

Regular Session, 2014

HOUSE BILL NO. 907

BY REPRESENTATIVES ST. GERMAIN AND STOKES

MTR VEHICLE/DRIVER LIC: Provides for the issuance of REAL ID compliant driver's licenses and special identification cards

1 AN ACT

2 To enact R.S. 32:410(D) and R.S. 40:1321(M) and to repeal Act No. 807 of the 2008  
3 Regular Session of the Legislature and Act No. 151 of the 2010 Regular Session of  
4 the Legislature, relative to the issuance of driver's licenses and special identification  
5 cards in compliance with the REAL ID Act of 2005; to provide for implementation  
6 of the REAL ID Act; to provide for exceptions; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 32:410(D) is hereby enacted to read as follows:

9 §410. Form of license; photograph, signature of license, anatomical gift statement,  
10 declaration of life-sustaining procedures, and additional information in  
11 license

12 \* \* \*

13 D.(1) The department shall provide for the issuance of driver's licenses in the  
14 manner set forth in Paragraphs (2) through (4) of this Subsection upon the official  
15 notification by the United States Department of Homeland Security that, on a date  
16 certain, federal agencies will no longer accept the Louisiana issued driver's licenses  
17 and special identification cards that are not compliant with the standards of the  
18 REAL ID Act of 2005 and federal rules adopted pursuant thereto as of January 1,  
19 2014, hereinafter collectively referred to as REAL ID, for official purposes.

1           (2) Any person applying for a driver's license pursuant to the provisions of  
2           this Chapter may elect to apply for a driver's license that complies with the standards  
3           of REAL ID. If that person is eligible for a driver's license to be issued pursuant to  
4           the provisions of this Chapter and meets all requirements of the United States  
5           Department of Homeland Security for a REAL ID compliant credential, that person  
6           shall be issued a driver's license which bears a United States Department of  
7           Homeland Security approved security marking reflecting that such credential meets  
8           REAL ID standards.

9           (3) If a person applying for a driver's license pursuant to the provisions of  
10          this Section does not elect to apply for a driver's license that complies with REAL  
11          ID standards and that person is otherwise eligible to be issued a driver's license  
12          pursuant to the provisions of this Chapter, that person shall be issued a driver's  
13          license which indicates the driver's license is not in compliance with REAL ID. If  
14          the person has elected not to apply for a REAL ID compliant driver's license, the  
15          department shall not require the applicant to comply with any of the REAL ID  
16          requirements, other than those required by this Paragraph, which were not required  
17          by the state as of January 1, 2014.

18          (4) Except as provided in this Subsection, compliance with REAL ID  
19          referenced in this Subsection shall be limited to those standards in effect as of  
20          January 1, 2014. Any subsequent changes or additions to federal laws or rules for  
21          implementation of REAL ID shall be implemented by the state if and only if such  
22          changes are approved by the legislature by a favorable vote of a majority of the  
23          elected members of each house.

24          Section 2. R.S. 40:1321(M) is hereby enacted to read as follows:

25          §1321. Special identification cards; issuance; veteran designation; "I'm a Cajun"  
26                  designation; fees; expiration and renewal; exceptions; promulgation of rules;  
27                  promotion of use; persons less than twenty-one years of age; the Protect and  
28                  Save our Children Program; Selective Service Registration

29    \*           \*           \*

1           M.(1) The department shall provide for the issuance of special identification  
2           cards in the manner set forth in Paragraphs (2) through (4) of this Subsection upon  
3           official notification by the United States Department of Homeland Security that, on  
4           a date certain, federal agencies will no longer accept the Louisiana issued driver's  
5           licenses and special identification cards that are not compliant with the standards of  
6           the REAL ID Act of 2005 and federal rules adopted pursuant thereto as of January  
7           1, 2014, hereinafter collectively referred to as REAL ID, for official purposes.

