

No. 2006-160

AN ACT

HB 2134

Limiting the collection of Social Security numbers on State and local government forms; prohibiting health insurers from using Social Security numbers; and providing for duties of the Department of Transportation.

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

Section 1. Short title.

This act shall be known and may be cited as the Social Security Number Privacy Act.

Section 2. Definitions.

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

“Commonwealth agency.” As defined in 42 Pa.C.S. § 102 (relating to definitions).

“Department.” The Department of Transportation of the Commonwealth.

“Health insurer.” An entity licensed in this Commonwealth which issues any individual or group health, sickness and accident insurance policy, group health insurance plans or policies and all other forms of managed or capitated care plans or policies or subscriber contracts or certificates subject to the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, the act of December 29, 1972 (P.L.1701, No.364), known as the Health Maintenance Organization Act, the act of May 18, 1976 (P.L.123, No.54), known as the Individual Accident and Sickness Insurance Minimum Standards Act, or 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations) or 63 (relating to professional health services plan corporations).

“SSN.” Social Security number.

Section 3. Use of Social Security numbers alternatives.

(a) General rule.—Except as provided in section 7 and notwithstanding any other law to the contrary, individuals applying for or renewing a professional license or certification, occupational license or certification or recreational license required by a Commonwealth agency or municipality shall be permitted to provide an alternative to disclosing their SSNs if the SSNs are collected by the agency or municipality solely for the purpose of complying with 23 Pa.C.S. § 4304.1(a)(2) (relating to cooperation of government and nongovernment agencies). Alternate forms of identification shall include the individual’s department-issued driver’s license number or department issued nondriver identification card number.

(b) Effect of alternatives.—Any individual who provides an alternative under subsection (a) shall not be required to supply a Social Security number.

(c) Licensing agencies and municipalities.—Commonwealth agencies and municipalities issuing or renewing a professional license or certification, occupational license or certification or recreational license and collecting the individual's SSN for the purpose of complying with 23 Pa.C.S. § 4304.1(a)(2) shall develop application and renewal forms containing all of the following:

(1) Space for the individual's department-issued driver's license number as an alternative to the individual's SSN.

(2) Space for the individual's department-issued nondriver identification card number as an alternative to the individual's SSN.

(3) A statement to read as follows:

By affixing my driver's license number or nondriver's identification number issued by the Pennsylvania Department of Transportation, I authorize the Pennsylvania Department of Transportation to release my Social Security number to (insert Commonwealth agency or municipality) for the limited purpose of complying with 23 Pa.C.S. § 4304.1(a)(2).

Section 4. Duties of department.

The department shall, in a secure fashion, provide an individual's SSN to a Commonwealth agency or municipality when the Commonwealth agency or municipality provides the department with an alternative number pursuant to section 3(a) in a manner prescribed by the department, and provided the Commonwealth agency or municipality states the individual's Social Security number will not be further released, except as required pursuant to Federal or State law.

Section 5. Use of Social Security number prohibited.

No health insurer shall place an insured's SSN on a health insurance identification card.

Section 6. Exemption.

(a) Application.—The Department of Public Welfare shall apply for an exemption under section 666(d) of the Social Security Act (49 Stat. 620, 42 U.S.C. § 666(d)).

(b) Publication.—The Secretary of the Commonwealth shall transmit to the Legislative Reference Bureau, for publication in the Pennsylvania Bulletin, notice of the granting of an exemption under subsection (a).

Section 7. Nonapplicability.

This act shall not apply to forms required by the department for the purposes of driver licensing and nondriver identification.

Section 8. Construction.

Nothing in this act shall be construed to prevent any Commonwealth agency, municipality or other entity which is required to obtain a Social Security number on behalf of a Commonwealth agency or municipality from collecting, using or releasing a Social Security number as required by Federal or State law for child support enforcement purposes pending approval of an exemption under section 6.

Section 20. Effective date.

This act shall take effect as follows:

- (1) Sections 3, 4 and 7 of the act shall take effect one year after the publication of the notice under section 6(b).
- (2) The remainder of this act shall take effect immediately.

APPROVED—The 29th day of November, A.D. 2006.

EDWARD G. RENDELL