

Regular Session, 2014

HOUSE BILL NO. 907

BY REPRESENTATIVES ST. GERMAIN AND STOKES

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; to provide penalties; and to provide
7 for related matters.

8 Be it enacted by the Legislature of Louisiana:

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

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

13 * * *

14 D.(1) The department shall provide for the issuance of driver's licenses in the
15 manner set forth in Paragraphs (2) through (4) of this Subsection that are compliant
16 with the standards of the REAL ID Act of 2005 and federal rules adopted pursuant
17 thereto as of January 1, 2014, hereinafter collectively referred to as REAL ID.

18 (2) Any person applying for a driver's license pursuant to the provisions of
19 this Chapter may elect to apply for a driver's license that complies with the standards
20 of REAL ID. If that person is eligible for a driver's license to be issued pursuant to
21 the provisions of this Chapter and meets all requirements of the United States
22 Department of Homeland Security for a REAL ID compliant credential, that person
23 shall be issued a driver's license which bears a United States Department of

1 Homeland Security approved security marking reflecting that such credential meets
2 REAL ID standards.

3 (3) If a person applying for a driver's license pursuant to the provisions of
4 this Chapter does not elect to apply for a driver's license that complies with REAL
5 ID standards and that person is otherwise eligible to be issued a driver's license
6 pursuant to the provisions of this Chapter, that person shall be issued a driver's
7 license which indicates the driver's license is not in compliance with REAL ID. If
8 the person has elected not to apply for a REAL ID compliant driver's license, the
9 department shall not require the applicant to comply with any of the REAL ID
10 requirements which were not required by the state as of January 1, 2014. If the
11 person has elected to not apply for a REAL ID compliant driver's license, the
12 department shall not scan or maintain a copy of the applicant's documents proving
13 his identity upon renewal. This includes but is not limited to the applicant's birth
14 certificate, social security card, or United States issued passport.

15 (4) Before application, each person who applies for a Louisiana driver's
16 license shall be given a complete description of the REAL ID compliant driver's
17 license, including but not limited to an explanation of what the license does, what
18 information is collected and maintained, who has access to the data, how the data
19 will be used, his right to choose not to waive his right to privacy, and if harassed, that
20 he may take legal action, and that he is not required by the state to accept the "gold
21 star" or the REAL ID compliant driver's license. Each applicant shall certify in
22 writing that he has been given information related to the issuance of the REAL ID
23 compliant driver's license.

24 (5) No document provided by any person who applies for a Louisiana
25 driver's license shall be released to anyone physically or electronically without the
26 written permission of that person, or without a warrant issued with probable cause
27 pursuant to Article I, Section 5 of the Constitution of Louisiana. The database
28 containing scanned documents collected from persons who apply for the REAL ID
29 compliant Louisiana driver's license shall not have any interoperability with any
30 international database, any federal database, any other state database, and any third-

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 that are
3 compliant with the standards of the REAL ID Act of 2005 and federal rules adopted
4 pursuant thereto as of January 1, 2014, hereinafter collectively referred to as REAL
5 ID, for official purposes.

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

14 (3) If a person applying for a special identification card pursuant to the
15 provisions of this Section does not elect to apply for a license that complies with
16 REAL ID standards and that person is otherwise eligible to be issued a special
17 identification card pursuant to the provisions of this Section, that person shall be
18 issued a special identification card which indicates the special identification card is
19 not in compliance with REAL ID. If the person has elected not to apply for a REAL
20 ID compliant special identification card, the department shall not require the
21 applicant to comply with any of the REAL ID requirements which were not required
22 by the state as of January 1, 2014. If the person has elected to not apply for a REAL
23 ID compliant special identification card, the department shall not scan or maintain
24 a copy of the applicant's documents proving his identity upon renewal. This includes
25 but is not limited to the applicant's birth certificate, social security card, or United
26 States issued passport.

27 (4) Before application, each person who applies for a Louisiana special
28 identification card shall be given a complete description of the REAL ID compliant
29 special identification card, including but not limited to an explanation of what the
30 card does, what information is collected and maintained, who has access to the data,

1 how the data will be used, his right to choose not to waive his right to privacy, and
2 if harassed, that he may take legal action, and that he is not required by the state to
3 accept the "gold star" or the REAL ID compliant special identification card. Each
4 applicant shall certify in writing that he has been given information related to the
5 issuance of the REAL ID special identification card.

6 (5) No document provided by any person who applies for a Louisiana special
7 identification card shall be released to anyone physically or electronically without
8 the written permission of that person, or without a warrant issued with probable
9 cause pursuant to Article I, Section 5 of the Constitution of Louisiana. The database
10 containing scanned documents collected from persons who apply for the REAL ID
11 compliant Louisiana special identification card shall not have any interoperability
12 with any international database, any federal database, any other state database, and
13 any third-party database. Any person who illegally accesses or releases the data shall
14 be subject to a fine of not more than ten thousand dollars and six months in jail for
15 each offense.

16 (6) Compliance with REAL ID referenced in this Subsection shall be limited
17 to those standards in effect as of January 1, 2014, that do not include the
18 implementation of facial recognition software or programs, or the sharing of digital
19 photos with any entity using a facial recognition program. Any subsequent changes
20 or additions to federal laws or rules for implementation of REAL ID shall be
21 implemented by the state if and only if such changes are approved by the legislature
22 by a favorable vote of a majority of the elected members of each house.

23 (7) Before January 2015, and prior to any implementation of REAL ID in
24 Louisiana, the office of motor vehicles, public safety services, within the Department
25 of Public Safety and Corrections, shall report to a joint meeting of the Senate and
26 House committees on transportation, highways and public works a specific and
27 detailed list of those standards in effect as of January 1, 2014, to which compliance
28 with REAL ID in Louisiana is limited in (7) of this Subsection.

29 (8) Nothing in this Section and nothing in Louisiana's implementation of
30 REAL ID standards shall be construed to express or imply any delegation of rights,

1 power, or jurisdiction from the people of Louisiana to the United States Department
 2 of Homeland Security or the government of the United States. Regarding the office
 3 of motor vehicles, public safety services, within the Department of Public Safety and
 4 Corrections, the people of this state have the sole and exclusive right to govern
 5 themselves as a free and sovereign state according to Article 1, Section 26 of the
 6 Constitution of Louisiana.

7 Section 3. Act No. 807 of the 2008 Regular Session of the Legislature and Act No.
 8 151 of the 2010 Regular Session of the Legislature are hereby repealed in their entirety.

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____