

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1992 Session of
1997

INTRODUCED BY MILLER, TRUE, BENNINGHOFF, RUBLEY, EGOLF, VANCE,
DALEY, BOSCOLA, FICHTER, MICOZZIE, EACHUS, LEDERER, CLARK,
SCHRODER, CURRY, KENNEY, STABACK, DALLY, VAN HORNE, GEIST,
TIGUE, WALKO, E. Z. TAYLOR, SAYLOR, BELFANTI, PISTELLA,
HENNESSEY, OLASZ, STEELMAN, BARD, LAUGHLIN, SEYFERT, TRELLO,
RAMOS, STERN, M. COHEN, C. WILLIAMS, BROWNE, STURLA, ARGALL,
CALTAGIRONE, WASHINGTON, SEMMEL AND SANTONI,
NOVEMBER 21, 1997

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
MARCH 17, 1998

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, PROVIDING FOR THE DEPARTMENT OF PUBLIC <—
3 WELFARE TO DRAFT REGULATIONS TO ENSURE THE CONFIDENTIALITY OF
4 SOCIAL SECURITY NUMBERS ON RECORDS COLLECTED FOR USE BY THE
5 DEPARTMENT, THE COURT OR THE DOMESTIC RELATIONS SECTION
6 SOLELY FOR PURPOSES OF CHILD AND SPOUSAL SUPPORT ENFORCEMENT;
7 AND further providing for IMMUNITY, FOR SPECIAL PROCEDURES <—
8 FOR OPERATING PRIVILEGE AND FOR release of information in
9 confidential reports relating to child abuse.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 ~~Section 1. Section 6340(a)(5) of Title 23 of the~~ <—
13 ~~Pennsylvania Consolidated Statutes is amended to read:~~

14 SECTION 1. TITLE 23 OF THE PENNSYLVANIA CONSOLIDATED <—
15 STATUTES IS AMENDED BY ADDING A SECTION TO READ:

16 § 4304.2. DRAFTING OF REGULATIONS BY DEPARTMENT OF PUBLIC
17 WELFARE TO ENSURE CONFIDENTIALITY OF SOCIAL
18 SECURITY NUMBERS.

1 (A) GENERAL RULE.--THE DEPARTMENT OF PUBLIC WELFARE SHALL
2 DRAFT RULES AND REGULATIONS TO ENSURE THE CONFIDENTIALITY OF
3 SOCIAL SECURITY NUMBERS ON RECORDS OR APPLICATIONS FOR A
4 PROFESSIONAL OR OCCUPATIONAL LICENSE OR CERTIFICATION; DRIVER'S
5 PERMIT; DRIVER'S LICENSE, INCLUDING A COMMERCIAL DRIVER'S
6 LICENSE; RECREATIONAL LICENSE; MARRIAGE LICENSE; DIVORCE DECREE;
7 SUPPORT ORDER; PATERNITY DETERMINATION OR ACKNOWLEDGMENTS OF
8 PATERNITY OR OTHER LIKE RECORDS; RECORDS RELATING TO DEATH,
9 INCLUDING DEATH CERTIFICATES; EMPLOYMENT RECORDS; OR OTHER
10 RECORDS COLLECTED BY LAW FOR USE BY THE DEPARTMENT, THE COURT OR
11 THE DOMESTIC RELATIONS SECTION SOLELY FOR PURPOSES OF CHILD AND
12 SPOUSAL SUPPORT ENFORCEMENT, EXCEPT FOR WHEN OTHERWISE PROVIDED
13 FOR BY LAW.

14 (B) COLLECTION ON SEPARATE FORM.--ANY GOVERNMENTAL AGENCY OR
15 EMPLOYER REQUIRED TO COLLECT SOCIAL SECURITY NUMBERS ON RECORDS
16 OR APPLICATIONS FOR PROFESSIONAL OR OCCUPATIONAL LICENSES OR
17 CERTIFICATIONS; DRIVER'S PERMITS; DRIVER'S LICENSES, INCLUDING
18 COMMERCIAL DRIVER'S LICENSES; RECREATIONAL LICENSES; MARRIAGE
19 LICENSES; DIVORCE DECREES; SUPPORT ORDERS; PATERNITY
20 DETERMINATIONS OR ACKNOWLEDGMENTS OF PATERNITY OR OTHER SUCH
21 RECORDS; RECORDS RELATING TO DEATH, INCLUDING DEATH
22 CERTIFICATES; EMPLOYMENT RECORDS; OR OTHER RECORDS COLLECTED BY
23 LAW FOR USE BY THE DEPARTMENT, THE COURT OR THE DOMESTIC
24 RELATIONS SECTION SOLELY FOR PURPOSES OF CHILD AND SPOUSAL
25 SUPPORT ENFORCEMENT SHALL COLLECT THOSE SOCIAL SECURITY NUMBERS
26 ON A SEPARATE FORM NOT OPEN TO PUBLIC INSPECTION OR
27 DISSEMINATION UNTIL THE DEPARTMENT DEVELOPS THE RULES AND
28 REGULATIONS TO ENSURE THE CONFIDENTIALITY OF SOCIAL SECURITY
29 NUMBERS, EXCEPT FOR WHEN OTHERWISE PROVIDED FOR BY LAW.

