HLS 14RS-987 ORIGINAL

Regular Session, 2014

HOUSE BILL NO. 939

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BY REPRESENTATIVE GEYMANN

MTR VEHICLE/DRIVER LIC: Provides for driver's licenses and special identification cards not compliant with the REAL ID Act of 2005

AN ACT

2 To amend and reenact R.S. 32:410(A)(3)(a) and R.S. 40:1321(A), relative to forms of 3 licenses and special identification cards; to provide for driver's licenses and special 4 identification cards that are not compliant with the REAL ID Act of 2005; and to 5 provide for related matters. 6 Be it enacted by the Legislature of Louisiana: 7 Section 1. R.S. 32:410(A)(3)(a) is hereby amended and reenacted to read as follows: 8 §410. Form of license; photograph, signature of licensee, anatomical gift statement, 9 declaration of life-sustaining procedures, and additional information on 10 license 11 12 (3)(a) Every license issued shall bear thereon: 13 (i) The distinguishing number assigned to the applicant and shall contain the 14 name of the state. 15 (ii) The applicant's full legal name. For the purposes of this Item, an 16 applicant's full legal name shall be defined in compliance with the Real ID Act, if 17 implemented. If and until such time as the Real ID Act is implemented, the 18 applicant's full legal name shall be defined as the given name or names that appear 19 on an official birth certificate together with the surname as it appears on the official birth certificate, unless the surname is changed in accordance with R.S. 9:292. No 20

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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2	change granted by a district court in accordance with the law. Should the Real ID
3	Act be implemented, the full legal name shall be defined as stated by the Real ID
4	Act. The department shall promulgate rules and regulations as are necessary to
5	implement the provisions of this Item.
6	(iii) If a person applying for a driver's license pursuant to the provisions of
7	this Section does not elect to apply for a driver's license that complies with the
8	standards of the REAL ID Act of 2005 and that person is otherwise eligible to be
9	issued a driver's license pursuant to the provisions of this Chapter, that person shall
10	be issued a driver's license which indicates the driver's license is not in compliance
11	with the standards of the REAL ID Act of 2005. If the person has elected not to
12	apply for a REAL ID compliant driver's license, the department shall not require the
13	applicant to comply with any of the REAL ID requirements, other than those
14	required by this Paragraph, which were not required by the state as of January 1,
15	2014. If the person has elected not to apply for a REAL ID compliant driver's
16	license, the department shall not scan or maintain a copy of the applicant's
17	documents proving his identity. This includes but is not limited to the applicant's
18	birth certificate, social security card, or United States issued passport.
19	(iv) The applicant's mailing address and residential address, if different from
20	the mailing address. The residential address provided for issuance of a driver's
21	license for any law enforcement officer, court officer, or member of his immediate
22	family as defined in R.S. 32:409(C) shall be the residential address which appears
23	on the driver's license.
24	$\frac{(iv)(v)}{(v)}$ The dates of issuance and expiration.
25	(v)(vi) The group or groups of motor vehicles the applicant is authorized to
26	operate.
27	(vi)(vii) The endorsements for which the driver has qualified.
28	(vii)(viii) Any applicable restrictions to which the applicant is subject.

other name shall be permitted to be used unless the applicant provides proof of name

1	(viii)(ix) Other information to identify the applicant including date of birth
2	(month, day, and year), sex, height, weight, and eye and hair color. An applicant's
3	license may bear his social security number at his option.
4	$\frac{(ix)(x)}{(ix)}$ Parish of residence code number. The parish code shall be consistent
5	with the numerical code as designated by the secretary of state.
6	* * *
7	Section 2. R.S. 40:1321(A) is hereby amended and reenacted to read as follows:
8	§1321. Special identification cards; issuance; veteran designation; "I'm a Cajun"
9	designation; fees; expiration and renewal; exceptions; promulgation of rules;
10	promotion of use; persons less than twenty-one years of age; the Protect and
11	Save our Children Program; Selective Service Registration
12	A.(1) Any Louisiana resident may obtain a special identification card from
13	the office of motor vehicles within the Department of Public Safety and Corrections,
14	hereinafter referred to as "OMV". The identifying information and documents of
15	identification required to obtain a special identification card shall be the same as
16	those required to obtain a Louisiana driver's license, as stated in R.S. 32:409.1.
17	However, if the applicant is seventeen years of age, the signature of the custodial
18	parent or guardian shall not be required, provided the applicant has the necessary
19	identifying information and documents.
20	(2) If a person applying for a special identification card pursuant to the
21	provisions of this Section does not elect to apply for a license that complies with
22	REAL ID standards and that person is otherwise eligible to be issued a special
23	identification card pursuant to the provisions of this Chapter, that person shall be
24	issued a special identification card which indicates the special identification card is
25	not in compliance with the standards of the REAL ID Act of 2005. If the person has
26	elected not to apply for a REAL ID compliant special identification card, the
27	department shall not require the applicant to comply with any of the REAL ID
28	requirements, other than those required by this Paragraph, which were not required
29	by the state as of January 1, 2014. If the has person elected not to apply for a REAL

1 ID compliant special identification card, the department shall not scan or maintain
2 a copy of the applicant's documents proving his identity. This includes but is not
3 limited to the applicant's birth certificate, social security card, or U.S. passport.
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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)]

Geymann HB No. 939

**Abstract:** Provides for driver's licenses and special identification cards not compliant with the REAL ID Act of 2005.

<u>Proposed law</u> provides if a person applying for a driver's licenses or special identification card under the provisions of <u>present law</u> does not elect to apply for a license that complies with REAL ID standards and that person is otherwise eligible to be issued a driver's license or special identification card under the provisions of <u>present law</u>, that person shall 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. Specifies that if the person has elected not to apply for a REAL ID compliant credential, the department shall not require the applicant to comply with any of the REAL ID requirements, other than those required by proposed law, which were not required by the state as of Jan. 1, 2014.

(Amends R.S. 32:410(A)(3)(a) and R.S. 40:1321(A))