

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

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 8, 2017

AN ACT

1 ~~Imposing a duty on the Department of Transportation to file with~~<--
2 ~~the Department of Homeland Security a request for extension~~
3 ~~of time to comply with the REAL ID Act of 2005; and making a~~
4 ~~related repeal.~~
5 AMENDING THE ACT OF MAY 8, 2012 (P.L.254, NO.38), ENTITLED "AN <--
6 ACT RELATING TO COMPLIANCE WITH THE FEDERAL REAL ID ACT OF
7 2005," FURTHER PROVIDING FOR SHORT TITLE; PROVIDING FOR
8 DEFINITIONS; FURTHER PROVIDING FOR PARTICIPATION IN THE REAL
9 ID ACT OF 2005; AND PROVIDING FOR COMPLIANCE BY RESIDENTS OF
10 THIS COMMONWEALTH, FOR COSTS, FOR REPORTS TO GENERAL ASSEMBLY
11 AND FOR PUBLICATION.
12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:
14 ~~Section 1. Short title.~~ <--
15 ~~This act shall be known and may be cited as the REAL ID~~
16 ~~Compliance Act.~~
17 ~~Section 2. Definitions.~~
18 ~~The following words and phrases when used in this act shall~~
19 ~~have the meanings given to them in this section unless the~~
20 ~~context clearly indicates otherwise:~~

1 ~~"Department." The Department of Transportation of the~~
2 ~~Commonwealth.~~

3 ~~"REAL ID Act." The provisions of Division B of the Emergency~~
4 ~~Supplemental Appropriations Act for Defense, the Global War on~~
5 ~~Terror and Tsunami Relief, 2005 (Public Law 109-13, 119 Stat.~~
6 ~~231).~~

7 ~~"REAL ID compliant driver's license or identification card."~~
8 ~~A driver's license or identification card issued by the~~
9 ~~department that meets the requirements of the REAL ID Act.~~

10 ~~"Secretary." The Secretary of Transportation of the~~
11 ~~Commonwealth.~~

12 ~~"Standard issued driver's license or identification card." A~~
13 ~~driver's license or identification card issued by the department~~
14 ~~that does not meet the requirements of the REAL ID Act.~~

15 ~~Section 3. Duty to submit request for extension.~~

16 ~~The department shall submit a written request to the United~~
17 ~~States Department of Homeland Security that seeks an extension~~
18 ~~of time for the Commonwealth to comply with the REAL ID Act. The~~
19 ~~amount of time requested for the extension shall be at the~~
20 ~~discretion of the Secretary of Transportation.~~

21 ~~Section 4. Compliance with the REAL ID Act.~~

22 ~~In complying with the requirements of the REAL ID Act as~~
23 ~~determined by the United States Department of Homeland Security,~~
24 ~~the department shall provide individuals seeking application for~~
25 ~~a driver's license or identification card under 75 Pa.C.S. §~~
26 ~~1510 (relating to issuance and content of driver's license) or~~
27 ~~renewal under 75 Pa.C.S. § 1514 (relating to expiration and~~
28 ~~renewal of driver's licenses) an option to obtain either a~~
29 ~~standard issued driver's license or identification card. The~~
30 ~~department shall ensure that each standard issued driver's~~

~~1 license or identification card or REAL ID compliant driver's
2 license or identification card clearly indicates its designation
3 as compliant with the REAL ID Act or not.~~

~~4 Section 5. Legislative report.~~

~~5 Within 90 days of the effective date of this act, the
6 secretary shall present a report to the chair and minority chair
7 of the Communications and Technology Committee of the Senate,
8 the chair and minority chair of the Transportation Committee of
9 the Senate and the chair and minority chair of the
10 Transportation Committee of the House of Representatives
11 providing details and all estimated costs associated with the
12 implementation and maintenance of all remaining requirements for
13 compliance with the REAL ID Act as determined by the United
14 States Department of Homeland Security. The report shall also
15 include all estimated initial and recurring costs to establish
16 and maintain a two tiered system which provides individuals a
17 choice between being issued either a standard driver's license
18 or identification card or a driver's license or identification
19 card which is compliant with the REAL ID Act.~~

~~20 Section 6. Repeal.~~

~~21 (a) General rule. The General Assembly finds that the
22 repeal under subsection (b) is necessary to effectuate this act.~~

~~23 (b) Specific repeal. The act of May 8, 2012 (P.L.254,
24 No.38), known as the REAL ID Nonparticipation Act, is repealed.~~

~~25 Section 7. Effective date.~~

~~26 This act shall take effect immediately.~~

27 SECTION 1. SECTION 1 OF THE ACT OF MAY 8, 2012 (P.L.254, <--
28 NO.38), KNOWN AS THE REAL ID NONPARTICIPATION ACT, IS AMENDED TO
29 READ:

30 SECTION 1. SHORT TITLE.

1 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE PENNSYLVANIA
2 REAL ID [NONPARTICIPATION] ACT.

