
DIGEST

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HB 702 Reengrossed

2016 Regular Session

Jimmy Harris

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

Proposed law provides that any person applying for a special identification card may elect to apply for a special identification card that complies with the standards of REAL ID. Specifies that if that person is eligible for a 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 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 special identification card that complies with REAL ID standards and that person is otherwise eligible to be issued a special identification card pursuant to present law, that person shall be issued a special identification card which indicates the 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 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 special identification cards that they are not required by law to be issued a REAL ID compliant special identification card and may be issued a special identification card which is not REAL ID compliant. Requires the applicant indicate on his special identification application whether he is applying for a REAL ID compliant special identification card or a special identification card that is not REAL ID compliant. Further requires each applicant to indicate on his special identification card application that he was provided a printed document that includes the following: (1) the documents required to obtain a REAL ID compliant special identification card and the documents required to obtain a special identification card that is not REAL ID compliant; (2) the purposes for which a REAL ID compliant special identification card may be utilized and the purposes for which a special identification card that is not REAL ID compliant may be utilized; and (3) information about the electronic technology incorporated into a REAL ID compliant special identification card and the electronic technology incorporated into a special identification card that is not REAL ID compliant.

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 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 special identification card may be issued a REAL ID compliant card at the cost of a duplicate card.

Proposed law provides that, prior to Jan. 2017, the Dept. of Public Safety and Corrections, office of motor vehicles, must 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.

(Amends R.S. 32:410(A)(1); Adds R.S. 32:410(A)(3)(a)(x), (E), and (F) 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.

The House Floor Amendments to the engrossed bill:

1. Remove proposed law provisions providing for the option of the issuance of driver's licenses that are compliant or not compliant with the REAL ID Act.
2. Prohibit the issuance of REAL ID compliant driver's licenses and requires every license issued include an indication that such license is not REAL ID compliant.
3. Prohibit the department from copying, scanning, maintaining, or sharing personal identifying source documents or biometrics obtained from any person during the driver's license issuance or renewal application process.
4. Establish procedures for disposal of personal identifying source documents or photographs of applicants obtained by the department or a contractor during the application process between July 7, 2008, and the effective date of proposed law that was not required to be captured by the department or a contractor prior to July 7, 2008.
5. Authorize the department to retain photographs of a person captured during the application process between July 7, 2008, and the effective date of proposed law but requires any such photographs be removed and purged from all databases and systems of any contractor.
6. Require the department to notify, in writing, any person who has personal identifying source documents or photographs disposed of or retained pursuant to proposed law and requires that such person be apprised of what was disposed of or retained by the department or a contractor.
7. Defines the terms "contractor", "personal identifying source documents", and "photographs" for purposes of proposed law.
8. Require each applicant to indicate on his special identification card application that he was provided a printed document that includes: the documents required to obtain a REAL ID compliant special identification card and the documents required to obtain a special identification card that is not REAL ID compliant, the purposes for which a REAL ID compliant special identification card may be utilized and the purposes for which a special identification card that is not REAL ID compliant may be utilized, and information about the electronic technology incorporated into a REAL ID compliant special identification card and the electronic technology incorporated into a special identification card that is not REAL ID compliant.