

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 54

2020 Second Extraordinary Session

James

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

Synopsis of Senate Amendments

1. Absolves a private business, legal entity, or a person from liability as a result of the use or misuse of a digitized identification card.
2. Provides that the following are not required to, but may exercise the option to accept a digitized identification card as a valid form of identification:
 - (a) A person who validates identification for certain notarial acts.
 - (b) A person or entity licensed pursuant to the La. Title Insurance Act.
 - (c) A licensed used motor vehicle dealer or licensed vehicle dealer.

Digest of Bill as Finally Passed by Senate

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", "digitized identification card", "person", and "trade" or "commerce".

Proposed law requires a person who is engaged in trade or commerce to accept the state-issued 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 or age.

Proposed law provides that a copy, photograph, or image of a digitized identification card that is not downloaded through the state-approved 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 or age and current status of the license or identification card.

Proposed law absolves the state and any of its agencies, and also a private business, legal entity, or person from liability as a result of the use or misuse of a digitized identification card.

Proposed law authorizes the La. Gaming Control Board, La. State Racing Commission, and office of alcohol and tobacco control to take actions as deemed necessary to ensure respective licensees' compliance with the provisions of proposed law.

Proposed law does not apply to a location of business where a physical copy of an individual's current driver's license, valid passport, or visa issued by the federal government or another country or nation, or other card of identity is held for lawful compliance purposes.

Proposed law provides that the following are not required to accept a digitized identification card as a valid form of identification:

- (1) Federally insured depository institutions organized under state or federal law.
- (2) Certain entities licensed by the La. Gaming Control Board, including casinos, official gaming establishments, or other establishments providing gaming operations.
- (3) Certain entities licensed by the La. State Racing Commission.
- (4) A person who validates identification for certain notarial acts.
- (5) A person or entity licensed pursuant to the La. Title Insurance Act.
- (6) A licensed used motor vehicle dealer or licensed vehicle dealer.

However, proposed law provides that the aforementioned entities, licensees, or persons may exercise the option to accept a digitized identification card.

(Adds R.S. 51:3211-3214)