8           (2) Any person applying for a special identification card pursuant to the  
9           provisions of this Chapter may elect to apply for a special identification card that  
10           complies with the standards of REAL ID. If that person is eligible for a special  
11           identification card to be issued pursuant to the provisions of this Chapter and meets  
12           all requirements of the United States Department of Homeland Security for a REAL  
13           ID compliant credential, that person shall be issued a special identification card  
14           which bears a United States Department of Homeland Security approved security  
15           marking reflecting that such credential meets REAL ID standards.

16           (3) If a person applying for a special identification card pursuant to the  
17           provisions of this Section does not elect to apply for a license that complies with  
18           REAL ID standards and that person is otherwise eligible to be issued a special  
19           identification card pursuant to the provisions of this Chapter, that person shall be  
20           issued a special identification card which indicates the special identification card is  
21           not in compliance with REAL ID. If the person has elected not to apply for a REAL  
22           ID compliant special identification card, the department shall not require the  
23           applicant to comply with any of the REAL ID requirements, other than those  
24           required by this Paragraph, which were not required by the state as of January 1,  
25           2014.

26           (4) Except as provided in this Subsection, compliance with REAL ID  
27           referenced in this Subsection shall be limited to those standards in effect as of  
28           January 1, 2014. Any subsequent changes or additions to federal laws or rules for  
29           implementation of REAL ID shall be implemented by the state if and only if such

1           changes are approved by the legislature by a favorable vote of a majority of the  
2           elected members of each house.

3           Section 3. Act No. 807 of the 2008 Regular Session of the Legislature and Act No.  
4           151 of the 2010 Regular Session of the Legislature are hereby repealed in their entirety.

5           Section 4. This Act shall become effective upon signature by the governor or, if not  
6           signed by the governor, upon expiration of the time for bills to become law without signature  
7           by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
8           vetoed by the governor and subsequently approved by the legislature, this Act shall become  
9           effective on the day following such approval.

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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)]

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St. Germain

HB No. 907

**Abstract:** Provides for the issuance of REAL ID compliant driver's licenses and special identification cards.

Proposed law requires the issuance of driver's licenses and special identification cards in the manner set forth in present law upon the occurrence of official notification by the U.S. Dept. of Homeland Security that, on a date certain, federal agencies will no longer accept the La. issued driver's licenses and special identification cards that are not compliant with the standards of the REAL ID Act of 2005 and federal rules adopted pursuant thereto as of Jan. 1, 2014.

Proposed law specifies that any person applying for a driver's license or special identification card pursuant to the provisions of present law may elect to apply for a license that complies with the standards of REAL ID.

Proposed law provides that if a person is eligible for a license or special identification card to be issued pursuant to the provisions of present law and meets all requirements of the U.S. Dept. of Homeland Security for a REAL ID compliant credential, that person must be issued a license or special identification card which bears a U.S. Dept. of Homeland Security approved security marking reflecting that such credential meets REAL ID standards.

Proposed law specifies that if a person applying for a driver's license or special identification card pursuant to the provisions of present law does not elect to apply for a license or special identification card that complies with REAL ID standards and that person is otherwise eligible to be issued a license or special identification card pursuant to the provisions of present law, that person shall be issued a license or special identification card which indicates the license or special identification card is not in compliance with REAL ID.

Proposed law provides that if the person has elected not to apply for a REAL ID compliant license or special identification card, the department must not require the applicant to, relative to labeling of the license, 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.

Proposed law provides, except as provided in proposed law, compliance with REAL ID referenced must be limited to those standards in effect as of Jan. 1, 2014. Provides that any subsequent changes or additions to federal laws or rules for implementation of REAL ID must be implemented by the state if and only if such changes are approved by the legislature by a favorable vote of a majority of the elected members of each house.

Present law (Act No. 807 of the 2008 R.S.) directs the Dept. of Public Safety ad Corrections, including the office of motor vehicles, not to implement the provisions of the REAL ID Act.

Proposed law repeals present law.

Present law (Act No. 151 of the 2010 R.S.) directs the Dept. of Public Safety and Corrections, including the office of motor vehicles, not to implement the provisions of the PASS ID Act.

Proposed law repeals present law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 32:410(D) and R.S. 40:1321(M); Repeals Act No. 807 of the 2008 R.S. and Act No. 151 of the 2010 R.S.)