

---

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)]

---

SB 227 Reengrossed

2016 Regular Session

Colomb

Proposed law requires all applicants for a driver's license or special identification card to provide proof of Louisiana residency.

Proposed law provides for the option of the issuance of drivers' licenses and special identification cards in the manner set forth in proposed law that are compliant or not compliant with the standards of the REAL ID Act of 2005, P. L. 109-13, and federal rules adopted pursuant thereto as of Jan. 1, 2016.

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 driver's 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 will 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 prohibits issuance of a REAL ID compliant special identification card to a person who is issued a REAL ID compliant driver's license.

Proposed law prohibits issuance of a REAL ID compliant driver's license to a person who is issued a REAL ID compliant special identification card.

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 will be issued a driver's license or special identification card which indicates the license or special identification card is not in compliance with REAL ID.

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

Proposed law prohibits the DPSC from requiring a person who applies for a driver's license that is not compliant with REAL ID standards to submit to a facial image capture in connection with such application prior to determining if such applicant is eligible to be issued a driver's license.

Proposed law provides that for persons who elect to apply for a driver's license that is not REAL ID compliant that the DPSC shall not copy, scan, maintain or share a copy documents proving his identity, including but not limited to a birth certificate, social security card, or United States issued passport, for persons who elect not to apply for a REAL ID compliant driver's license.

Proposed law requires each applicant for either a driver's license or special identification card to be informed that he is 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.

Proposed law requires each applicant for either a driver's license or special identification card to indicate on his driver's license application whether he is applying for either a REAL ID compliant driver's license or special identification card or either a driver's license or special identification card that is not REAL ID compliant.

Proposed law requires DPSC to provide each applicant for a driver's license with a printed document that includes: the documents required to obtain a REAL ID compliant driver's license and the documents required to obtain a driver's license that is not REAL ID compliant, the purposes for which a REAL ID compliant driver's license may be utilized and the purposes for which a driver's license that is not REAL ID compliant may be utilized, and information about the electronic technology incorporated into a REAL ID compliant driver's license and the electronic technology incorporated into a driver's license that is not REAL ID compliant.

Proposed law requires DPSC to provide each applicant for a special identification card with 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.

Proposed law provides that compliance with REAL ID in proposed law is limited to those standards in effect as of Jan. 1, 2016, and that any subsequent changes or additions to federal laws or rules for implementation of REAL ID shall 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.

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 such credential at the cost of a duplicate driver's license or special identification card.

Proposed law requires that before January 2017, the OMV provide the Senate and House 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 Louisiana by proposed law is limited.

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.

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

(Adds R.S. 32:409.1(A)(2)(d)(ix) and 410(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 Senate

Committee Amendments Proposed by Senate Committee on Transportation, Highways, and Public Works to the original bill

1. Adds that the DPSC, OMV shall not scan or maintain a copy of an applicant's documents proving his identity, including but not limited to a birth certificate, social security card, or United States issued passport, upon renewal for persons who elect not to apply for a REAL ID compliant driver's license or special identification card.

Senate Floor Amendments to engrossed bill

1. Deletes "upon renewal" from the department's prohibition to scan or maintain a copy of an applicant's documents proving his identity if a person has elected not to apply for a REAL ID compliant driver's license.

Summary of Amendments Adopted by House

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

1. Require all applicants for a driver's license or special identification card to provide proof of Louisiana residency.
2. Prohibit the Dept. of Public Safety and Corrections from requiring a person who applies for a driver's license that is not compliant with REAL ID standards to submit to a facial image capture in connection with such application prior to determining if such applicant is eligible to be issued a driver's license.
3. Add that the Dept. of Public Safety and Corrections is also prohibited from copying or sharing a copy of documents proving identity of a persons who apply for a driver's license that is not REAL ID compliant.
4. Remove requirement that a sign be posted in each office of motor vehicles with a description of the REAL ID compliant driver's license and special identification card and requires instead that the Dept. of Public Safety and Corrections provide a printed document that informs a driver's license or special identification card applicant of the documents required for the non-compliant REAL ID and compliant REAL ID credential, the purposes for which the non-compliant REAL ID and REAL ID compliant credential may be utilized for, and the electronic technology incorporated for the non-compliant REAL ID credential and REAL ID compliant credential.
5. Allow a driver's license applicant to request Dept. of Public Safety and Corrections to record and retain the applicant's name, date of birth, certificate number, date filed, and issuing agency in lieu of retaining an image or copy of the applicant's birth certificate.
6. Require Dept. of Public Safety and Corrections upon request of any person to remove and purge from Dept. of Public Safety and Corrections and contractor databases and systems any personal identifying source documents and to purge photographs of such person from a contractor database or system obtained by Dept. of Public Safety and Corrections or a contractor in the process of a person applying for or renewing a driver's license between July 7, 2008, and the effective date of proposed law that were not required by state law to be captured by the department or a contractor as of July 7, 2008.
7. Add that a person may obtain a REAL ID compliant driver's license or special identification card prior to the renewal of such driver's license or special identification card at the cost of a duplicate license or card.
8. Make technical changes.