

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Grant, J. offered the following:

2
3 **Amendment to Amendment (669187) (with title amendment)**

4 Remove lines 510-684 of the amendment and insert:

5 Section 15. Section 322.01, Florida Statutes, is amended
6 to read:

7 322.01 Definitions.—As used in this chapter:

8 (1) "Actual weight" means the weight of a motor vehicle or
9 motor vehicle combination plus the weight of the load carried on
10 it, as determined at a fixed scale operated by the state or as
11 determined by use of a portable scale operated by a law
12 enforcement officer.

13 (2) "Alcohol" means any substance containing any form of

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14 alcohol including, but not limited to, ethanol, methanol,
15 propanol, and isopropanol.

16 (3) "Alcohol concentration" means:

17 (a) The number of grams of alcohol per 100 milliliters of
18 blood;

19 (b) The number of grams of alcohol per 210 liters of
20 breath; or

21 (c) The number of grams of alcohol per 67 milliliters of
22 urine.

23 (4) "Authorized emergency vehicle" means a vehicle that is
24 equipped with extraordinary audible and visual warning devices,
25 that is authorized by s. 316.2397 to display red or blue lights,
26 and that is on call to respond to emergencies. The term
27 includes, but is not limited to, ambulances, law enforcement
28 vehicles, fire trucks, and other rescue vehicles. The term does
29 not include wreckers, utility trucks, or other vehicles that are
30 used only incidentally for emergency purposes.

31 (5) "Cancellation" means the act of declaring a driver
32 license void and terminated.

33 (6) "Color photographic driver license" means a color
34 photograph of a completed driver license form meeting the
35 requirements prescribed in s. 322.14.

36 (7) "Commercial driver license" means a Class A, Class B,
37 or Class C driver license issued in accordance with the
38 requirements of this chapter.

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39 (8) "Commercial motor vehicle" means any motor vehicle or
40 motor vehicle combination used on the streets or highways,
41 which:

42 (a) Has a gross vehicle weight rating of 26,001 pounds or
43 more;

44 (b) Is designed to transport more than 15 persons,
45 including the driver; or

46 (c) Is transporting hazardous materials and is required to
47 be placarded in accordance with 49 C.F.R. part 172, subpart F.
48

49 A vehicle that occasionally transports personal property to and
50 from a closed-course motorsport facility, as defined in s.
51 549.09(1)(a), is not a commercial motor vehicle if the use is
52 not for profit and corporate sponsorship is not involved. As
53 used in this subsection, the term "corporate sponsorship" means
54 a payment, donation, gratuity, in-kind service, or other benefit
55 provided to or derived by a person in relation to the underlying
56 activity, other than the display of product or corporate names,
57 logos, or other graphic information on the property being
58 transported.

59 (9) "Controlled substance" means any substance classified
60 as such under 21 U.S.C. s. 802(6), Schedules I-V of 21 C.F.R.
61 part 1308, or chapter 893.

62 (10) "Convenience service" means any means whereby an
63 individual conducts a transaction with the department other than

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64 in person.

65 (11) (a) "Conviction" means a conviction of an offense
66 relating to the operation of motor vehicles on highways which is
67 a violation of this chapter or any other such law of this state
68 or any other state, including an admission or determination of a
69 noncriminal traffic infraction pursuant to s. 318.14, or a
70 judicial disposition of an offense committed under any federal
71 law substantially conforming to the aforesaid state statutory
72 provisions.

73 (b) Notwithstanding any other provisions of this chapter,
74 the definition of "conviction" provided in 49 C.F.R. s. 383.5
75 applies to offenses committed in a commercial motor vehicle or
76 by a person holding a commercial driver license.

77 (12) "Court" means any tribunal in this state or any other
78 state, or any federal tribunal, which has jurisdiction over any
79 civil, criminal, traffic, or administrative action.

80 (13) "Credential service provider" means an electronic
81 credential provider competitively procured by the department to
82 supply secure credential services based on open standards for
83 identity management and verification to qualified entities.

