

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 133 Session of
2017

INTRODUCED BY WARD, MCGARRIGLE, RAFFERTY, VULAKOVICH, SCHWANK,
FONTANA, SABATINA, WAGNER, MENSCH, KILLION, SCAVELLO, WHITE,
ALLOWAY, YAW, STEFANO, BROWNE, LEACH AND DINNIMAN,
JANUARY 24, 2017

AMENDMENTS TO HOUSE AMENDMENTS, IN SENATE, MAY 23, 2017

AN ACT

1 ~~Amending the act of May 8, 2012 (P.L.254, No.38), entitled "An~~ <--
2 ~~act relating to compliance with the Federal REAL ID Act of~~
3 ~~2005," further providing for short title; providing for~~
4 ~~definitions; further providing for participation in the REAL~~
5 ~~ID Act of 2005; and providing for compliance by residents of~~
6 ~~this Commonwealth, for costs, for reports to General Assembly~~
7 ~~and for publication.~~

8 PROVIDING FOR PARTICIPATION IN THE REAL ID ACT OF 2005, FOR <--
9 COMPLIANCE BY RESIDENTS OF THIS COMMONWEALTH, FOR REPORTS TO
10 GENERAL ASSEMBLY AND FOR PUBLICATION; AND REPEALING THE REAL
11 ID NONPARTICIPATION ACT.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 ~~Section 1. Section 1 of the act of May 8, 2012 (P.L.254,~~ <--
15 ~~No.38), known as the REAL ID Nonparticipation Act, is amended to~~
16 ~~read:~~

17 ~~Section 1. Short title.~~

18 ~~This act shall be known and may be cited as the Pennsylvania~~
19 ~~REAL ID [Nonparticipation] Act.~~

20 ~~Section 2. The act is amended by adding a section to read:~~

21 ~~Section 1.1. Definitions.~~

1 ~~The following words and phrases when used in this act shall~~
2 ~~have the meanings given to them in this section unless the~~
3 ~~context clearly indicates otherwise:~~

4 ~~"Department." The Department of Transportation of the~~
5 ~~Commonwealth.~~

6 ~~"Eligible applicant." An individual who is a resident of~~
7 ~~this Commonwealth and who is eligible to obtain a photo~~
8 ~~identification card or driver's license under 75 Pa.C.S. Ch. 15-~~
9 ~~(relating to licensing of drivers) or 16 (relating to commercial~~
10 ~~drivers).~~

11 ~~"REAL ID Act of 2005." Division B of the Emergency~~
12 ~~Supplemental Appropriations Act for Defense, the Global War on~~
13 ~~Terror and Tsunami Relief, 2005 (Public Law 109-13, 119 Stat.~~
14 ~~302).~~

15 ~~"Voluntary travel ID." A photo identification card or~~
16 ~~driver's license issued by the department under 75 Pa.C.S. Ch.~~
17 ~~15 or 16 that complies with the REAL ID Act of 2005.~~

18 Section 3. Section 2 of the act is amended to read:

19 Section 2. Participation in the REAL ID Act of 2005.

20 (a) Prohibition. [Neither] ~~Except as otherwise provided~~
21 ~~under subsection (a.1), neither~~ the Governor nor the [Department
22 of Transportation] ~~department~~ or any other Commonwealth agency
23 shall participate in the REAL ID Act of 2005 or regulations
24 promulgated [thereunder] ~~under that act.~~

25 ~~(a.1) Exception. The department and any other Commonwealth~~
26 ~~agency may comply with the REAL ID Act of 2005 and regulations~~
27 ~~promulgated under that act only to the extent necessary to allow~~
28 ~~the department, beginning no later than the date specified in~~
29 ~~the notice under section 7(a):~~

30 ~~(1) to issue, upon request, a voluntary travel ID to an~~

~~eligible applicant who meets the criteria necessary for
issuance of the voluntary travel ID; and~~

~~(2) to prominently mark on each driver's license or
identification card that does not comply with the REAL ID Act
of 2005 a written statement clearly indicating that the
driver's license or identification card is not compliant with
that act.~~

