

2020 Second Extraordinary Session

HOUSE BILL NO. 54

BY REPRESENTATIVE JAMES

COMMERCIAL REGULATIONS: Provides relative to the acceptance of digital identification (Item #28)

1 AN ACT

2 To enact Chapter 61 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 51:3211 and 3212, relative to the use of digitized identification cards; to
4 provide definitions; to provide for the acceptance of digitized identification cards at
5 places of business; to limit liability; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Chapter 61 of Title 51 of the Louisiana Revised Statutes of 1950,
8 comprised of R.S. 51:3211 and 3212, is hereby enacted to read as follows:

9 CHAPTER 61. DIGITIZED IDENTIFICATION CARD ACCEPTANCE

10 §3211. Definitions

11 As used in this Chapter, the following terms have the meanings ascribed to
12 them in this Section unless the context clearly indicates otherwise:

13 (1) "Consumer" means any individual who uses, purchases, or leases goods
14 or services.

15 (2) "Digitized identification card" means a data file available on any mobile
16 device which has connectivity to the internet through an application that allows the
17 mobile device to download the data file from the Department of Public Safety and
18 Corrections or an authorized representative of the Department of Public Safety and
19 Corrections that contains all of the data elements visible on the face and back of a
20 license or identification card and displays the current status of the license or

1 identification card. For purposes of this Chapter, "current status" includes valid,
2 expired, cancelled, suspended, disqualified, active, inactive, member, nonmember,
3 eligible, or ineligible.

4 (3) "Person" means any individual, firm, partnership, corporation,
5 association, union, public or private education institution, or other organization who
6 is engaged in trade or commerce within the geographic boundaries of this state.

7 (4) "Trade" or "commerce" means the advertising, offering for sale, sale, or
8 distribution of any services and any property, corporeal or incorporeal, immovable
9 or movable, and any other article, commodity, or thing of value wherever situated,
10 and includes any trade or commerce directly or indirectly affecting the people of this
11 state.

12 §3212. Digitized identification card acceptance; limitation of liability

13 A.(1) When a person requests a consumer to produce valid identification for
14 the purpose of furnishing proof of the consumer's identification, the person shall
15 accept a digitized identification card as a valid form of identification.

16 (2) When a person requests a consumer to produce valid identification for
17 a purpose that is not associated with furnishing proof of the consumer's
18 identification, the consumer may be required to produce a physical driver's license
19 or identification card to the person and be subject to all the applicable laws and
20 consequences for failure to produce a physical driver's license or identification card.

21 B. A digital copy, photograph, or image of a digitized identification card
22 which is not downloaded through the application on a mobile device shall not be
23 considered a valid digitized identification card as provided for by this Chapter.

24 C. The display of a digitized identification card does not serve as consent or
25 authorization for a person to search, view, or access any other data or application on
26 the consumer's mobile device. When a consumer presents his mobile device to a
27 person for the purpose of displaying a digitized identification card, the person shall
28 promptly return the mobile device to the consumer once the person has had an

- 1 opportunity to verify the identity of the consumer and the current status of the license
2 or identification card.
- 3 D. Under no circumstances shall this state, or any of its agencies, be held
4 liable in any manner legally or otherwise as a result of the use or misuse of a
5 digitized identification card.
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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 54 Original

2020 Second Extraordinary Session

James

Abstract: Provides for the acceptance of digitized identification cards at places of business in the state of La.

Present law authorizes a resident to have a digitized driver's license or identification card provided by the Dept. of Public Safety and Corrections, office of motor vehicles, as an alternative to a physical driver's license or identification card (R.S. 32:411).

Proposed law retains present law.

Proposed law defines "consumer", "customer", "digitized identification card", "person", and "trade" or "commerce".

Proposed law requires a person who is engaged in trade or commerce to accept the digitized identification card of a consumer as a valid form of identification when identification is requested for the purpose of proving the consumer's identity. Further, proposed law provides that a copy, photograph, or image of a digitized identification card that is not downloaded through the application on a mobile device is not a valid digitized identification card.

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

Proposed law absolves the state and any of its agencies from liability as a result of the use or misuse of a digitized identification card.

(Adds R.S. 51:3211 and 3212)