30 (C) IDENTIFYING NUMBERS.--THE DEPARTMENT SHALL DRAFT RULES

AND REGULATIONS FOR THE USE OF IDENTIFYING NUMBERS, OTHER THAN
SOCIAL SECURITY NUMBERS, FOR USE ON ALL RECORDS COLLECTED BY LAW
FOR USE BY THE DEPARTMENT, THE COURT OR THE DOMESTIC RELATIONS
SECTION SOLELY FOR PURPOSES OF CHILD AND SPOUSAL SUPPORT AND
ENFORCEMENT, FOR INDIVIDUALS WHO DO NOT HAVE SOCIAL SECURITY
NUMBERS. ANY GOVERNMENTAL AGENCY OR EMPLOYER MAY USE ESTABLISHED
IDENTIFYING NUMBERS, SUCH AS FEDERAL EMPLOYEE IDENTIFICATION
NUMBERS, FEDERAL VISA NUMBERS, LOCAL PROPERTY AND OTHER TAX
NUMBERS, DRIVER'S LICENSES OR VEHICLE REGISTRATIONS TO PROVIDE
IDENTIFICATION FOR THE PERSON UNTIL THE DEPARTMENT DRAFTS ITS
RULES AND REGULATIONS.

SECTION 2. SECTION 4355(D.6) OF TITLE 23, AMENDED DECEMBER
16, 1997 (P.L.549, NO.58), IS AMENDED AND SUBSECTION (D.1) IS
AMENDED BY ADDING A PARAGRAPH TO READ:

§ 4355. DENIAL OR SUSPENSION OF LICENSES.

* * *

(D.1) SPECIAL PROCEDURES FOR OPERATING PRIVILEGE.--

* * *

(7) NOTWITHSTANDING PARAGRAPH (6), AN INDIVIDUAL
ALLEGING A MISTAKE OF FACT MAY APPEAL A SUSPENSION OR A
REFUSAL TO ISSUE OR RENEW A LICENSE PURSUANT TO THIS SECTION
BY SUBMITTING A WRITTEN REQUEST FOR A HEARING TO THE DOMESTIC
RELATIONS SECTION WITHIN 14 DAYS OF THE DATE OF THE
SUSPENSION OR THE REFUSAL TO ISSUE OR RENEW. WITHIN SEVEN
DAYS OF THE DATE OF SUCH REQUEST, THE DOMESTIC RELATIONS
SECTION SHALL DIRECT THE DEPARTMENT OF TRANSPORTATION TO STAY
ANY ACTION REVOKING OR SUSPENDING THE INDIVIDUAL'S LICENSE
UNTIL FURTHER NOTICE FROM THE DOMESTIC RELATIONS SECTION.
SUCH HEARING SHALL BE LIMITED TO DECIDING IF THERE HAS BEEN A
MISTAKE OF FACT. IF THE HEARING RESULTS IN A FINDING THAT

1 THERE IS NO BASIS FOR A SUSPENSION OR A REFUSAL TO ISSUE OR
2 RENEW A LICENSE UNDER THIS SECTION, THE DOMESTIC RELATIONS
3 SECTION SHALL PROMPTLY NOTIFY THE DEPARTMENT OF
4 TRANSPORTATION. IF THE HEARING RESULTS IN A FINDING THAT
5 THERE IS A BASIS FOR A SUSPENSION OR A REFUSAL TO ISSUE OR
6 RENEW THE INDIVIDUAL'S LICENSE UNDER THIS SECTION, THE
7 DOMESTIC RELATIONS SECTION SHALL PROMPTLY NOTIFY THE
8 DEPARTMENT OF TRANSPORTATION TO PROCEED WITH THE SUSPENSION
9 OR THE REFUSAL TO ISSUE OR RENEW THE INDIVIDUAL'S LICENSE.

10 * * *

11 (D.6) IMMUNITY.--THE COURT, THE DOMESTIC RELATIONS SECTION,
12 THE DEPARTMENT OF PUBLIC WELFARE, THE DEPARTMENT OF
13 TRANSPORTATION, THE PENNSYLVANIA GAME COMMISSION, THE
14 PENNSYLVANIA FISH AND BOAT COMMISSION OR ANY EMPLOYEE OF ANY OF
15 THESE ENTITIES OR ANY PERSON APPOINTED BY THE PENNSYLVANIA GAME
16 COMMISSION OR THE PENNSYLVANIA FISH AND BOAT COMMISSION TO ISSUE
17 LICENSES AND PERMITS PURSUANT TO THE APPLICABLE PROVISIONS OF 30
18 PA.C.S. (RELATING TO FISH) AND 34 PA.C.S. (RELATING TO GAME)
19 SHALL NOT BE SUBJECT TO CIVIL OR CRIMINAL LIABILITY FOR CARRYING
20 OUT THEIR DUTIES UNDER THIS SECTION.

21 * * *

22 SECTION 3. SECTION 6340(A)(5) OF TITLE 23 IS AMENDED TO
23 READ:

24 § 6340. Release of information in confidential reports.

25 (a) General rule.--Reports specified in section 6339
26 (relating to confidentiality of reports), AND TESTIMONY BASED ON <—
27 THE REPORTS OR ON THE INVESTIGATION UNDERLYING THEM, shall only
28 be made available to:

29 * * *

30 (5) [A] PURSUANT TO A SUBPOENA OR SIMILAR COURT ORDER, A <—

1 court of competent jurisdiction [pursuant to a court order.]

2 IN ANY CASE AND a district justice, a judge of the <—

3 Philadelphia Municipal Court or a judge of the Pittsburgh

4 Magistrates Court, IN A CASE INVOLVING ALLEGED CRIMINAL <—

5 CONDUCT WHICH MEETS THE DEFINITION OF CHILD ABUSE UNDER

6 SECTION 6303 (RELATING TO DEFINITIONS). DISCLOSURE THROUGH

7 TESTIMONY SHALL BE SUBJECT TO THE RESTRICTIONS OF SUBSECTION

8 (C).

9 * * *

10 Section 2 4. This act shall take effect in 60 days. <—