

Regular Session, 2008

ACT No. 807

HOUSE BILL NO. 715

BY REPRESENTATIVE GEYMANN

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 benefits, 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.

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

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

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

12 (7) That the mandate to the states, through federal legislation that provides no
13 funding for its requirements, to issue what is, in effect, a national identification card appears
14 to be an attempt to "commandeer" the principles of federalism contained in the Tenth
15 Amendment to the Constitution of the United States of America, as construed by the United
16 States Supreme Court in *New York v. United States*, 505 U.S. 144 (1992), *United States v.*
17 *Lopez*, 514 U.S. 549 (1995), and *Printz v. United States*, 521 U.S. 898 (1997).

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

21 (9) That the enactment into law by Congress of the REAL ID Act will cause
22 unnecessary expense and inconvenience to those people and was enacted by the Congress in
23 violation of the principles of federalism contained in the Tenth Amendment to the
24 Constitution of the United States of America, and thus the state of Louisiana will not
25 participate in the implementation of the REAL ID Act.

26 Section 2. The Legislature of Louisiana does hereby direct the Department of Public
27 Safety and Corrections, including the office of motor vehicles, not to implement the
28 provisions of the REAL ID Act and to report to the governor any attempt by agencies or
29 agents of the United States Department of Homeland Security to secure the implementation
30 of the REAL ID Act through the operations of that division and department.

1 Section 3. 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: _____