~~{(b) Definition. As used in this section, the term "REAL ID
Act of 2005" means Division B of the Emergency Supplemental
Appropriations Act for Defense, the Global War on Terror and
Tsunami Relief, 2005 (Public Law 109-13, 119 Stat. 302).}~~

~~Section 4. The act is amended by adding sections to read:
Section 4. Compliance by residents of this Commonwealth.~~

~~No individual may be compelled by the Commonwealth to apply
for a voluntary travel ID, nor shall the Commonwealth
exclusively mandate a voluntary travel ID for any reason.~~

~~Section 5. Costs.~~

~~(a) Source of funding. The department may use funding
provided by the Federal Government for implementation of the
REAL ID Act of 2005.~~

~~(b) Authority to charge fee. The department shall charge a
fee to the applicant for a voluntary travel ID as determined by
the department to cover the fully allocated costs of a voluntary
travel ID. The fee shall be used for costs related to the
issuance and maintenance of a voluntary travel ID. A person who
applies for a photo identification card or driver's license
issued by the department under 75 Pa.C.S. Ch. 15 (relating to
licensing of drivers) or 16 (relating to commercial drivers)
that does not comply with the REAL ID Act of 2005 shall not be
charged for the costs associated with issuing and maintaining~~

1 ~~voluntary travel IDs.~~

2 ~~Section 6. Reports to General Assembly.~~

3 ~~(a) Initial report. Within 90 days of the effective date of~~
4 ~~this section, the department shall present a report to the~~
5 ~~individuals listed under subsection (c) providing details on~~
6 ~~estimated costs associated with the implementation and~~
7 ~~maintenance of all requirements for compliance with the REAL ID~~
8 ~~Act of 2005 as determined by the United States Department of~~
9 ~~Homeland Security. The report shall also include all estimated~~
10 ~~initial and recurring costs to establish and maintain a two-~~
11 ~~tiered system which allows individuals to apply for either a~~
12 ~~voluntary travel ID or a photo identification card or driver's~~
13 ~~license that does not comply with the REAL ID Act of 2005.~~

14 ~~(b) Annual reports. The department shall submit a report to~~
15 ~~the individuals listed under subsection (c) no later than July 1~~
16 ~~each year, providing details on costs incurred by the department~~
17 ~~under this act. At a minimum, the report under this subsection~~
18 ~~shall include:~~

19 ~~(1) The cost to the department to issue voluntary travel~~
20 ~~IDs.~~

21 ~~(2) The total number of voluntary travel IDs applied~~
22 ~~for.~~

23 ~~(3) The total number of voluntary travel IDs issued.~~

24 ~~(4) Funding from the Federal Government for the~~
25 ~~implementation of the REAL ID Act of 2005.~~

26 ~~(c) Recipients of reports. The reports prepared under~~
27 ~~subsections (a) and (b) shall be submitted to the President pro~~
28 ~~tempore of the Senate, the Majority Leader and Minority Leader~~
29 ~~of the Senate, the chairperson and minority chairperson of the~~
30 ~~Appropriations Committee of the Senate, the chairperson and~~

~~1 minority chairperson of the State Government Committee of the
2 Senate, the chairperson and minority chairperson of the
3 Transportation Committee of the Senate, the Speaker of the House
4 of Representatives, the Majority Leader and Minority Leader of
5 the House of Representatives, the chairperson and minority
6 chairperson of the Appropriations Committee of the House of
7 Representatives, the chairperson and minority chairperson of the
8 State Government Committee of the House of Representatives and
9 the chairperson and minority chairperson of the Transportation
10 Committee of the House of Representatives.~~

~~11 Section 7. Publication.~~

~~12 (a) Notice. The department shall provide notice of the date
13 on which it will commence issuance of voluntary travel IDs by
14 publishing the date in the Pennsylvania Bulletin.~~

~~15 (b) Date of publication. The date of publication shall be
16 no later than 60 days prior to the date of issuance identified
17 under subsection (a).~~

~~18 Section 5. This act shall take effect immediately.~~

19 SECTION 1. SHORT TITLE.

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20 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE PENNSYLVANIA
21 REAL ID COMPLIANCE ACT.

