

ACT No. 87

2017 Regular Session

HOUSE BILL NO. 487

BY REPRESENTATIVE TERRY LANDRY

1 AN ACT

2 To amend and reenact R.S. 32:410.1(A), (B), (C), (D), and (E) and to enact R.S. 14:70.7(D),
3 relative to fictitious, fraudulent, or facsimile identification documents; to prohibit
4 novelty, unofficial, or fraudulent credentials intended to simulate certain
5 identification credentials issued by governmental entities; to clarify unacceptable
6 defenses for violations of this prohibition; to provide for penalties; and to provide for
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 14:70.7(D) is hereby enacted to read as follows:

10 §70.7. Unlawful production, manufacturing, distribution, or possession of fraudulent
11 documents for identification purposes

12 * * *

13 D. It shall not be a defense to prosecution for a violation of this Section that
14 a fraudulent document for identification purposes contains words indicating that it
15 is a novelty item or an indication that it is not a document for identification purposes.

16 Section 2. R.S. 32:410.1(A), (B), (C), (D), and (E) are hereby amended and
17 reenacted to read as follows:

18 §410.1. Novelty or unofficial credentials; prohibited

19 A. It shall be unlawful for any person to manufacture, advertise for sale, sell,
20 or possess any fictitious or facsimile credential that is intended to simulate a ~~valid~~
21 credential issued by any state, territory, or possession of the United States, the
22 District of Columbia, the Commonwealth of Puerto Rico, any foreign country or
23 government, a United States government-issued credential, or a United States
24 passport or foreign government visa.

1 B. For purposes of this Section, a ~~valid~~ credential shall include but is not
2 limited to any driver's license, driver permit, temporary driver's license, restricted or
3 hardship driver's license, government-issued identification card, school-issued
4 identification card, vehicle registration certificate, or vehicle license plate.

5 C. ~~The following language shall appear on every item that can be interpreted~~
6 ~~as a novelty credential in a size or font equal in size to the largest print appearing~~
7 ~~anywhere on the novelty item: "This document is a novelty item and cannot be used~~
8 ~~for any official purposes or as a lawful means of identification or for the operation~~
9 ~~of a motor vehicle on any public highway or street".~~ It shall not be a defense to a
10 violation of this Section that a fictitious or facsimile credential contains words
11 indicating that it is a novelty item or an indication that it is not a valid identification
12 document, vehicle registration certificate, or vehicle license plate.

13 D. The Department of Public Safety and Corrections, office of motor
14 vehicles, may issue a cease and desist order to any person or business who
15 manufactures, advertises for sale, sells, or possesses any credential, including any
16 novelty or unofficial credential, which ~~is not in compliance with~~ it determines to be
17 in violation of this Section. Any such cease and desist order may be served by
18 regular mail with a proof of mailing issued by the United States Postal Service, or
19 hand delivered by a representative of the department. If the cease and desist order
20 is served by mail with proof of mailing, it shall be deemed delivered on the seventh
21 calendar day after the date affixed on the certificate or proof of mailing. The
22 presumption of delivery in this Subsection shall not apply if the cease and desist
23 order is returned as undeliverable.

24 E.(1) If the person or business subject to the cease and desist order cannot
25 be served or does not comply with the cease and desist order, the department may
26 file a petition for injunctive relief as provided in the Code of Civil Procedure for
27 injunctions in the district court. There shall be no suspensive appeal or stay of an
28 order or judgment of the district court granting the department a preliminary or
29 permanent injunction.

1 (2) In the suit for an injunction, the department may demand of the defendant
2 a penalty of not more than five hundred dollars for each day the defendant engaged
3 in any activity prohibited by the cease and desist order issued by the department and
4 court costs. Judgment for penalty and court costs may be rendered in the same
5 judgment in which the injunction is made final.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____