3 SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ:
4 SECTION 1.1. DEFINITIONS.

5 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
6 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
7 CONTEXT CLEARLY INDICATES OTHERWISE:

8 "DEPARTMENT." THE DEPARTMENT OF TRANSPORTATION OF THE
9 COMMONWEALTH.

10 "ELIGIBLE APPLICANT." AN INDIVIDUAL WHO IS A RESIDENT OF
11 THIS COMMONWEALTH AND WHO IS ELIGIBLE TO OBTAIN A PHOTO
12 IDENTIFICATION CARD OR DRIVER'S LICENSE UNDER 75 PA.C.S. CH. 15
13 (RELATING TO LICENSING OF DRIVERS) OR 16 (RELATING TO COMMERCIAL
14 DRIVERS).

15 "REAL ID ACT OF 2005." DIVISION B OF THE EMERGENCY
16 SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON
17 TERROR AND TSUNAMI RELIEF, 2005 (PUBLIC LAW 109-13, 119 STAT.
18 302).

19 "VOLUNTARY TRAVEL ID." A PHOTO IDENTIFICATION CARD OR
20 DRIVER'S LICENSE ISSUED BY THE DEPARTMENT UNDER 75 PA.C.S. CH.
21 15 OR 16 THAT COMPLIES WITH THE REAL ID ACT OF 2005.

22 SECTION 3. SECTION 2 OF THE ACT IS AMENDED TO READ:
23 SECTION 2. PARTICIPATION IN THE REAL ID ACT OF 2005.

24 (A) PROHIBITION.--[NEITHER] EXCEPT AS OTHERWISE PROVIDED
25 UNDER SUBSECTION (A.1), NEITHER THE GOVERNOR NOR THE [DEPARTMENT
26 OF TRANSPORTATION] DEPARTMENT OR ANY OTHER COMMONWEALTH AGENCY
27 SHALL PARTICIPATE IN THE REAL ID ACT OF 2005 OR REGULATIONS
28 PROMULGATED [THEREUNDER] UNDER THAT ACT.

29 (A.1) EXCEPTION.--THE DEPARTMENT AND ANY OTHER COMMONWEALTH
30 AGENCY MAY COMPLY WITH THE REAL ID ACT OF 2005 AND REGULATIONS

1 PROMULGATED UNDER THAT ACT ONLY TO THE EXTENT NECESSARY TO ALLOW
2 THE DEPARTMENT, BEGINNING NO LATER THAN THE DATE SPECIFIED IN
3 THE NOTICE UNDER SECTION 7(A):

4 (1) TO ISSUE, UPON REQUEST, A VOLUNTARY TRAVEL ID TO AN
5 ELIGIBLE APPLICANT WHO MEETS THE CRITERIA NECESSARY FOR
6 ISSUANCE OF THE VOLUNTARY TRAVEL ID; AND

7 (2) TO PROMINENTLY MARK ON EACH DRIVER'S LICENSE OR
8 IDENTIFICATION CARD THAT DOES NOT COMPLY WITH THE REAL ID ACT
9 OF 2005 A WRITTEN STATEMENT CLEARLY INDICATING THAT THE
10 DRIVER'S LICENSE OR IDENTIFICATION CARD IS NOT COMPLIANT WITH
11 THAT ACT.

12 [(B) DEFINITION.--AS USED IN THIS SECTION, THE TERM "REAL ID
13 ACT OF 2005" MEANS DIVISION B OF THE EMERGENCY SUPPLEMENTAL
14 APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR AND
15 TSUNAMI RELIEF, 2005 (PUBLIC LAW 109-13, 119 STAT. 302).]

16 SECTION 4. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:
17 SECTION 4. COMPLIANCE BY RESIDENTS OF THIS COMMONWEALTH.

18 NO INDIVIDUAL MAY BE COMPELLED BY THE COMMONWEALTH TO APPLY
19 FOR A VOLUNTARY TRAVEL ID, NOR SHALL THE COMMONWEALTH
20 EXCLUSIVELY MANDATE A VOLUNTARY TRAVEL ID FOR ANY REASON.

21 SECTION 5. COSTS.

22 (A) SOURCE OF FUNDING.--THE DEPARTMENT MAY USE FUNDING
23 PROVIDED BY THE FEDERAL GOVERNMENT FOR IMPLEMENTATION OF THE
24 REAL ID ACT OF 2005.

