

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 211 Session of 2015

INTRODUCED BY CRUZ, YOUNGBLOOD, THOMAS, CALTAGIRONE,
SCHLOSSBERG, COHEN AND McCARTER, FEBRUARY 9, 2015

REFERRED TO COMMITTEE ON TRANSPORTATION, FEBRUARY 9, 2015

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 to undocumented
5 residents, establishing the Undocumented Resident Driver's
6 License Services Administration Fund, and imposing penalties.

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

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

12 * * *

13 (a.2) Undocumented resident application.--A person who has
14 resided in this Commonwealth for 90 days or more may apply for
15 an undocumented resident driver's license or learner's permit
16 if the person is ineligible to obtain a Social Security number
17 and unable to present documentation issued by the Federal
18 Government authorizing the person's lawful presence in the
19 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, such as 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, such as 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 permit shall not be accepted as
22 proof of identity and shall be valid only if the person is
23 domiciled in this Commonwealth. Upon notice of a change of
24 address from a driver to an out-of-State address, the department
25 shall not renew the driver's license or learner's permit of the
26 person until the person reestablishes residency in this
27 Commonwealth as provided under section 1515(c)(2) (relating to
28 notice of change of name or address). An undocumented resident
29 driver's license or learner's permit shall not be used for
30 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, any person issued an undocumented
3 resident driver's license or learner's permit shall be
4 subject to the provisions of this title and regulations
5 issued by the secretary to the same extent as any person
6 issued a driver's license or learner's permit, including, but
7 not limited to, the examination requirements in section 1508
8 (relating to examination of applicant for driver's license)
9 and the mandatory insurance requirements and penalties set
10 forth 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 documentation" means an official identification
16 card issued by a foreign government for the purpose of
17 identifying a foreign national who is living outside of the
18 foreign country.

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