
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2835 Session of
2020

INTRODUCED BY BURGOS, HOHENSTEIN, INNAMORATO, RABB, ISAACSON,
KENYATTA, PASHINSKI, KINSEY, HANBIDGE, MADDEN, HARRIS,
FIEDLER, HOWARD, SANCHEZ, D. MILLER, SCHLOSSBERG, DEASY AND
DELLOSO, SEPTEMBER 1, 2020

REFERRED TO COMMITTEE ON TRANSPORTATION, SEPTEMBER 1, 2020

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.--The following shall
2 apply:

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

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

17 (ii) where expressly required under 49 U.S.C. Ch.
18 303 (relating to national driver register); or

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

1 order, warrant or subpoena may be disclosed.

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

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

14 (4) Records related to non-commercial driver's licenses,
15 identification cards or learner's permits may only be
16 disclosed:

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

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

24 (iii) where specifically authorized by law.

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

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

11 (6) The following shall apply:

12 (i) A non-commercial driver's license or learner's
13 permit which does not meet Federal standards for
14 identification shall not be used as evidence of a
15 person's citizenship or immigration status and shall not
16 be the sole basis for investigating, arresting or
17 detaining a person.

18 (ii) The department may not inquire about the
19 citizenship or immigration status of any applicant for a
20 non-commercial driver's license or learner's permit which
21 does not meet Federal standards for identification.

22 Section 3. Section 1514(e) of Title 75 is amended to read:

23 § 1514. Expiration and renewal of drivers' licenses.

24 * *

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

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

1 license or learner's permit).

2 (2) If the expiration date of the INS credentials or
3 documents exceeds four years, the license shall expire one
4 day after the applicant's date of birth but not more than
5 four years from the date of issuance of the license.

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

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

14 (5) License renewals issued under this subsection shall
15 be for the length of time as set forth in paragraph (1) or
16 (2).]

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