84 (14)~~(13)~~ "Declared weight" means the maximum loaded weight
85 declared for purposes of registration, pursuant to chapter 320.

86 (15)~~(14)~~ "Department" means the Department of Highway
87 Safety and Motor Vehicles acting directly or through its duly
88 authorized representatives.

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89 (16) "Digital identity verifier" means a public or private
90 entity that consumes the identity management services provided
91 by the credential service provider.

92 ~~(17)-(15)~~ "Disqualification" means a prohibition, other
93 than an out-of-service order, that precludes a person from
94 driving a commercial motor vehicle.

95 ~~(18)-(16)~~ "Drive" means to operate or be in actual physical
96 control of a motor vehicle in any place open to the general
97 public for purposes of vehicular traffic.

98 ~~(19)-(17)~~ "Driver license" means a certificate that,
99 subject to all other requirements of law, authorizes an
100 individual to drive a motor vehicle and denotes an operator's
101 license as defined in 49 U.S.C. s. 30301.

102 (20) "Electronic" means relating to technology having
103 electrical, digital, magnetic, wireless, optical,
104 electromagnetic, or similar capabilities.

105 (21) "Electronic credential" means an electronic
106 representation of a physical driver license or identification
107 card which is viewable on an electronic credential system and
108 capable of being verified and authenticated.

109 (22) "Electronic credential holder" means a person to whom
110 an electronic credential has been issued.

111 (23) "Electronic credential provider" means a qualified
112 entity contracted with the department to provide electronic
113 credentials to electronic credential holders.

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114 (24) "Electronic credential system" means a computer
115 system used to display or transmit electronic credentials to a
116 person or verification system and that may be accessed using an
117 electronic device.

118 (25) "Electronic device" means a device or a portion of a
119 device that is designed for and capable of communicating across
120 a computer network with other computers or devices for the
121 purpose of transmitting, receiving, or storing data, including,
122 but not limited to, a cellular telephone, tablet, or other
123 portable device designed for and capable of communicating with
124 or across a computer network, and is used to render an
125 electronic credential.

126 (26) "Electronic ID" means a technology solution by which
127 a qualified entity authenticates the identity of an individual
128 receiving goods or services.

129 (27) ~~(18)~~ "Endorsement" means a special authorization which
130 permits a driver to drive certain types of vehicles or to
131 transport certain types of property or a certain number of
132 passengers.

133 (28) ~~(19)~~ "Farmer" means a person who grows agricultural
134 products, including aquacultural, horticultural, and forestry
135 products, and, except as provided herein, employees of such
136 persons. The term does not include employees whose primary
137 purpose of employment is the operation of motor vehicles.

138 (29) ~~(20)~~ "Farm tractor" means a motor vehicle that is:

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139 (a) Operated principally on a farm, grove, or orchard in
140 agricultural or horticultural pursuits and that is operated on
141 the roads of this state only incidentally for transportation
142 between the owner's or operator's headquarters and the farm,
143 grove, or orchard or between one farm, grove, or orchard and
144 another; or

145 (b) Designed and used primarily as a farm implement for
146 drawing plows, mowing machines, and other implements of
147 husbandry.

148 ~~(30)-(21)~~ "Felony" means any offense under state or federal
149 law that is punishable by death or by a term of imprisonment
150 exceeding 1 year.

151 ~~(31)-(22)~~ "Foreign jurisdiction" means any jurisdiction
152 other than a state of the United States.

153 ~~(32)-(23)~~ "Gross vehicle weight rating" means the value
154 specified by the manufacturer as the maximum loaded weight of a
155 single, combination, or articulated vehicle.

156 ~~(33)-(24)~~ "Hazardous materials" means any material that has
157 been designated as hazardous under 49 U.S.C. s. 5103 and is
158 required to be placarded under subpart F of 49 C.F.R. part 172
159 or any quantity of a material listed as a select agent or toxin
160 in 42 C.F.R. part 73.

161 ~~(34)-(25)~~ "Medical examiner's certificate" means a document
162 substantially in accordance with the requirements of 49 C.F.R.
163 s. 391.43.

