

Regular Session, 2008

HOUSE BILL NO. 715

BY REPRESENTATIVE GEYMANN

MTR VEHICLE/DRIVER LIC: Directs the Department of Public Safety and Corrections not to implement the federal REAL ID Act of 2005.

1 AN ACT

2 To direct the Department of Public Safety and Corrections to not implement the provisions
3 of the Federal Real ID Act of 2005; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. The legislature recognizes the following:

6 (1) That in May 2005, the United States Congress enacted the REAL ID Act of 2005
7 (REAL ID Act) as part of the Emergency Supplemental Appropriations Act for Defense, the
8 Global War on Terror, and Tsunami Relief Act (Public Law 109-13), which was signed by
9 President Bush on May 11, 2005, and which becomes fully effective May 11, 2008.

10 (2) That use of the federal minimum standards for state driver's licenses and state-
11 issued identification cards will be necessary for any type of federally regulated activity for
12 which an identification card must be displayed, including flying in a commercial airplane,
13 making transactions with a federally licensed bank, entering a federal building, or making
14 application for federally supported public assistance benefit, including Social Security.

15 (3) That some of the intended privacy requirements of the REAL ID Act, such as the
16 use of common machine-readable technology and state maintenance of a database that can
17 be shared with the United States and agencies of other states, may actually make it more
18 likely that a federally required driver's license or state identification card, or the information
19 about the bearer on which the license or card is based, will be stolen, sold, or otherwise used
20 for purposes that were never intended or that are criminally related than if the REAL ID Act
21 had not been enacted.

1 (4) That these potential breaches in privacy that could result directly from
2 compliance with the REAL ID Act may violate the right to privacy, as secured by Article
3 I, Section 5 of the Constitution of Louisiana, of thousands of residents of Louisiana.

4 (5) That the American Association of Motor Vehicle Administrators, the National
5 Governors' Association, and the National Conference of State Legislatures have estimated,
6 in an impact analysis dated September 2006, that the cost to the states to implement the
7 REAL ID Act will be more than \$11 billion over five years.

8 (6) That for all of these reasons, the American Association of Motor Vehicle
9 Administrators, the National Governors' Association, and the National Conference of State
10 Legislatures, in a letter dated March 17, 2005, to the majority and minority leaders of the
11 United States Senate, opposed the adoption of the REAL ID Act but the opposition of those
12 groups, and the groups' request that Congress rely on driver's license security provisions
13 already passed by Congress in the Intelligence Reform and Terrorism Prevention Act of
14 2004, was largely ignored by Congress.

15 (7) That the mandate to the states, through federal legislation that provides no
16 funding for its requirements, to issue what is, in effect, a national identification card appears
17 to be an attempt to "commandeer" the principles of federalism contained in the 10th
18 amendment to the Constitution of the United States of America, as construed by the United
19 States Supreme Court in *New York v. United States*, 488 U.S. 1041 (1992), *United States v.*
20 *Lopez*, 514 U.S. 549 (1995), and *Printz v. United States*, 521 U.S. 898 (1997).

21 (8) That some states, or legislative bodies in some states, such as New Hampshire,
22 Washington, and Montana have, through legislation, opposed the implementation of the
23 REAL ID Act.

24 (9) That the enactment into law by Congress of the REAL ID Act, will cause
25 unneeded expense and inconvenience to those people, and was enacted by the Congress in
26 violation of the principles of federalism contained in the 10th amendment to the Constitution
27 of the United States of America, and thus the state of Louisiana will not participate in the
28 implementation of the REAL ID Act.

29 Section 2. The Legislature of Louisiana does hereby direct the Department of Public
30 Safety and Corrections, including the office of motor vehicles, not to implement the

1 provisions of the REAL ID Act and to report to the governor any attempt by agencies or
2 agents of the United States Department of Homeland Security to secure the implementation
3 of the REAL ID Act through the operations of that division and department.

4 Section 3. This Act shall become effective upon signature by the governor or, if not
5 signed by the governor, upon expiration of the time for bills to become law without signature
6 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
7 vetoed by the governor and subsequently approved by the legislature, this Act shall become
8 effective on the day following such approval.

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 No. 715

Abstract: Directs the DPS&C not implement the Federal REAL ID Act of 2005 and to report to the governor any attempt by agencies or agents of the U.S. Department of Homeland Security to implement the REAL ID Act through the operations of that division and department.

Proposed law directs the Department of Public Safety and Corrections, including the office of motor vehicles, not to implement the provisions of the REAL ID Act and to report to the governor any attempt by agencies or agents of the United States Department of Homeland Security to secure the implementation of the REAL ID Act through the operations of that division and department.

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