16 state.

17 * * *

18 §411. Deposit of license in lieu of security upon arrest; receipt; licensee to have
19 license or receipt in immediate possession; notification to vehicle owner;
20 surrender of license; issuance of temporary permits

21 * * *

1 F.(1) The licensee shall have his physical license, or a digitized driver's
2 license as provided in this Section, in his immediate possession at all times when
3 driving a motor vehicle and shall display it upon demand of any officer or agent of
4 the 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 that is not under revocation, suspension, or cancellation, but that the
17 license is not in his possession, the peace officer shall issue a written summons to the
18 offender in accordance with law, commanding him to appear and answer the charge.

* * *

20 (3)(a) For the purposes of this Subsection, a digitized driver's license, which
21 shall include a license that complies with the standards of REAL ID as provided for
22 in R.S. 32:410(E), shall mean a data file available on any mobile device which has
23 connectivity to the internet through an application that allows the mobile device to
24 download the data file from the department or an authorized representative of the
25 department, contains all of the data elements visible on the face and back of the
26 license, and also displays the current status of the license. For the purposes of this
27 Subparagraph, "current status" shall include but is not limited to valid, expired,
28 cancelled, suspended, disqualified, hardship, or interlock hardship status.

* * *

1 Section 2. R.S. 40:1321(B) is hereby amended and reenacted to read as follows:

2 §1321. Special identification cards; issuance; veteran designation; disabled veteran
3 designation; university logo; "I'm a Cajun" designation; needs
4 accommodation designation; fees; expiration and renewal; exceptions;
5 promulgation of rules; promotion of use; persons less than twenty-one years
6 of age; the Protect and Save our Children Program; Selective Service
7 Registration

8 * * *

9 B.(1) Each special identification card shall be accepted as valid identification
10 of the person to whom it was issued when it is presented physically or in the form
11 of a digitized special identification card for the purpose of furnishing proof of that
12 person's identification. Under no circumstances shall the state of Louisiana, or any
13 of its agencies, be held liable in any manner legally or otherwise as a result of the use
14 or misuse of a special identification card.

15 (2)(a) For purposes of this Subsection, a digitized special identification card
16 shall mean a data file available on any mobile device which has connectivity to the
17 internet through an application that allows the mobile device to download the data
18 file from the department or an authorized representative of the department and
19 contains all of the data elements visible on the face and back of the special
20 identification card, displays the current status of the identification card, and shall
21 include any special identification card that complies with the standards of REAL ID
22 as provided for in Subsection P of this Section. For purposes of this Subparagraph,
23 "current status" shall include but is not limited to valid, expired, or cancelled.

24 (b) A digital copy, photograph, or image of a special identification card
25 which is not downloaded through the application on a mobile device shall not be
26 considered a valid digitized special identification card as provided by this
27 Subsection.

28 (c) In connection with requests for identification not associated with traffic
29 stops or checkpoints in Louisiana, a person may be required to produce a physical

Present law requires a licensee have his license, or a digitized driver's license in his immediate possession at all times when driving a motor vehicle.

Proposed law clarifies that the licensee must have his physical license or digitized driver's license in his immediate possession at all times when driving a motor vehicle.

Present law defines "digitized drivers license" as a data file available on any mobile device which has connectivity to the internet through an application that allows the mobile device to download the data file from the department or an authorized representative of the department, contains all of the data elements visible on the face and back of the license, and also displays the current status of the license.

Proposed law clarifies that the term "digitized driver's license" includes a license that complies with the standards of REAL ID.

Present law authorizes the use of a special identification card as valid identification of a person to whom it was issued when presented for the purpose of furnishing proof of identification.

Proposed law maintains present law and specifies that the special identification card must be accepted as valid identification of a person to whom it was issued when it is presented physically or in the form of a digitized special identification card.

Proposed law defines a "digitized special identification card" as a data file available on any mobile device which has connectivity to the internet through an application that allows the mobile device to download the data file from the department or an authorized representative of the department, contains all of the data elements visible on the face and back of the license and includes any special identification card that complies with the standards of REAL ID as outlined in present law.

Proposed law specifies that a digital copy, photograph, or image of a special identification card that is not downloaded through the application on a mobile device will not be considered a valid digitized special identification card.

Proposed law authorizes a law enforcement officer, a representative of a state or federal department or agency, or a private entity to require a person to produce a physical special identification card in connection with requests for identification not associated with traffic stops or checkpoints.

Proposed law requires the Dept. of Public Safety and Corrections to promulgate rules as are necessary to implement a digitized special identification card and specifies that no digitized special identification card will be valid until such rules are adopted.

Proposed law specifies that display of a digitized special identification card does not serve as consent or authorization for a law enforcement officer, or any other person, to search, view, or access any data or application on the mobile device and requires that a law enforcement officer promptly return the mobile device to the person once he has had an opportunity to verify the identity of the person.

Proposed law provides that the fee to install the application to display a digitized special identification card cannot exceed \$6.

(Amends R.S. 32:401(14), 411(F)(1) and (3)(a), and R.S. 40:1321(B))