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164 ~~(35)-(26)~~ "Motorcycle" means a motor vehicle powered by a
165 motor with a displacement of more than 50 cubic centimeters,
166 having a seat or saddle for the use of the rider, and designed
167 to travel on not more than three wheels in contact with the
168 ground, but excluding a tractor, tri-vehicle, or moped.

169 ~~(36)-(27)~~ "Motor vehicle" means any self-propelled vehicle,
170 including a motor vehicle combination, not operated upon rails
171 or guideway, excluding vehicles moved solely by human power,
172 motorized wheelchairs, and motorized bicycles as defined in s.
173 316.003.

174 ~~(37)-(28)~~ "Motor vehicle combination" means a motor vehicle
175 operated in conjunction with one or more other vehicles.

176 ~~(38)-(29)~~ "Narcotic drugs" means coca leaves, opium,
177 isonipecaine, cannabis, and every substance neither chemically
178 nor physically distinguishable from them, and any and all
179 derivatives of same, and any other drug to which the narcotics
180 laws of the United States apply, and includes all drugs and
181 derivatives thereof known as barbiturates.

182 ~~(39)-(30)~~ "Out-of-service order" means a prohibition issued
183 by an authorized local, state, or Federal Government official
184 which precludes a person from driving a commercial motor
185 vehicle.

186 ~~(40)-(31)~~ "Owner" means the person who holds the legal
187 title to a vehicle. However, if a vehicle is the subject of an
188 agreement for the conditional sale or lease thereof with the

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189 right of purchase upon performance of the conditions stated in
190 the agreement and with an immediate right of possession vested
191 in the conditional vendee or lessee, or if a mortgagor of a
192 vehicle is entitled to possession, such conditional vendee,
193 lessee, or mortgagor is the owner for the purpose of this
194 chapter.

195 ~~(41)-(32)~~ "Passenger vehicle" means a motor vehicle
196 designed to transport more than 15 persons, including the
197 driver, or a school bus designed to transport more than 15
198 persons, including the driver.

199 ~~(42)-(33)~~ "Permit" means a document authorizing the
200 temporary operation of a motor vehicle within this state subject
201 to conditions established in this chapter.

202 ~~(43)~~ "Qualified entity" means a public or private entity
203 which enters into a contract with the department, meets usage
204 criteria, agrees to terms and conditions, and is authorized by
205 the department to use the credential service provider for
206 authentication and identification verification services.

207 ~~(44)-(34)~~ "Resident" means a person who has his or her
208 principal place of domicile in this state for a period of more
209 than 6 consecutive months, has registered to vote, has made a
210 statement of domicile pursuant to s. 222.17, or has filed for
211 homestead tax exemption on property in this state.

212 ~~(45)-(35)~~ "Restriction" means a prohibition against
213 operating certain types of motor vehicles or a requirement that

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214 a driver comply with certain conditions when driving a motor
215 vehicle.

216 ~~(46)-(36)~~ "Revocation" means the termination of a
217 licensee's privilege to drive.

218 ~~(47)-(37)~~ "School bus" means a motor vehicle that is
219 designed to transport more than 15 persons, including the
220 driver, and that is used to transport students to and from a
221 public or private school or in connection with school
222 activities, but does not include a bus operated by a common
223 carrier in the urban transportation of school children. The term
224 "school" includes all preelementary, elementary, secondary, and
225 postsecondary schools.

226 ~~(48)-(38)~~ "State" means a state or possession of the United
227 States, and, for the purposes of this chapter, includes the
228 District of Columbia.

229 ~~(49)-(39)~~ "Street or highway" means the entire width
230 between the boundary lines of a way or place if any part of that
231 way or place is open to public use for purposes of vehicular
232 traffic.

233 ~~(50)-(40)~~ "Suspension" means the temporary withdrawal of a
234 licensee's privilege to drive a motor vehicle.

235 ~~(51)-(41)~~ "Tank vehicle" means a vehicle that is designed
236 to transport any liquid or gaseous material within a tank either
237 permanently or temporarily attached to the vehicle, if such tank
238 has a designed capacity of 1,000 gallons or more.

