

2016 Regular Session

HOUSE BILL NO. 702

BY REPRESENTATIVES JIMMY HARRIS AND TERRY LANDRY

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(E) and R.S. 40:1321(O) and to repeal Act No. 807 of the 2008 Regular
3 Session of the Legislature and Act No. 151 of the 2010 Regular Session of the
4 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 for an effective date; and
7 to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

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

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

13 * * *

14 E.(1) The department shall provide for the option of the issuance of driver's
15 licenses that are compliant or not compliant with the standards of the REAL ID Act
16 of 2005 and federal rules adopted pursuant thereto as of January 1, 2016, hereinafter
17 collectively referred to as REAL ID, in the manner set forth in this Subsection.

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

1 the provisions of this Chapter and meets all requirements of the United States
2 Department of Homeland Security for a REAL ID compliant credential, that person
3 shall be issued a driver's license which bears a United States Department of
4 Homeland Security approved security marking reflecting that such credential meets
5 REAL ID standards. A person who is issued a REAL ID compliant driver's license
6 shall not be issued a REAL ID compliant special identification card.

7 (3) If a person applying for a driver's license pursuant to the provisions of
8 this Chapter does not elect to apply for a driver's license that complies with REAL
9 ID standards and that person is otherwise eligible to be issued a driver's license
10 pursuant to the provisions of this Chapter, that person shall be issued a driver's
11 license which indicates the driver's license is not in compliance with REAL ID. If
12 the person has elected not to apply for a REAL ID compliant driver's license, the
13 department shall not require the applicant to comply with any of the REAL ID
14 requirements which were not required by the state as of January 1, 2016.

15 (4)(a) Each applicant for a driver's license shall be informed that he is not
16 required by law to be issued a REAL ID compliant driver's license and may be issued
17 a driver's license which is not REAL ID compliant. The applicant shall be required
18 to indicate on his driver's license application whether he is applying for a REAL ID
19 compliant driver's license or a driver's license that is not REAL ID compliant.

20 (b) The office of motor vehicles shall post a sign in each location that
21 provides a complete description of the REAL ID compliant driver's license,
22 including but not limited to an explanation of what the license does, what
23 information is collected and maintained, who has access to the data collected, how
24 the data collected will be utilized, and that persons are not required by the state to
25 accept the REAL ID compliant driver's license.

26 (5) Compliance with REAL ID referenced in this Subsection shall be limited
27 to those standards in effect as of January 1, 2016. Any subsequent changes or
28 additions to federal laws or rules for implementation of REAL ID shall be

1 implemented by the state only if such changes are approved by the legislature by a
2 favorable vote of a majority of the elected members of each house.

3 (6) Any eligible person electing to obtain a driver's license which bears a
4 United States Department of Homeland Security approved security marking
5 reflecting that such credential meets REAL ID standards prior to the renewal date of
6 his driver's license may be issued such credential at the cost of a duplicate license.

7 (7) Before January 2017, the Department of Public Safety and Corrections,
8 office of motor vehicles, shall provide to the House and Senate Committees on
9 Transportation, Highways and Public Works a specific and detailed list of those
10 standards in effect as of January 1, 2016, to which compliance with REAL ID in
11 Louisiana is limited in this Subsection.

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

13 §1321. Special identification cards; issuance; veteran designation; university logo;
14 "I'm a Cajun" designation; fees; expiration and renewal; exceptions;
15 promulgation of rules; promotion of use; persons less than twenty-one years
16 of age; the Protect and Save our Children Program; Selective Service
17 Registration

18 * * *

19 O.(1) The Department of Public Safety and Corrections, office of motor
20 vehicles, hereinafter referred to as "department", shall provide for the option of the
21 issuance of special identification cards that are compliant with the standards of the
22 REAL ID Act of 2005 and federal rules adopted pursuant thereto as of January 1,
23 2016, hereinafter collectively referred to as REAL ID, for official purposes, in the
24 manner set forth in this Subsection.

25 (2) Any person applying for a special identification card pursuant to the
26 provisions of this Section may elect to apply for a special identification card that
27 complies with the standards of REAL ID. If that person is eligible for a special
28 identification card to be issued pursuant to the provisions of this Section and meets
29 all requirements of the United States Department of Homeland Security for a REAL

1 ID compliant credential, that person shall be issued a special identification card
2 which bears a United States Department of Homeland Security approved security
3 marking reflecting that such credential meets REAL ID standards. A person who is
4 issued a REAL ID compliant special identification card shall not be issued a REAL
5 ID compliant driver's license.

6 (3) If a person applying for a special identification card pursuant to the
7 provisions of this Section does not elect to apply for a license that complies with
8 REAL ID standards and that person is otherwise eligible to be issued a special
9 identification card pursuant to the provisions of this Section, that person shall be
10 issued a special identification card which indicates the special identification card is
11 not in compliance with REAL ID. If the person has elected not to apply for a REAL
12 ID compliant special identification card, 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 2016.

