

2016 Regular Session

HOUSE BILL NO. 481

BY REPRESENTATIVE JAMES AND SENATOR BISHOP

MTR VEHICLE/DRIVER LIC: Provides relative to the issuance and possession of drivers' licenses

1 AN ACT

2 To amend and reenact R.S. 32:411(F)(1) and 412(D)(6) and to enact R.S. 32:411(F)(3),  
3 relative to the issuance and possession of drivers' licenses; to provide for the issuance  
4 of a digitized driver's license; to provide new requirements for the issuance of a  
5 driver's license that was renewed by mail or electronic commerce; and to provide for  
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 32:411(F)(1) and 412(D)(6) are hereby amended and reenacted and  
9 R.S. 32:411(F)(3) is hereby enacted to read as follows:

10 §411. Deposit of license in lieu of security upon arrest; receipt; licensee to have  
11 license or receipt in immediate possession; notification to vehicle owner;  
12 surrender of license; issuance of temporary permits

13 \* \* \*

14 F.(1) The licensee shall have his license, or a digitized driver's license as  
15 provided in this Section, in his immediate possession at all times when driving a  
16 motor vehicle and shall display it upon demand of any officer or agent of the  
17 department or any police officer of the state, parish, or municipality, except that  
18 where the licensee has previously deposited his license as provided in Subsection C  
19 of this Section, and has received a receipt, as provided in Subsection D of this  
20 Section, the licensee shall display the receipt upon demand of any officer or agent

1 of the department or any police officer of the state, parish, or municipality, the same  
 2 to serve as a substitute for the license until the license is returned to the licensee.  
 3 However, when an officer or agent of the department or any police officer of the  
 4 state, or any parish or municipality has reasonable grounds to believe a person has  
 5 committed an offense of driving without a valid driver's license in his possession, the  
 6 police officer shall make every practical attempt based on identifying information  
 7 provided by the person to confirm that the person has been issued a valid driver's  
 8 license. If the police officer determines that the person has been issued a valid  
 9 driver's license which is neither under revocation, ~~suspension, or~~ nor suspension, nor  
 10 cancellation, but that the license is not in his possession, the peace officer shall issue  
 11 a written summons to the offender in accordance with law, commanding him to  
 12 appear and answer the charge.

13 \* \* \*

14 (3)(a) For the purposes of this Subsection, a digitized driver's license shall  
 15 mean a data file available on any mobile device which has connectivity to the  
 16 internet through an application which allows the mobile device to download the data  
 17 file from the department or an authorized representative of the department, which  
 18 contains all of the data elements visible on the face and back of the license, and also  
 19 displays the current status of the license. For the purposes of this Subparagraph,  
 20 "current status" shall include but is not limited to valid, expired, cancelled,  
 21 suspended, disqualified, hardship, or interlock hardship status.

22 (b) A digital copy, photograph, or image of a driver's license which is not  
 23 downloaded through the application on a mobile device shall not be a valid digitized  
 24 driver's license as provided by this Section.

25 (c) If a person is unable to produce a physical driver's license issued by the  
 26 department, in connection with a traffic stop or checkpoint, the person may present  
 27 a digitized driver's license to a law enforcement officer and shall not be issued any  
 28 citation for driving a motor vehicle without a valid license in his possession. Except  
 29 as provided in this Paragraph, a law enforcement officer or a representative of the

1 department is authorized to require the person to produce the physical driver's license  
2 issued by the department, even if the person has a digitized driver's license on his  
3 mobile device, and the failure to produce such physical driver's license when so  
4 requested shall subject the person to all the applicable laws and consequences for  
5 failure to produce such license.

6 (d) The department shall promulgate such rules as are necessary to  
7 implement a digitized driver's license. No digitized driver's license shall be valid  
8 until the department has adopted such rules.

9 (e) The display of a digitized driver's license shall not serve as consent or  
10 authorization for a law enforcement officer, or any other person, to search, view, or  
11 access any other data or application on the mobile device. If a person presents their  
12 mobile device to a law enforcement officer for purposes of displaying their digitized  
13 driver's license, the law enforcement officer shall promptly return the mobile device  
14 to the person once he has had an opportunity to verify the identity and license status  
15 of the person.