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239 ~~(52)-(42)~~ "United States" means the 50 states and the
240 District of Columbia.

241 ~~(53)-(43)~~ "Vehicle" means every device in, upon, or by
242 which any person or property is or may be transported or drawn
243 upon a public highway or operated upon rails or guideway, except
244 a bicycle, motorized wheelchair, or motorized bicycle.

245 ~~(54)-(44)~~ "Identification card" means a personal
246 identification card issued by the department which conforms to
247 the definition in 18 U.S.C. s. 1028(d).

248 ~~(55)-(45)~~ "Temporary driver license" or "temporary
249 identification card" means a certificate issued by the
250 department which, subject to all other requirements of law,
251 authorizes an individual to drive a motor vehicle and denotes an
252 operator's license, as defined in 49 U.S.C. s. 30301, or a
253 personal identification card issued by the department which
254 conforms to the definition in 18 U.S.C. s. 1028(d) and denotes
255 that the holder is permitted to stay for a short duration of
256 time, as specified on the temporary identification card, and is
257 not a permanent resident of the United States.

258 ~~(56)-(46)~~ "Tri-vehicle" means an enclosed three-wheeled
259 passenger vehicle that:

260 (a) Is designed to operate with three wheels in contact
261 with the ground;

262 (b) Has a minimum unladen weight of 900 pounds;

263 (c) Has a single, completely enclosed, occupant

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264 compartment;

265 (d) Is produced in a minimum quantity of 300 in any
266 calendar year;

267 (e) Is capable of a speed greater than 60 miles per hour
268 on level ground; and

269 (f) Is equipped with:

270 1. Seats that are certified by the vehicle manufacturer to
271 meet the requirements of Federal Motor Vehicle Safety Standard
272 No. 207, "Seating systems" (49 C.F.R. s. 571.207);

273 2. A steering wheel used to maneuver the vehicle;

274 3. A propulsion unit located forward or aft of the
275 enclosed occupant compartment;

276 4. A seat belt for each vehicle occupant certified to meet
277 the requirements of Federal Motor Vehicle Safety Standard No.
278 209, "Seat belt assemblies" (49 C.F.R. s. 571.209);

279 5. A windshield and an appropriate windshield wiper and
280 washer system that are certified by the vehicle manufacturer to
281 meet the requirements of Federal Motor Vehicle Safety Standard
282 No. 205, "Glazing Materials" (49 C.F.R. s. 571.205) and Federal
283 Motor Vehicle Safety Standard No. 104, "Windshield Wiping and
284 Washing Systems" (49 C.F.R. s. 571.104); and

285 6. A vehicle structure certified by the vehicle
286 manufacturer to meet the requirements of Federal Motor Vehicle
287 Safety Standard No. 216, "Rollover crush resistance" (49 C.F.R.
288 s. 571.216).

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289 Section 16. Effective July 1, 2018, subsection (4) of
290 section 322.03, Florida Statutes, is amended to read:

291 322.03 Drivers must be licensed; penalties.—

292 (4) A person may not operate a motorcycle unless he or she
293 holds a driver license that authorizes such operation, subject
294 to the appropriate restrictions and endorsements. A person may
295 operate an autocycle, as defined in s. 316.003, without a
296 motorcycle endorsement.

297 Section 17. Section 322.032, Florida Statutes, is amended
298 to read:

299 322.032 Electronic credential ~~Digital proof of driver~~
300 ~~license.~~—

301 (1)(a) The department shall develop and implement ~~begin to~~
302 ~~review and prepare for the development of a~~ secure and uniform
303 protocols which comply with national standards ~~system~~ for
304 issuing an optional electronic credential. The department shall
305 procure the related technology solution from the credential
306 service provider that uses a revenue sharing model through a
307 competitive solicitation process pursuant to s. 287.057 ~~digital~~
308 ~~proof of driver license~~. The department may issue electronic
309 credentials to persons who hold a Florida driver license or
310 identification card.

