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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 279 Session of  
2021

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INTRODUCED BY BURGOS, RABB, HOHENSTEIN, HERSHEY, INNAMORATO,  
QUINN, SANCHEZ, HANBIDGE, KRAJEWSKI, FRANKEL, KINSEY,  
ISAACSON, SCHLOSSBERG, GUENST, FIEDLER, LEE, PASHINSKI AND  
SCHWEYER, JANUARY 27, 2021

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REFERRED TO COMMITTEE ON TRANSPORTATION, JANUARY 27, 2021

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AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, in licensing of drivers, further providing for  
3 application for driver's license or learner's permit, for  
4 issuance and content of driver's license and for expiration  
5 and renewal of drivers' licenses.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. Section 1506(a) and (a.1) of Title 75 of the  
9 Pennsylvania Consolidated Statutes are amended to read:

10 § 1506. Application for driver's license or learner's permit.

11 (a) Form and content.--Every application for a learner's  
12 permit or driver's license shall be made upon a form furnished  
13 by the department and shall contain such information as the  
14 department may require to determine the applicant's identity,  
15 competency and eligibility. The form shall allow for submission  
16 of a Social Security number or a taxpayer identification number.

17 The form may also provide for inclusion of personal medical  
18 information and other information of use in an emergency.

1 [(a.1) Noncitizen application.--A person who is not a  
2 citizen of the United States may apply for a Pennsylvania  
3 driver's license upon establishing the person's lawful presence  
4 in the United States and this Commonwealth. The department may  
5 issue a license if the person will lawfully be in the United  
6 States for a period of one year or more after the date of the  
7 application or for a shorter period of time if deemed  
8 appropriate by the department.]

9 \* \* \*

10 Section 2. Section 1510(f) and (i) of Title 75 are amended  
11 and the section is amended by adding a subsection to read:  
12 § 1510. Issuance and content of driver's license.

13 \* \* \*

14 (f) Waiver.--Notwithstanding the provisions of subsection  
15 (a), the department shall issue a driver's license to an  
16 otherwise eligible person who has no Social Security number [if  
17 the person submits a waiver obtained from the Federal Government  
18 permitting him not to have a Social Security number]. The  
19 department may require other identifiers, including, but not  
20 limited to, a taxpayer identification number, before issuing the  
21 license.

22 \* \* \*

23 [(i) Issuance to noncitizens.--A license issued in  
24 accordance with section 1506(a.1) (relating to application for  
25 driver's license or learner's permit) may contain an indication  
26 that the license was issued to the person who is not a citizen  
27 of the United States and who has credentials or documents issued  
28 by the Immigration and Naturalization Service or its successor.]

29 \* \* \*

30 (k) Privacy and confidentiality for standard-issued driver's

1 licenses and photo identification cards.--

2 (1) Any portion of a record retained by the department  
3 in relation to a noncommercial driver's license, State  
4 identification or learner's permit application or renewal  
5 application that contains the photo image or identifies the  
6 Social Security number, individual tax identification number,  
7 telephone number, place of birth, country of origin, place of  
8 employment, school or educational institution attended,  
9 source of income, status as a recipient of public benefits,  
10 customer identification number associated with a public  
11 utilities account, medical information or disability  
12 information of the holder of, or applicant for, the license  
13 or permit is not a public record and may not be disclosed in  
14 response to any request for records except:

15 (i) to the person who is the subject of the record;

16 (ii) where expressly required under 49 U.S.C. Ch.  
17 303 (relating to national driver register); or

18 (iii) where necessary to comply with a lawful court  
19 order, judicial warrant signed by a judge appointed under  
20 Article III of the Constitution of the United States or  
21 subpoena for individual records issued under the  
22 Pennsylvania Rules of Criminal Procedure or the  
23 Pennsylvania Rules of Civil Procedure. For the purposes  
24 of this subparagraph, whenever a lawful court order,  
25 judicial warrant or subpoena for individual records  
26 properly issued under the Pennsylvania Rules of Criminal  
27 Procedure or the Pennsylvania Rules of Civil Procedure is  
28 presented to the commissioner, only those records,  
29 documents or information specifically sought by the court  
30 order, warrant or subpoena may be disclosed.

1       (2) If records are disclosed in response to a judicial  
2 warrant or law enforcement request, the department shall  
3 notify the person who is the subject of the request and  
4 provide the identity of the agency that made the request  
5 within three days of receiving the request.

6       (3) The department and any agent or employee of the  
7 department may not retain the documents or copies of  
8 documents presented by applicants for noncommercial driver's  
9 licenses or learner's permits which do not meet Federal  
10 standards for identification to prove age or identity except  
11 for a limited period necessary to ensure the validity and  
12 authenticity of the documents.

13       (4) Records related to noncommercial driver's licenses,  
14 identification cards or learner's permits may only be  
15 disclosed:

16           (i) at the request of the individual license or card  
17 holder;

18           (ii) where necessary to comply with a lawful court  
19 order, judicial warrant signed by a judge or subpoena for  
20 individual records issued by the Pennsylvania Rules of  
21 Criminal Procedure or the Pennsylvania Rules of Civil  
22 Procedure; or

23           (iii) where specifically authorized by law.

24       (5) An agency that has access to or receives records  
25 that include photographs, addresses, places of birth,  
26 countries of origin and driving histories shall certify to  
27 the department that the agency will not use the records or  
28 information contained in the records for any purpose other  
29 than the purposes permitted under this subsection or disclose  
30 the records to any third party. In addition to any records

1 required to be kept under 18 U.S.C. § 2721(c) (relating to  
2 prohibition on release and use of certain personal  
3 information from State motor vehicle records), any agency  
4 certifying under this paragraph shall keep for a period of  
5 five years records of all uses and identifying each person or  
6 entity that received department records or information from  
7 the certifying agency. The records shall be maintained in a  
8 form and manner prescribed by the department and shall be  
9 available for inspection by the department upon its request.

10 (6) A noncommercial driver's license or learner's permit  
11 which does not meet Federal standards for identification  
12 shall not be used as evidence of a person's citizenship or  
13 immigration status and shall not be the sole basis for  
14 investigating, arresting or detaining a person.

15 (7) The department may not inquire about the citizenship  
16 or immigration status of any applicant for a noncommercial  
17 driver's license or learner's permit which does not meet  
18 Federal standards for identification.

19 Section 3. Section 1514(e) of Title 75 is amended to read:  
20 § 1514. Expiration and renewal of drivers' licenses.

21 \* \*

22 [(e) Noncitizen license expiration and renewal.--

23 (1) Except as otherwise provided, a license issued on  
24 the basis of Immigration and Naturalization Service (INS)  
25 credentials or documents shall expire on the date appearing  
26 on the INS credentials or documents provided by the applicant  
27 under section 1506(a.1) (relating to application for driver's  
28 license or learner's permit).

29 (2) If the expiration date of the INS credentials or  
30 documents exceeds four years, the license shall expire one

1 day after the applicant's date of birth but not more than  
2 four years from the date of issuance of the license.

3 (3) Upon presenting INS credentials or documents  
4 indicating continued legal presence in the United States, the  
5 person may apply for a renewal of the license.

6 (4) If a person has been granted permanent legal status  
7 in the United States by the INS, the department may in its  
8 discretion require the person to present his INS credentials  
9 or documents for only the first license application or  
10 renewal.

11 (5) License renewals issued under this subsection shall  
12 be for the length of time as set forth in paragraph (1) or  
13 (2).]

14 Section 4. This act shall take effect in 60 days.