16 \* \* \*

17 §412. Amount of fees; credit or refund; duration of license; veteran designation;  
18 university logo; "I'm a Cajun" designation; disbursement of funds; renewal  
19 by mail or electronic commerce of Class "D" or "E" drivers' licenses;  
20 disposition of certain fees; exception

21 \* \* \*

22 D.

23 \* \* \*

24 (6) When a license is renewed by mail or electronic commerce, the secretary  
25 shall issue a new license which indicates the new expiration date ~~evidence of renewal~~  
26 ~~which shall be affixed to the previously issued license to indicate the date the license~~  
27 ~~expires in the future.~~

28 \* \* \*

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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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HB 481 Reengrossed

2016 Regular Session

James

**Abstract:** Provides for the issuance of a digitized driver's license and new requirements for the issuance of a driver's license that is renewed by mail or electronic commerce.

Present law requires that a licensee have his license in his immediate possession at all times when driving a motor vehicle.

Proposed law modifies present law by authorizing a licensee to have a digitized driver's license provided by the Dept. of Public Safety and Corrections, office of motor vehicles, as an alternative to his physical license.

Proposed law defines digitized driver's license as a data file available on any mobile device which has connectivity to the internet through an application, which allows the mobile device to download the data file from the department or an authorized representative of the department, which contains all of the data elements visible on the face and back of the physical license and the current status of the license and provides that a copy, photograph, or image of a driver's license not downloaded through the application on a mobile device is not a valid digitized driver's license.

Proposed law prohibits issuance of a citation, in connection with a traffic stop or checkpoint, for driving a motor vehicle without a valid license in his possession if a person presents a digitized driver's license to a law enforcement officer in lieu of a physical driver's license issued by the department.

Proposed law authorizes a law enforcement officer or a representative of the department to require a person to produce the physical driver's license issued by the department, except as provided for in proposed law, and provides that the failure to produce such physical driver's license subjects the person to all applicable laws and consequences for failure to produce such license.

Proposed law requires the department to establish rules necessary to implement a digitized driver's license.

Proposed law specifies that display of a digitized driver's license does not serve as consent or authorization for a law enforcement officer, or any other person, to view, search, or access any other data or application on the mobile device and requires that a law enforcement officer promptly return the mobile device to the person once he has had an opportunity to verify the identity and license status.

Present law requires the secretary of the Dept. of Public Safety and Corrections to issue evidence of renewal of Class "D" or "E" drivers' licenses, which must be affixed to the previously issued license, to indicate the date the license expires in the future when a license is renewed by mail or electronic commerce.

Proposed law modifies present law by requiring the secretary to issue a new license which indicates the new expiration date when a license is renewed by mail or electronic commerce.

(Amends R.S. 32:411(F)(1) and 412(D)(6); Adds R.S. 32:411(F)(3))

Summary of Amendments Adopted by House

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

1. Make technical changes.
2. Authorize a licensee to have a digitized driver's license provided by the Dept. of Public Safety and Corrections, office of motor vehicles, as an alternative to his physical license.
3. Define digitized driver's license as a data file available on any mobile device which has connectivity to the internet through an application, which allows the mobile device to download the data file from the department or an authorized representative of the department, which contains all of the data elements visible on the face and back of the physical license and the current status of the license and provide that a copy, photograph, or image of a driver's license not downloaded through the application on a mobile device is not a valid digitized driver's license.
4. Prohibit the issuance of a citation, in connection with a traffic stop or checkpoint, for driving a motor vehicle without a valid license in his possession if a person presents a digitized driver's license instead of a physical driver's license to a law enforcement officer.
5. Authorize a law enforcement officer or department representative to require a person to produce the physical driver's license issued by the department, except as provided for in proposed law, and provides that the failure to produce such physical driver's license subjects the person to all applicable laws and consequences for failure to produce such license.
6. Require the department to establish rules necessary to implement a digitized driver's license.
7. Specify that display of a digitized driver's license to a law enforcement officer, or any other person, does not permit the officer or other person to search, view, or access any other data or application on the mobile device and that the mobile device must be promptly returned to the owner once his identity and license status has been verified.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.