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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 639 Session of  
2021

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INTRODUCED BY CRUZ, KINSEY, HARRIS, SANCHEZ, SCHLOSSBERG,  
FRANKEL, DALEY, ISAACSON, DEASY, ROZZI, LEE AND KINKEAD,  
FEBRUARY 24, 2021

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REFERRED TO COMMITTEE ON TRANSPORTATION, FEBRUARY 24, 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,  
4 providing for issuance of driver's license or learner's  
5 permit to undocumented resident; establishing the  
6 Undocumented Resident Driver's License Services  
7 Administration Fund; and imposing penalties.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. Section 1506 of Title 75 of the Pennsylvania  
11 Consolidated Statutes is amended by adding a subsection to read:  
12 § 1506. Application for driver's license or learner's permit.

13 \* \* \*

14 (a.2) Undocumented resident application.--A person who has  
15 resided in this Commonwealth for 90 days or more may apply for  
16 an undocumented resident driver's license or learner's permit if  
17 the person is ineligible to obtain a Social Security number and  
18 unable to present documentation issued by the Federal Government  
19 authorizing the person's lawful presence in the United States.

20 \* \* \*

1 Section 2. Title 75 is amended by adding a section to read:  
2 § 1510.1. Issuance of driver's license or learner's permit to  
3 undocumented resident.

4 (a) Contents of application.--The application for an  
5 undocumented resident driver's license or learner's permit under  
6 section 1506(a.2) (relating to application for driver's license  
7 or learner's permit) shall include the applicant's full name and  
8 date of birth. The department shall require identification  
9 verification, which shall include a valid unexpired passport  
10 from the applicant's country of citizenship, an unexpired  
11 consular identification document or a consular report of birth  
12 abroad.

13 (b) Consular identification document.--A consular  
14 identification document shall be accepted only for the purposes  
15 of identification verification and shall not convey an  
16 independent right to receive benefits outside of obtaining an  
17 undocumented resident driver's license or learner's permit. The  
18 department shall not accept a consular identification document  
19 if the department reasonably believes that the consular  
20 identification document is forged, fraudulent or altered or the  
21 holder does not appear to be the same person on the consular  
22 identification document. The consular identification document  
23 shall contain all of the following:

24 (1) A physical description of the person, including sex,  
25 height and eye color.

26 (2) The person's signature.

27 (3) Current residential address of the person. The  
28 department shall require one of the following documents as  
29 proof of the 90-day residency requirement for applicants  
30 under section 1506(a.2):

1           (i) Tax records.

2           (ii) Lease agreements.

3           (iii) Mortgage documents.

4           (iv) W-2 form.

5           (v) Current utility bills, including water, gas,  
6           electric or cable bills.

7           (c) Issuance of consular identification documents.--The  
8           issuance of a consular identification document shall comply with  
9           all of the following:

10           (1) The foreign government issuing the consular  
11           identification document shall require a person seeking a  
12           consular identification document to obtain proof of  
13           nationality, proof of identity and proof of residence in the  
14           consular district.

15           (2) The foreign government shall include all of the  
16           following security features in the consular identification  
17           document:

18           (i) A unique identification number.

19           (ii) An optically variable feature, including a  
20           hologram or color-shifting inks.

21           (iii) An ultraviolet image.

22           (iv) Encoded information.

23           (v) Machine readable technology.

24           (vi) Micro printing.

25           (vii) Secure laminate.

26           (viii) An integrated photograph and a signature.

27           (3) The consular identification document shall include  
28           all of the following data:

29           (i) The name and address of the person to whom it is  
30           issued.

1 (ii) The date of issuance.

2 (iii) The date of expiration.

3 (iv) The name of the issuing consulate.

4 (v) An identification number.

5 (vi) An English translation of the data fields.

6 (4) The issuing consulate shall file with the department  
7 the consular identification document and a certification  
8 indicating compliance with procedures of this subsection.

9 (d) Scope of consular identification document.--A consular  
10 identification document shall not be accepted as identification  
11 for registering to vote or obtaining a driver's license or  
12 learner's permit other than an undocumented resident driver's  
13 license or learner's permit. A consular identification document  
14 shall not establish or indicate lawful United States immigration  
15 status or a foreign national's right to be in the United States  
16 or remain in the United States.

17 (e) Proof of identity.--An undocumented resident driver's  
18 license or learner's permit shall not be accepted as proof of  
19 the holder's identity. The driver's license or permit shall  
20 contain a notice on its face, in capitalized letters, stating  
21 that the driver's license or learner's permit shall not be  
22 accepted as proof of identity and shall be valid only if the  
23 person is domiciled in this Commonwealth. Upon notice of a  
24 change of address from a driver to an out-of-State address, the  
25 department shall not renew the driver's license or learner's  
26 permit of the person until the person reestablishes residency in  
27 this Commonwealth as provided under section 1515(c)(2) (relating  
28 to notice of change of name or address). An undocumented  
29 resident driver's license or learner's permit shall not be used  
30 for identification for voting or other purposes.

1 (f) Liability insurance.--An undocumented resident driver's  
2 license or learner's permit shall be invalid if the holder is  
3 unable to provide proof of liability insurance as required by  
4 Chapter 17 (relating to financial responsibility) upon the  
5 request of a law enforcement officer, in which case the holder  
6 commits a violation of Chapter 17.

7 (g) Issuance of license or permit.--An undocumented resident  
8 driver's license or learner's permit shall be issued from a  
9 central location after the department has verified the  
10 information provided by the applicant.

11 (h) Fees.--An undocumented resident driver's license and  
12 learner's permit fee plus the cost of the photograph required in  
13 section 1510(a) (relating to issuance and content of driver's  
14 license) shall be as provided in section 1951 (relating to  
15 driver's license and learner's permit).

16 (i) Undocumented Resident Driver's License Services  
17 Administration Fund.--There shall be established in the State  
18 Treasury a special fund to be known as the Undocumented Resident  
19 Driver's License Services Administration Fund. The fees  
20 collected from issuing undocumented resident drivers' licenses  
21 and learners' permits shall be deposited into the fund. The fees  
22 shall, subject to appropriation, be used by the department for  
23 costs related to issuing the drivers' licenses and learners'  
24 permits and other operational costs, including personnel,  
25 facilities, computer programming and data transmission.

26 (j) Regulations.--The following shall apply:

27 (1) The department shall adopt regulations necessary to  
28 effectuate the provisions of this section, including the  
29 procedure for issuing undocumented resident drivers' licenses  
30 and learners' permits.

1           (2) Except as otherwise provided in this title or  
2 administrative rule, a person issued an undocumented resident  
3 driver's license or learner's permit shall be subject to the  
4 provisions of this title and regulations issued by the  
5 secretary to the same extent as a person issued a driver's  
6 license or learner's permit, including, but not limited to,  
7 the examination requirements under section 1508 (relating to  
8 examination of applicant for driver's license) and the  
9 mandatory insurance requirements and penalties specified  
10 under this title.

11       (k) Penalties.--A violation of this section shall result in  
12 the penalties and disposition of fines as provided in Chapter 65  
13 (relating to penalties and disposition of fines).

14       (l) Definition.--As used in this section, the term "consular  
15 identification document" means an official identification card  
16 issued by a foreign government for the purpose of identifying a  
17 foreign national who is living outside of the foreign country.

18       Section 3. This act shall take effect in 60 days.