311 (b) Qualified entities must have the technological
312 capabilities necessary to integrate with the credential service
313 provider. The department shall maintain the protocols and

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314 national standards necessary for a digital verifier or an
315 electronic credential provider to request authorized access to
316 an application programming interface, or appropriate
317 technological tool of at least the same capabilities, necessary
318 for such qualified entity to consume an electronic ID. The
319 department shall timely review requests for authorized access
320 and approve all requests by digital verifiers that meet the
321 department's requirements.

322 (c) The electronic credential provider must have the
323 necessary technological capabilities to execute the
324 authentication of an electronic credential across all states,
325 jurisdictions, federal and state agencies, and municipalities.
326 The electronic credential and verification solution must provide
327 the standardized system integration necessary:

328 1. For qualified entities to securely consume an
329 electronic credential.

330 2. For the production of a fully compliant electronic
331 credential by electronic credential providers.

332 3. To successfully ensure secure authentication and
333 validation of data from disparate sources.

334 (d) The department shall competitively procure at least
335 two but no more than five electronic credential providers
336 ~~contract with one or more private entities to develop and~~
337 implement an initial phase to provide a secure electronic
338 credential a digital proof of driver license system. The

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339 department shall enter into agreements with electronic
340 credential providers that provide the permitted uses, terms and
341 conditions, privacy policy, and uniform remittance terms
342 relating to the consumption of an electronic credential. The
343 department must competitively procure the credential service
344 provider before the initial phase may begin. Upon completion of
345 the initial phase, the department shall submit a report to the
346 Governor, the President of the Senate, and the Speaker of the
347 House of Representatives regarding the continued implementation
348 and tools necessary to scale future phases.

349 (2) (a) The department shall provide electronic credential
350 providers access to a standardized digital transaction process
351 that provides the proceeds of a completed financial transaction
352 to the department at the point of sale. The standardized digital
353 transaction process must enable electronic credential providers
354 to direct through their electronic commerce workflow to a
355 standardized checkout process and enable documentation of the
356 electronic credential providers participating in a transaction.
357 Revenue generated from use of the electronic credential system
358 shall be deposited into the Motor Vehicle License Clearing Trust
359 Fund for distribution pursuant to a legislative appropriation
360 and department agreements with electronic credential providers.
361 Electronic credential revenue shall be shared between the state
362 and electronic credential providers.

363 (b) The department may assess a competitive market rate

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364 fee structure for use of the credential service provider for any
365 qualified entity to obtain an electronic ID. Revenue generated
366 from use of the credential service provider by digital identity
367 verifiers shall be shared between the state and the credential
368 service provider. Revenues shall be deposited into the Motor
369 Vehicle License Clearing Trust Fund for distribution pursuant to
370 department agreements with digital identity verifiers. Fees may
371 not be charged to any state court, state governmental entity, or
372 law enforcement agency.

373 (3) (a) ~~(2)~~ The electronic credential ~~digital proof of~~
374 ~~driver license~~ developed by the department or by an electronic
375 credential provider ~~an entity~~ contracted by the department must
376 be in such a format as to allow law enforcement or an authorized
377 consumer to verify the authenticity of the electronic credential
378 and the identity of the credential holder and to validate the
379 status of any driving privileges associated with the electronic
380 credential ~~digital proof of driver license~~. The department shall
381 adhere to protocols and national standards ~~may adopt rules~~ to
382 ensure valid authentication of electronic credentials ~~digital~~
383 ~~driver licenses~~ by law enforcement.

384 (b) The act of presenting to a law enforcement officer an
385 electronic device displaying an electronic credential does not
386 constitute consent for the officer to access any information on
387 the device other than the electronic credential.

388 (c) The person who presents the device to the officer

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389 assumes liability for any resulting damage to the device.

390 (4)-(3) A person may not be issued an electronic credential
391 ~~a digital proof of driver license~~ until he or she has satisfied
392 all of the requirements of this chapter for issuance of a
393 physical driver license or identification card as provided in
394 this chapter.

