

2016 Regular Session

SENATE BILL NO. 227

BY SENATORS COLOMB AND CARTER

MOTOR VEHICLES. Provides for the issuance of REAL ID compliant driver's licenses and special identification cards. (gov sig)

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 drivers' 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
12 on license

13 * * *

14 **E.(1) The department shall provide for the option of the issuance of**
15 **drivers' licenses that are compliant or not compliant with the standards of the**
16 **REAL ID Act of 2005, P. L. 109-13, and federal rules adopted pursuant thereto**
17 **as of January 1, 2016, hereinafter collectively referred to as REAL ID, in the**

1 manner set forth in this Subsection.

2 (2) Any person applying for a driver's license pursuant to the provisions
3 of this Chapter may elect to apply for a driver's license that complies with the
4 standards of REAL ID. If that person is eligible for a driver's license to be
5 issued pursuant to the provisions of this Chapter and meets all requirements of
6 the United States Department of Homeland Security for a REAL ID compliant
7 credential, that person shall be issued a driver's license which bears a United
8 States Department of Homeland Security approved security marking reflecting
9 that such credential meets REAL ID standards. A person who is issued a REAL
10 ID compliant driver's license shall not be issued a REAL ID compliant special
11 identification card.

12 (3) If a person applying for a driver's license pursuant to the provisions
13 of this Chapter does not elect to apply for a driver's license that complies with
14 REAL ID standards and that person is otherwise eligible to be issued a driver's
15 license pursuant to the provisions of this Chapter that person shall be issued a
16 driver's license which indicates the driver's license is not in compliance with
17 REAL ID. If the person has elected not to apply for a REAL ID compliant
18 driver's license, the department shall not require the applicant to comply with
19 any of the REAL ID requirements which were not required by the state as of
20 January 1, 2016. If the person has elected not to apply for a REAL ID compliant
21 driver's license, the department shall not scan or maintain a copy of the
22 applicant's documents proving his identity. This includes but is not limited to
23 the applicant's birth certificate, social security card, or United States issued
24 passport.

25 (4)(a) Each applicant for a driver's license shall be informed that he is
26 not required by law to be issued a REAL ID compliant driver's license and may
27 be issued a driver's license which is not REAL ID compliant. The applicant shall
28 be required to indicate on his driver's license application whether he is applying
29 for a REAL ID compliant driver's license or a driver's license that is not REAL

1 **ID compliant.**

2 **(b) The office of motor vehicles shall post a sign in each location that**
3 **provides a complete description of the REAL ID compliant driver's license,**
4 **including but not limited to an explanation of what the license does, what**
5 **information is collected and maintained, who has access to the data collected,**
6 **how the data collected will be utilized, and that persons are not required by the**
7 **state to accept the "gold star" or the REAL ID compliant driver's license.**

8 **(5) Compliance with REAL ID referenced in this Subsection shall be**
9 **limited to those standards in effect as of January 1, 2016. Any subsequent**
10 **changes or additions to federal laws or rules for implementation of REAL ID**
11 **shall be implemented by the state if and only if such changes are approved by**
12 **the legislature by a favorable vote of a majority of the elected members of each**
13 **house.**

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

18 **(7) Before January 2017, the Department of Public Safety and**
19 **Corrections, office of motor vehicles, shall provide to the Senate and House**
20 **committees on transportation, highways and public works a specific and**
21 **detailed list of those standards in effect as of January 1, 2016, to which**
22 **compliance with REAL ID in Louisiana is limited in this Subsection.**

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

24 §1321. Special identification cards; issuance; veteran designation; university logo;
25 "I'm a Cajun" designation; fees; expiration and renewal; exceptions;
26 promulgation of rules; promotion of use; persons less than twenty-
27 one years of age; the Protect and Save our Children Program;
28 Selective Service Registration

29 * * *

1 O.(1) The Department of Public Safety and Corrections, office of motor
2 vehicles, hereinafter in this Subsection referred to as "department", shall
3 provide for the option of the issuance of special identification cards that are
4 compliant with the standards of the REAL ID Act of 2005, P. L. 109-13, and
5 federal rules adopted pursuant thereto as of January 1, 2016, hereinafter
6 collectively referred to as REAL ID, for official purposes, in the manner set
7 forth in this Subsection.