16 (4)(a) Each applicant for a special identification card shall be informed that
17 he is not required by law to be issued a REAL ID compliant special identification
18 card and may be issued a special identification card which is not REAL ID
19 compliant. The applicant shall be required to indicate on his special identification
20 card application whether he is applying for a REAL ID compliant special
21 identification card or a special identification card that is not REAL ID compliant.

22 (b) The department shall post a sign in each location that provides a
23 complete description of the REAL ID compliant special identification card, including
24 but not limited to an explanation of what the special identification card does, what
25 information is collected and maintained, who has access to the data collected, how
26 the data collected will be utilized, and that persons are not required by the state to
27 accept the REAL ID compliant special identification card.

28 (5) Compliance with REAL ID referenced in this Subsection shall be limited
29 to those standards in effect as of January 1, 2016. Any subsequent changes or

1 additions to federal laws or rules for implementation of REAL ID shall be
2 implemented by the state only if such changes are approved by the legislature by a
3 favorable vote of a majority of the elected members of each house.

4 (6) Any eligible person electing to obtain a special identification card which
5 bears a United States Department of Homeland Security approved security marking
6 reflecting that such credential meets REAL ID standards prior to the renewal date of
7 his special identification card may be issued such credential at the cost of a duplicate
8 special identification card.

9 (7) Before January 2017, the department shall provide to the House and
10 Senate Committees on Transportation, Highways and Public Works a specific and
11 detailed list of those standards in effect as of January 1, 2016, to which compliance
12 with REAL ID in Louisiana is limited in this Subsection.

13 Section 3. Act No. 807 of the 2008 Regular Session of the Legislature and Act No.
14 151 of the 2010 Regular Session of the Legislature are hereby repealed in their entirety.

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

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)]

HB 702 Engrossed

2016 Regular Session

Jimmy Harris

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

Present law (Act No. 807 of the 2008 R.S.) directs the Dept. of Public Safety and 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.

Proposed law requires that the department provide for the option of the issuance of driver's licenses and special identification cards that are compliant or not compliant with the standards of the REAL ID Act of 2005 and federal rules adopted pursuant thereto as of Jan. 1, 2016 in the manner set forth in proposed law.

Proposed law specifies that a person can only be issued a REAL ID compliant driver's license or REAL ID compliant special identification card. Prohibits a person from having more than one REAL ID compliant credential.

Proposed law provides that any person applying for a driver's license or special identification card may elect to apply for a driver's license or special identification card that complies with the standards of REAL ID. Specifies that if that person is eligible for a driver's license or special identification card and meets all requirements of the U.S. Dept. of Homeland Security for a REAL ID compliant credential, that person shall be issued a driver's 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 provides that if a person applying for a driver's license does not elect to apply for a driver's license or special identification card that complies with REAL ID standards and that person is otherwise eligible to be issued a driver's license or special identification card pursuant present law, 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.

Proposed law provides that if a person elects not to apply for a REAL ID compliant driver's license or special identification card, the department shall not require the applicant to comply with any of the REAL ID requirements which were not required by the state as of Jan. 1, 2016.

Proposed law requires the Dept. of Public Safety and Corrections and the office of motor vehicles to inform applicants for driver's licenses or special identification cards that they are not required by law to be issued a REAL ID compliant driver's license or special identification card and may be issued a driver's license or special identification card which is not REAL ID compliant. Requires the applicant indicate on his driver's license application whether he is applying for a REAL ID compliant driver's license or special identification card or a driver's license or special identification card that is not REAL ID compliant.

Proposed law requires the Dept. of Public Safety and Corrections and the office of motor vehicles to post a sign in each of their locations that provides a complete description of the REAL ID compliant driver's license and special identification card, including but not limited to an explanation of what the license or special identification card does, what information is collected and maintained, who has access to the data collected, how the data collected will be utilized, and that persons are not required by the state to accept the REAL ID compliant driver's license or special identification card.

Proposed law requires that compliance with REAL ID referenced in proposed law be limited to those standards in effect as of Jan. 1, 2016.

Proposed law specifies that any subsequent changes or additions to federal laws or rules for implementation of REAL ID can only be implemented by the state if such changes are approved by the legislature by a favorable vote of a majority of the elected members of each house.

Proposed law provides that any eligible person electing to obtain a driver's 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 prior to the renewal date of his driver's license or special identification card may be issued a REAL ID compliant license or card at the cost of a duplicate license or card.

Proposed law provides that the Dept. of Public Safety and Corrections, office of motor vehicles, shall provide to the House and Senate Committees on Transportation, Highways and Public Works a specific and detailed list of those standards in effect as of Jan. 1, 2016, to which compliance with REAL ID in La. is limited in proposed law.

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

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the original bill:

1. Adds a person may obtain a REAL ID compliant driver's license or special identification card prior to the renewal date of such driver's license or special identification card at the cost of a duplicate license or card.