22 SECTION 2. DEFINITIONS.

23 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
24 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
25 CONTEXT CLEARLY INDICATES OTHERWISE:

26 "DEPARTMENT." THE DEPARTMENT OF TRANSPORTATION OF THE
27 COMMONWEALTH.

28 "ELIGIBLE APPLICANT." AN INDIVIDUAL WHO IS A RESIDENT OF
29 THIS COMMONWEALTH AND WHO IS ELIGIBLE TO OBTAIN A PHOTO
30 IDENTIFICATION CARD OR DRIVER'S LICENSE UNDER 75 PA.C.S. CH. 15

1 (RELATING TO LICENSING OF DRIVERS) OR 16 (RELATING TO COMMERCIAL
2 DRIVERS).

3 "REAL ID." A PHOTO IDENTIFICATION CARD OR DRIVER'S LICENSE
4 ISSUED BY THE DEPARTMENT UNDER 75 PA.C.S. CH. 15 OR 16 THAT
5 COMPLIES WITH THE REAL ID ACT OF 2005.

6 "REAL ID ACT OF 2005." DIVISION B OF THE EMERGENCY
7 SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON
8 TERROR AND TSUNAMI RELIEF, 2005 (PUBLIC LAW 109-13, 119 STAT.
9 302).

10 "STANDARD-ISSUED DRIVER'S LICENSE OR PHOTO IDENTIFICATION
11 CARD." A DRIVER'S LICENSE OR PHOTO IDENTIFICATION CARD ISSUED
12 BY THE DEPARTMENT UNDER 75 PA.C.S. CH. 15 OR 16 THAT DOES NOT
13 MEET THE REQUIREMENTS OF THE REAL ID ACT OF 2005.

14 SECTION 3. PARTICIPATION IN THE REAL ID ACT OF 2005.

15 THE DEPARTMENT AND ANY OTHER COMMONWEALTH AGENCY SHALL COMPLY
16 WITH THE REAL ID ACT OF 2005 AND REGULATIONS PROMULGATED UNDER
17 THAT ACT. IN COMPLYING WITH THE REQUIREMENTS OF THE REAL ID ACT
18 OF 2005, THE DEPARTMENT SHALL PROVIDE AN ELIGIBLE APPLICANT WITH
19 AN OPTION TO OBTAIN EITHER A STANDARD-ISSUED DRIVER'S LICENSE OR
20 PHOTO IDENTIFICATION CARD OR A REAL ID. THE DEPARTMENT SHALL
21 PROVIDE THE APPLICANT WITH A BRIEF DESCRIPTION THAT REASONABLY
22 DESCRIBES THE CONTENT, REQUIREMENTS AND RESTRICTIONS OF A
23 STANDARD-ISSUED DRIVER'S LICENSE OR PHOTO IDENTIFICATION CARD OR
24 A REAL ID.

25 SECTION 4. COMPLIANCE BY RESIDENTS OF THIS COMMONWEALTH.

26 NO INDIVIDUAL MAY BE COMPELLED BY THE COMMONWEALTH TO APPLY
27 FOR A REAL ID, NOR SHALL THE COMMONWEALTH EXCLUSIVELY MANDATE A
28 REAL ID FOR ANY REASON.

29 SECTION 5. REPORTS TO GENERAL ASSEMBLY.

30 (A) INITIAL REPORT.--WITHIN 90 DAYS OF THE EFFECTIVE DATE OF

1 THIS SECTION, THE DEPARTMENT SHALL PRESENT AN INITIAL REPORT TO
2 THE INDIVIDUALS LISTED UNDER SUBSECTION (C) PROVIDING DETAILS ON
3 ESTIMATED COSTS ASSOCIATED WITH THE IMPLEMENTATION AND
4 MAINTENANCE OF ALL REQUIREMENTS FOR COMPLIANCE WITH THE REAL ID
5 ACT OF 2005, AS DETERMINED BY THE UNITED STATES DEPARTMENT OF
6 HOMELAND SECURITY. THE REPORT SHALL ALSO INCLUDE ALL ESTIMATED
7 INITIAL AND RECURRING COSTS TO ESTABLISH AND MAINTAIN A TWO-
8 TIERED SYSTEM WHICH ALLOWS INDIVIDUALS TO APPLY FOR EITHER A
9 REAL ID OR A STANDARD-ISSUED DRIVER'S LICENSE OR PHOTO
10 IDENTIFICATION CARD.