25 (B) AUTHORITY TO CHARGE FEE.--THE DEPARTMENT SHALL CHARGE A
26 FEE TO THE APPLICANT FOR A VOLUNTARY TRAVEL ID AS DETERMINED BY
27 THE DEPARTMENT TO COVER THE FULLY ALLOCATED COSTS OF A VOLUNTARY
28 TRAVEL ID. THE FEE SHALL BE USED FOR COSTS RELATED TO THE
29 ISSUANCE AND MAINTENANCE OF A VOLUNTARY TRAVEL ID. A PERSON WHO
30 APPLIES FOR A PHOTO IDENTIFICATION CARD OR DRIVER'S LICENSE

1 ISSUED BY THE DEPARTMENT UNDER 75 PA.C.S. CH. 15 (RELATING TO
2 LICENSING OF DRIVERS) OR 16 (RELATING TO COMMERCIAL DRIVERS)
3 THAT DOES NOT COMPLY WITH THE REAL ID ACT OF 2005 SHALL NOT BE
4 CHARGED FOR THE COSTS ASSOCIATED WITH ISSUING AND MAINTAINING
5 VOLUNTARY TRAVEL IDS.

6 SECTION 6. REPORTS TO GENERAL ASSEMBLY.

7 (A) INITIAL REPORT.--WITHIN 90 DAYS OF THE EFFECTIVE DATE OF
8 THIS SECTION, THE DEPARTMENT SHALL PRESENT A REPORT TO THE
9 INDIVIDUALS LISTED UNDER SUBSECTION (C) PROVIDING DETAILS ON
10 ESTIMATED COSTS ASSOCIATED WITH THE IMPLEMENTATION AND
11 MAINTENANCE OF ALL REQUIREMENTS FOR COMPLIANCE WITH THE REAL ID
12 ACT OF 2005 AS DETERMINED BY THE UNITED STATES DEPARTMENT OF
13 HOMELAND SECURITY. THE REPORT SHALL ALSO INCLUDE ALL ESTIMATED
14 INITIAL AND RECURRING COSTS TO ESTABLISH AND MAINTAIN A TWO-
15 TIERED SYSTEM WHICH ALLOWS INDIVIDUALS TO APPLY FOR EITHER A
16 VOLUNTARY TRAVEL ID OR A PHOTO IDENTIFICATION CARD OR DRIVER'S
17 LICENSE THAT DOES NOT COMPLY WITH THE REAL ID ACT OF 2005.

18 (B) ANNUAL REPORTS.--THE DEPARTMENT SHALL SUBMIT A REPORT TO
19 THE INDIVIDUALS LISTED UNDER SUBSECTION (C) NO LATER THAN JULY 1
20 EACH YEAR, PROVIDING DETAILS ON COSTS INCURRED BY THE DEPARTMENT
21 UNDER THIS ACT. AT A MINIMUM, THE REPORT UNDER THIS SUBSECTION
22 SHALL INCLUDE:

23 (1) THE COST TO THE DEPARTMENT TO ISSUE VOLUNTARY TRAVEL
24 IDS.

25 (2) THE TOTAL NUMBER OF VOLUNTARY TRAVEL IDS APPLIED
26 FOR.

27 (3) THE TOTAL NUMBER OF VOLUNTARY TRAVEL IDS ISSUED.

28 (4) FUNDING FROM THE FEDERAL GOVERNMENT FOR THE
29 IMPLEMENTATION OF THE REAL ID ACT OF 2005.

30 (C) RECIPIENTS OF REPORTS.--THE REPORTS PREPARED UNDER

1 SUBSECTIONS (A) AND (B) SHALL BE SUBMITTED TO THE PRESIDENT PRO
2 TEMPORE OF THE SENATE, THE MAJORITY LEADER AND MINORITY LEADER
3 OF THE SENATE, THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE
4 APPROPRIATIONS COMMITTEE OF THE SENATE, THE CHAIRPERSON AND
5 MINORITY CHAIRPERSON OF THE STATE GOVERNMENT COMMITTEE OF THE
6 SENATE, THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE
7 TRANSPORTATION COMMITTEE OF THE SENATE, THE SPEAKER OF THE HOUSE
8 OF REPRESENTATIVES, THE MAJORITY LEADER AND MINORITY LEADER OF
9 THE HOUSE OF REPRESENTATIVES, THE CHAIRPERSON AND MINORITY
10 CHAIRPERSON OF THE APPROPRIATIONS COMMITTEE OF THE HOUSE OF
11 REPRESENTATIVES, THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE
12 STATE GOVERNMENT COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND
13 THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE TRANSPORTATION
14 COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

15 SECTION 7. PUBLICATION.

16 (A) NOTICE.--THE DEPARTMENT SHALL PROVIDE NOTICE OF THE DATE
17 ON WHICH IT WILL COMMENCE ISSUANCE OF VOLUNTARY TRAVEL IDS BY
18 PUBLISHING THE DATE IN THE PENNSYLVANIA BULLETIN.

19 (B) DATE OF PUBLICATION.--THE DATE OF PUBLICATION SHALL BE
20 NO LATER THAN 60 DAYS PRIOR TO THE DATE OF ISSUANCE IDENTIFIED
21 UNDER SUBSECTION (A).

22 SECTION 5. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.