

No. 2017-3

AN ACT

SB 133

Providing for participation in the REAL ID Act of 2005, for compliance by residents of this Commonwealth, for reports to General Assembly and for publication; and repealing the REAL ID Nonparticipation Act.

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 Pennsylvania REAL ID Compliance 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:

"Department." The Department of Transportation of the Commonwealth.

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

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

"REAL ID Act of 2005." 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).

"Standard-issued driver's license or photo identification card." A driver's license or photo identification card issued by the department under 75 Pa.C.S. Ch. 15 or 16 that does not meet the requirements of the REAL ID Act of 2005.

Section 3. Participation in the REAL ID Act of 2005.

The department and any other Commonwealth agency shall comply with the REAL ID Act of 2005 and regulations promulgated under that act. In complying with the requirements of the REAL ID Act of 2005, the department shall provide an eligible applicant with an option to obtain either a standard-issued driver's license or photo identification card or a REAL ID. The department shall provide the applicant with a brief description that reasonably describes the content, requirements and restrictions of a standard-issued driver's license or photo identification card or a REAL ID.

Section 4. Compliance by residents of this Commonwealth.

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

Section 5. Reports to General Assembly.

(a) Initial report.—Within 90 days of the effective date of this section, the department shall present an initial report to the individuals listed under

subsection (c) providing details on estimated costs associated with the implementation and maintenance of all requirements for compliance with the REAL ID Act of 2005, as determined by the United States Department of Homeland Security. The report shall also include all estimated initial and recurring costs to establish and maintain a two-tiered system which allows individuals to apply for either a REAL ID or a standard-issued driver's license or photo identification card.

(b) Annual reports.—Except for the year the initial report is presented, the department shall submit an annual report to the individuals listed under subsection (c) no later than July 1 of each year, providing details on costs incurred by the department under this act. At a minimum, the report under this subsection shall include:

- (1) The cost to the department to issue REAL IDs.
- (2) The total number of REAL IDs applied for.
- (3) The total number of REAL IDs issued.
- (4) Funding from the Federal Government for the implementation of the REAL ID Act of 2005.

(c) Recipients of reports.—The reports required under subsections (a) and (b) shall be submitted to the following individuals:

- (1) The President pro tempore of the Senate.
- (2) The Majority Leader and Minority Leader of the Senate.
- (3) The chairperson and minority chairperson of the Appropriations Committee of the Senate.
- (4) The chairperson and minority chairperson of the Communications and Technology Committee of the Senate.
- (5) The chairperson and minority chairperson of the Transportation Committee of the Senate.
- (6) The Speaker of the House of Representatives.
- (7) The Majority Leader and Minority Leader of the House of Representatives.
- (8) The chairperson and minority chairperson of the Appropriations Committee of the House of Representatives.
- (9) The chairperson and minority chairperson of the State Government Committee of the House of Representatives.
- (10) The chairperson and minority chairperson of the Transportation Committee of the House of Representatives.

Section 6. Publication.

The department shall provide notice to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin of the date on which the department will commence issuance of REAL IDs. The date of issuance must be at least 60 days after the date of publication of the notice in the Pennsylvania Bulletin.

Section 7. Legislative intent.

It is the intent of this act that:

- (1) Eligible applicants for or holders of standard-issued driver's licenses or photo identification cards not subsidize the issuance of REAL IDs.
- (2) Eligible applicants for or holders of REAL IDs not subsidize the issuance of standard-issued driver's licenses or photo identification cards.

Section 8. Repeal.

(1) The General Assembly finds that the repeal under paragraph (2) is necessary to effectuate this act.

(2) The act of May 8, 2012 (P.L.254, No.38), known as the REAL ID Nonparticipation Act, is repealed.

Section 9. Effective date.

This act shall take effect immediately.

APPROVED—The 26th day of May, A.D. 2017

TOM WOLF