8 (2) Any person applying for a special identification card pursuant to the
9 provisions of this Section may elect to apply for a special identification card that
10 complies with the standards of REAL ID. If that person is eligible for a special
11 identification card to be issued pursuant to the provisions of this Section and
12 meets all requirements of the United States Department of Homeland Security
13 for a REAL ID compliant credential, that person shall be issued a special
14 identification card which bears a United States Department of Homeland
15 Security approved security marking reflecting that such credential meets REAL
16 ID standards. A person who is issued a REAL ID compliant special
17 identification card shall not be issued a REAL ID compliant driver's license.

18 (3) If a person applying for a special identification card pursuant to the
19 provisions of this Section does not elect to apply for a license that complies with
20 REAL ID standards and that person is otherwise eligible to be issued a special
21 identification card pursuant to the provisions of this Section, that person shall
22 be issued a special identification card which indicates the special identification
23 card is not in compliance with REAL ID. If the person has elected not to apply
24 for a REAL ID compliant special identification card, the department shall not
25 require the applicant to comply with any of the REAL ID requirements, other
26 than those required by this Paragraph, which were not required by the state as
27 of January 1, 2016. If the person has elected not to apply for a REAL ID
28 compliant driver's license, the department shall not scan or maintain a copy of
29 the applicant's documents proving his identity. This includes but is not limited

1 to the applicant's birth certificate, social security card, or United States issued
2 passport.

3 (4)(a) Each applicant for a special identification card shall be informed
4 that he is not required by law to be issued a REAL ID special identification card
5 and may be issued a special identification card which is not REAL ID
6 compliant. The applicant shall be required to indicate on the special
7 identification card application whether he is applying for a REAL ID compliant
8 special identification card or a special identification card that is not REAL ID
9 compliant.

10 (b) The office of motor vehicles shall post a sign in each location that
11 provides a complete description of the REAL ID compliant special identification
12 card, including but not limited to an explanation of what the special
13 identification card does, what information is collected and maintained, who has
14 access to the data collected, how the data collected will be utilized, and that
15 persons are not required by the state to accept the "gold star" or the REAL ID
16 compliant special identification card.

17 (5) Compliance with REAL ID referenced in this Subsection shall be
18 limited to those standards in effect as of January 1, 2016. Any subsequent
19 changes or additions to federal laws or rules for implementation of REAL ID
20 shall be implemented by the state if and only if such changes are approved by
21 the legislature by a favorable vote of a majority of the elected members of each
22 house.

23 (6) Any eligible person electing to obtain a special identification card
24 which bears a United States Department of Homeland Security approved
25 security marking reflecting that such credential meets REAL ID standards
26 prior to the renewal date of his special identification card may be issued a
27 duplicate special identification card.

28 (7) Before January 2017, the department shall provide to the Senate and
29 House committees on transportation, highways and public works a specific and

1 **detailed list of those standards in effect as of January 1, 2016, to which**
 2 **compliance with REAL ID in Louisiana is limited in this Subsection.**

3 Section 3. Act No. 807 of the 2008 Regular Session of the Legislature and Act No.
 4 151 of the 2010 Regular Session of the Legislature are hereby repealed in their entirety.

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

The original instrument was prepared by Sharon F. Lyles. The following digest, which does not constitute a part of the legislative instrument, was prepared by Nancy Vicknair.

DIGEST

SB 227 Reengrossed

2016 Regular Session

Colomb

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 must 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 shall 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 each applicant for a driver's license or special identification card shall be informed that if the person has elected 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. Provides 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, for persons who elect not to apply for a REAL ID compliant driver's license or special identification card.

Proposed law provides that each applicant for a driver's license or special identification card shall be informed that he is not required by law to be issued a REAL ID compliant driver's license and may be issued a driver's license which is not REAL ID compliant. Provides that each applicant shall be required to indicate on his driver's license or special identification card 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 that the OMV post a sign in each location 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 driver's license and 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 "gold star" or the REAL ID compliant driver's license and special identification card.

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 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. 32:410(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 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.