

2019 Regular Session

HOUSE BILL NO. 378

BY REPRESENTATIVE JAMES

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ADMINISTRATION: Provides relative to the creation of digitized credentials

1 AN ACT

2 To enact Subpart E of Part I of Chapter 1 of Title 39 of the Louisiana Revised Statutes of
3 1950, to be comprised of R.S. 39:17.1 through 17.4, relative to digitized
4 identification and credentials; to authorize entities to submit credentials for use in an
5 electronic wallet; to authorize the promulgation of rules and regulations; to provide
6 for a fee; to provide definitions; to provide for privacy; and to provide for related
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Subpart E of Part I of Chapter 1 of Title 39 of the Louisiana Revised
10 Statutes of 1950, comprised of R.S. 39:17.1 through 17.4, is hereby enacted to read as
11 follows:

12 SUBPART E. DIGITIZED CREDENTIALS

13 §17.1. Definitions

14 As used in this Part, the following terms shall have the meanings ascribed as
15 follows:

16 (1) "Credential" means any document, certificate, identification, license,
17 permit, or card indicating the user's status, right, privilege, classification, permission,
18 entitlement, authority, or coverage.

19 (2) "Current status" includes but is not limited to valid, expired, cancelled,
20 suspended, disqualified, active, inactive, member, nonmember, eligible, or ineligible.

1 (3) "Digitized credential" means a credential relayed in a data file available
2 on any mobile device which has connectivity to the internet through an application
3 that allows the mobile device to download the data file from the department, office,
4 agency, company, division, university, school, board, commission, or other
5 applicable entity and contains all of the data elements visible on the face and back
6 of the credential, and also displays the current status of the credential.

7 (4) "Electronic wallet" refers to an electronic or online service or application
8 that allows an individual to store credentials in order to access the credentials from
9 a mobile device.

10 §17.2. Digitized credentials; authorization; implementation; validity

11 A. Any credential authorized or required by the state may be made available
12 in digitized format on a program which a user can utilize through an electronic
13 wallet.

14 B. Any digitized credential downloaded through an application on a mobile
15 device as provided by this Subpart shall be as valid as a tangible credential.

16 C. A digital copy, photograph, or image of a credential which is not
17 downloaded through the application on a mobile device shall not be a valid digitized
18 credential.

19 D. The commissioner of administration shall promulgate rules and
20 regulations to implement the program and to develop the accessibility of any
21 digitized credential available for use in an electronic wallet.

22 §17.3. Fee

23 The fee to install the application to display a digitized credential shall not
24 exceed six dollars per credential.

25 §17.4. Privacy

26 The display of a credential shall not serve as consent or authorization for a
27 law enforcement officer or any other person to search, view, or access any other data
28 or application on the mobile device. If a person presents his mobile device to a law
29 enforcement officer or any other person for purposes of displaying his digitized

1 credential, the law enforcement officer or other person shall promptly return the
2 mobile device to the person once he has had an opportunity to verify the credential.

3 Section 2. This Act shall become effective upon signature by the governor or, if not
4 signed by the governor, upon expiration of the time for bills to become law without signature
5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
6 vetoed by the governor and subsequently approved by the legislature, this Act shall become
7 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)]

HB 378 Original

2019 Regular Session

James

Abstract: Provides for authorization to digitize state authorized and required credentials for user access on an electronic wallet.

Proposed law provides for authorization for the digitization of any credential authorized or required by the state.

Proposed law provides that a digitized credential as provided in present law is as valid as a tangible credential.

Proposed law provides that a screen shot or copy of a credential is not a valid credential for purposes of present law. Proposed law requires the credential to be viewed through the application in the electronic wallet.

Proposed law provides that permission to view a digitized credential does not qualify as permission to search the mobile device or otherwise access additional data.

Proposed law requires the commissioner of administration to promulgate rules and regulations to implement the program in order to provide for accessibility of digitized credentials through an application in an electronic wallet.

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

(Adds R.S. 39:17.1-17.4)