

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.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_