2019 Regular Session

HOUSE BILL NO. 378

BY REPRESENTATIVES JAMES, ADAMS, AMEDEE, ANDERS, ARMES, BACALA, BAGLEY, BAGNERIS, BERTHELOT, BILLIOT, BISHOP, BOUIE, BOURRIAQUE, CHAD BROWN, TERRY BROWN, CARMODY, STEVE CARTER, COUSSAN, COX, CREWS, DAVIS, DEVILLIER, DUBUISSON, DUPLESSIS, EDMONDS, EMERSON, FALCONER, GISCLAIR, JIMMY HARRIS, LANCE HARRIS, HODGES, HORTON, HOWARD, HUVAL, IVEY, JACKSON, JEFFERSON, MIKE JOHNSON, ROBERT JOHNSON, JONES, JORDAN, LACOMBE, NANCY LANDRY, TERRY LANDRY, LARVADAIN, LYONS, MARCELLE, MARINO, MCFARLAND, MIGUEZ, MOORE, PIERRE, POPE, PUGH, RICHARD, SCHEXNAYDER, SEABAUGH, SMITH, STAGNI, STEFANSKI, STOKES, TALBOT, AND TURNER

1	AN ACT
2	To enact Subpart E of Part I of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised
3	Statutes of 1950, to be comprised of R.S. 39:17.1 through 17.5, 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 Subtitle I of Title 39 of the Louisiana
10	Revised Statutes of 1950, comprised of R.S. 39:17.1 through 17.5, is hereby enacted to read
11	as follows:

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	SUBPART E. DIGITIZED CREDENTIALS
2	§17.1. Definitions
3	As used in this Subpart, the following terms shall have the meanings ascribed
4	<u>as follows:</u>
5	(1) "Credential" means any document, certificate, identification, license,
6	permit, or card indicating the user's status, right, privilege, classification, permission,
7	entitlement, authority, or coverage.
8	(2) "Current status" includes but is not limited to valid, expired, cancelled,
9	suspended, disqualified, active, inactive, member, nonmember, eligible, or ineligible.
10	(3) "Digitized credential" means a credential relayed in a data file available
11	on any mobile device which has connectivity to the internet through an application
12	that allows the mobile device to download the data file from the department, office,
13	agency, company, division, university, school, board, commission, or other
14	applicable entity and contains all of the data elements visible on the face and back
15	of the credential, and also displays the current status of the credential.
16	(4) "Electronic wallet" refers to an electronic or online service or application
17	that allows an individual to store credentials in order to access the credentials from
18	<u>a mobile device.</u>
19	§17.2. Digitized credentials; authorization; implementation; validity
20	A. Any credential authorized or required by the state may be made available
21	in digitized format on a program which a user can utilize through an electronic
22	wallet.
23	B. Any digitized credential downloaded through an application on a mobile
24	device as provided by this Subpart shall be as valid as a tangible credential.
25	C. A digital copy, photograph, or image of a credential which is not
26	downloaded through the application on a mobile device shall not be a valid digitized
27	credential.
28	D. The commissioner of administration shall promulgate rules and
29	regulations to implement the program and to develop the accessibility of any
30	digitized credential available for use in an electronic wallet.

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1	<u>§17.3. Fee</u>
2	The fee to install the application to display a digitized credential shall not
3	exceed six dollars per credential.
4	<u>§17.4. Privacy</u>
5	The display of a credential shall not serve as consent or authorization for a
6	law enforcement officer or any other person to search, view, or access any other data
7	or application on the mobile device. If a person presents his mobile device to a law
8	enforcement officer or any other person for purposes of displaying his digitized
9	credential, the law enforcement officer or other person shall promptly return the
10	mobile device to the person once he has had an opportunity to verify the credential.
11	<u>§17.5. Renewals</u>
12	A. Each agency which has a credential available on an electronic device
13	through the electronic wallet may make the renewal of such credential available
14	through the electronic wallet.
15	B. Prior to making a renewal available through the electronic wallet, each
16	agency shall determine that the renewal process may be accomplished as provided
17	by law and in accordance with agency rules.
18	C. If the person is otherwise prohibited or blocked from renewal of a
19	credential by law or agency rules, this Section shall not create an additional or
20	alternative means to renew a credential.
21	D. Prior to making renewal of a credential available through the electronic
22	wallet, each agency shall adopt rules and regulations to implement the renewal
23	process through the electronic wallet in accordance with the Administrative
24	Procedure Act.

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#### **ENROLLED**

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

### SPEAKER OF THE HOUSE OF REPRESENTATIVES

### PRESIDENT OF THE SENATE

## GOVERNOR OF THE STATE OF LOUISIANA

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