11 (B) ANNUAL REPORTS.--EXCEPT FOR THE YEAR THE INITIAL REPORT
12 IS PRESENTED, THE DEPARTMENT SHALL SUBMIT AN ANNUAL REPORT TO
13 THE INDIVIDUALS LISTED UNDER SUBSECTION (C) NO LATER THAN JULY 1
14 OF EACH YEAR, PROVIDING DETAILS ON COSTS INCURRED BY THE
15 DEPARTMENT UNDER THIS ACT. AT A MINIMUM, THE REPORT UNDER THIS
16 SUBSECTION SHALL INCLUDE:

- 17 (1) THE COST TO THE DEPARTMENT TO ISSUE REAL IDS.
- 18 (2) THE TOTAL NUMBER OF REAL IDS APPLIED FOR.
- 19 (3) THE TOTAL NUMBER OF REAL IDS ISSUED.
- 20 (4) FUNDING FROM THE FEDERAL GOVERNMENT FOR THE
21 IMPLEMENTATION OF THE REAL ID ACT OF 2005.

22 (C) RECIPIENTS OF REPORTS.--THE REPORTS REQUIRED UNDER
23 SUBSECTIONS (A) AND (B) SHALL BE SUBMITTED TO THE FOLLOWING
24 INDIVIDUALS:

- 25 (1) THE PRESIDENT PRO TEMPORE OF THE SENATE.
- 26 (2) THE MAJORITY LEADER AND MINORITY LEADER OF THE
27 SENATE.
- 28 (3) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE
29 APPROPRIATIONS COMMITTEE OF THE SENATE.
- 30 (4) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE

1 COMMUNICATIONS AND TECHNOLOGY COMMITTEE OF THE SENATE.

2 (5) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE
3 TRANSPORTATION COMMITTEE OF THE SENATE.

4 (6) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

5 (7) THE MAJORITY LEADER AND MINORITY LEADER OF THE HOUSE
6 OF REPRESENTATIVES.

7 (8) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE
8 APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

9 (9) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE
10 STATE GOVERNMENT COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

11 (10) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE
12 TRANSPORTATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

13 SECTION 6. PUBLICATION.

14 THE DEPARTMENT SHALL PROVIDE NOTICE TO THE LEGISLATIVE
15 REFERENCE BUREAU FOR PUBLICATION IN THE PENNSYLVANIA BULLETIN OF
16 THE DATE ON WHICH THE DEPARTMENT WILL COMMENCE ISSUANCE OF REAL
17 IDS. THE DATE OF ISSUANCE MUST BE AT LEAST 60 DAYS AFTER THE
18 DATE OF PUBLICATION OF THE NOTICE IN THE PENNSYLVANIA BULLETIN.

19 SECTION 7. LEGISLATIVE INTENT.

20 IT IS THE INTENT OF THIS ACT THAT:

21 (1) ELIGIBLE APPLICANTS FOR OR HOLDERS OF STANDARD-
22 ISSUED DRIVER'S LICENSES OR PHOTO IDENTIFICATION CARDS NOT
23 SUBSIDIZE THE ISSUANCE OF REAL IDS.

24 (2) ELIGIBLE APPLICANTS FOR OR HOLDERS OF REAL IDS NOT
25 SUBSIDIZE THE ISSUANCE OF STANDARD-ISSUED DRIVER'S LICENSES
26 OR PHOTO IDENTIFICATION CARDS.

27 SECTION 8. REPEAL.

28 (1) THE GENERAL ASSEMBLY FINDS THAT THE REPEAL UNDER
29 PARAGRAPH (2) IS NECESSARY TO EFFECTUATE THIS ACT.

30 (2) THE ACT OF MAY 8, 2012 (P.L.254, NO.38), KNOWN AS

1 THE REAL ID NONPARTICIPATION ACT, IS REPEALED.

2 SECTION 9. EFFECTIVE DATE.

3 THIS ACT SHALL TAKE EFFECT IMMEDIATELY.