

CONFERENCE COMMITTEE REPORT

HB 54

2020 Second Extraordinary Session

James

October 22, 2020

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 54 by Representative James, recommend the following concerning the Reengrossed bill:

1. That the set of Senate Committee Amendments by the Senate Committee on Commerce, Consumer Protection and International Affairs (#564) be adopted.
2. That the set of Senate Floor Amendments by Senator Abraham (#631) be adopted.
3. That the set of Senate Floor Amendments by Senator Peacock (#691) be adopted.
4. That the following amendments to the Reengrossed bill be adopted:

AMENDMENT NO. 1

On page 1, line 6, after "applicability;"insert "to provide for termination of provisions;"

AMENDMENT NO. 2

On page 3, after line 27, insert the following:

"Section 2. The provisions of R.S. 51:3214(B)(2) through (4) and (6) as enacted by Section 1 of this Act shall terminate on January 1, 2023.

Respectfully submitted,

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Representative Edward C. "Ted" James, II

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Senator Ronnie Johns

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Representative Paula P. Davis

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Senator Rick Ward III

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Representative John M. Stefanski

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Senator Regina Ashford Barrow

## 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)]

## CONFERENCE COMMITTEE REPORT DIGEST

HB 54

2020 Second Extraordinary Session

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Keyword and oneliner of the instrument as it left the House

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

Report adopts Senate amendments to:

1. Absolve a private business, legal entity, or a person from liability as a result of the use or misuse of a digitized identification card.
2. Provide that the following are not required, 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.

Report amends the bill to:

1. Provide a termination date for certain exceptions of proposed law.

Digest of the bill as proposed by the Conference Committee

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.

Proposed law terminates certain exceptions of proposed law on January 1, 2023.

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