395 (5)-(4) A person who:

396 (a) Manufactures a false electronic credential ~~digital~~
397 ~~proof of driver license~~ commits a felony of the third degree,
398 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

399 (b) Possesses a false electronic credential ~~digital proof~~
400 ~~of driver license~~ commits a misdemeanor of the second degree,
401 punishable as provided in s. 775.082.

402 Section 18. Section 322.059, Florida Statutes, is amended
403 to read:

404 322.059 Mandatory surrender of suspended driver license
405 and registration.—A person whose driver license or registration
406 has been suspended as provided in s. 322.058 must immediately
407 return his or her driver license and registration to the
408 Department of Highway Safety and Motor Vehicles. The department
409 shall invalidate the electronic credential ~~digital proof of~~
410 ~~driver license~~ issued pursuant to s. 322.032 for such person. If
411 such person fails to return his or her driver license or
412 registration, a law enforcement agent may seize the license or

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413 registration while the driver license or registration is
414 suspended.

415 Section 19. Effective July 1, 2018, paragraph (c) is added
416 to subsection (5) of section 322.12, Florida Statutes, to read:

417 322.12 Examination of applicants.—

418 (5)

419 (c) This subsection does not apply to the operation of an
420 autocycle as defined in s. 316.003.

421 Section 20. Paragraph (c) of subsection (1) of section
422 322.143, Florida Statutes, is amended to read:

423 322.143 Use of a driver license or identification card.—

424 (1) As used in this section, the term:

425 (c) "Swipe" means the act of passing a driver license or
426 identification card through a device that is capable of
427 deciphering, in an electronically readable format, the
428 information electronically encoded in a magnetic strip or bar
429 code on the driver license or identification card or consuming
430 an electronic credential.

431 Section 21. Subsection (1) of section 322.15, Florida
432 Statutes, is amended to read:

433 322.15 License to be carried and exhibited on demand;
434 fingerprint to be imprinted upon a citation.—

435 (1) Every licensee shall have his or her driver license,
436 which must be fully legible with no portion of such license
437 faded, altered, mutilated, or defaced, in his or her immediate

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438 possession at all times when operating a motor vehicle and shall
 439 present or submit the same upon the demand of a law enforcement
 440 officer or an authorized representative of the department. A
 441 licensee may present or submit an electronic credential a
 442 ~~digital proof of driver license~~ as provided in s. 322.032 in
 443 lieu of a physical driver license.

444 Section 22. Subsection (4) of section 322.61, Florida
 445 Statutes, is amended to read:

446 322.61 Disqualification from operating a commercial motor
 447 vehicle.-

448 (4) Any person who is transporting hazardous materials as
 449 defined in s. 322.01(33) ~~s. 322.01(24)~~ shall, upon conviction of

451 -----

452 **T I T L E A M E N D M E N T**

453 Remove lines 1174-1211 of the amendment and insert:
 454 directing the department to implement protocols for
 455 issuing an optional electronic credential and procure
 456 a related technology solution; providing requirements
 457 for qualified entities; requiring the department to
 458 maintain certain protocols and national standards;
 459 requiring the department to timely review and approve
 460 all electronic credential provider requests for
 461 authorized access to certain interfaces that meet the
 462 agency's requirements; providing requirements for an

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463 | electronic credential provider and the electronic
464 | credential and verification solution; requiring the
465 | department to procure electronic credential providers
466 | and a credential service provider; requiring the
467 | department to enter into specified agreements with
468 | electronic credential providers; requiring a report to
469 | the Legislature and the Governor; requiring that the
470 | department provide electronic credential providers
471 | access to a standardized digital transaction process
472 | that has specified capabilities; requiring that
473 | certain revenue be deposited into the Motor Vehicle
474 | License Clearing Trust Fund for distribution;
475 | authorizing the department to assess a competitive
476 | market rate fee structure; prohibiting certain fees;
477 | requiring that an electronic credential be in a format
478 | that allows certain entities to verify the
479 | authenticity of such electronic credential and to
480 | validate certain privileges; providing that presenting
481 | an electronic device displaying an electronic
482 | credential does not constitute consent for a law
483 | enforcement officer to access any other information on
484 | such device; providing for the assumption of
485 | liability;

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