

SENATE APPROPRIATIONS COMMITTEE

FISCAL NOTE

BILL NO.

Senate Bill 621

PRINTER'S NO.

2027

AMOUNT

No Adverse Fiscal Impact

FUND

Motor License Fund

DATE INTRODUCED

March 19, 2009

PRIME SPONSOR

Senator Folmer

HISTORY OF BILLReferred to COMMUNICATIONS AND TECHNOLOGY, March 19, 2009Reported as committed, June 10, 2009First consideration, June 10, 2009Amended on second consideration, June 23, 2009(Remarks see Senate Journal Page 759), June 23, 2009Re-referred to APPROPRIATIONS, June 24, 2009Re-reported as amended, June 7, 2010**DESCRIPTION AND PURPOSE OF BILL**

Senate Bill 621 creates a freestanding act entitled the Real ID Nonparticipation Act. This legislation prohibits the Governor nor the Department of Transportation or any other Commonwealth agency from participating in the compliance of any provision of the federal Real ID Act of 2005 (P.L. 109-13) and gives the Governor or the Attorney General the authority to file a legal action to challenge the constitutionality or legality of the federal Real ID Act of 2005.

On May 11, 2005, Congress passed the Real ID Act (Real ID) as part of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief Act (P.L. 109-13), which created national standards for the issuance of state driver's licenses and identification cards. On May 11, 2008, state driver's licenses and identification cards were not to be accepted for federal purposes, such as to board commercial aircrafts or enter certain federal facilities and nuclear power plants, unless the U.S. Department of Homeland Security (DHS) determined that a state was compliant with the Real ID or a state had been granted an extension by the DHS. Since this expiration date, all 56 U.S. jurisdictions, including Pennsylvania, have received an initial extension from the Secretary of the DHS. This initial extension was valid until December 31, 2009. States had the option of filing for a second extension by October 11, 2009, which would be valid until May 10, 2011. On December 18, 2009 the DHS once again extended the REAL ID material compliance deadline to the "full compliance" deadline of May 10, 2011. This latest extension was due to the fact that 46 of 56 states and territories had informed the DHS that they would not be able to meet the December 31, 2009 material compliance deadline.

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This act would take effect in 60 days.

FISCAL IMPACT:

The National Governors Association, the National Conference of State Legislatures and the American Association of Motor Vehicle Administrators estimated that the Real ID Act of 2005 would cost at least \$11 billion annually over a five year period to implement nationally, including an estimated \$140 million in start-up costs and \$50 million in re-credentialing costs to the Commonwealth of Pennsylvania alone. The passage of this legislation, which imposes no costs upon the Commonwealth, would essentially save the Commonwealth from having to incur the implementation and re-credentialing costs in the future.