



MEMORANDUM

TO: The Pennsylvania House Transportation Committee

FROM: Elizabeth Randol, Legislative Director, ACLU of Pennsylvania

DATE: January 27, 2021

RE: SUPPORT FOR HB 279 P.N. 250 (BURGOS)

Bill summary: [HB 279](#) (PN 250) would amend [Title 75](#), [Section 1506\(a\) and \(a.1\)](#) to ensure equal access to driver's licenses for all Pennsylvania residents and protect the security and safety of driver's and identification card holders' personal information.

On behalf of over 100,000 members and supporters of the ACLU of Pennsylvania, I respectfully urge you to support House Bill 279.

HB 279 would allow a Pennsylvania resident to apply for a driver's license or identification card using a secure alternative to a social security number, such as a federal tax identification number or a combination of documents that reliably proves the applicant's identity. It would expand access to employment, increase state revenue generated by new licensing and registration fees, and enhance safety for all drivers by increasing the number of drivers who are licensed and insured. HB 279 would also add a host of crucial protections for driver data, including safeguards around the sharing of personal information and creating a common sense approach to processing identification documents without indefinitely retaining private documents. And streamlining the application process would bring Pennsylvania up to date with 18 other states, including New Jersey, Delaware, and New York, which all offer licenses to all residents regardless of immigration status.

If enacted, HB 279 would:

Expand access to non-REAL ID driver's licenses

- HB 279 would remove the requirement that Pennsylvanians must have lawful immigration status to be eligible to apply for a non-REAL ID driver's license or learner's permit.
- Non-citizens who reside in Pennsylvania would be able to use their Individual Taxpayer Identification Number (ITIN) or a combination of other documents to reliably confirm their identity and obtain a driver's license or learner's permit.
- HB 279 would repeal unnecessarily cumbersome renewal requirements for non-citizens who are currently eligible for drivers' licenses.

Strengthen privacy and data protections for non-REAL ID driver's licenses

- The Department of Transportation keeps personal information on file when someone applies for or is issued a noncommercial driver's license, state ID, or learner's permit. HB 279 would prohibit the disclosure of the following information in response to any request for records:
 - Photo image
 - Social security number
 - Individual tax identification number
 - Telephone number
 - Place of birth
 - Country of origin

- Place of employment
 - School or educational institution attended
 - Source of income
 - Status as a recipient of public benefits
 - Customer identification number associated with a public utilities account
 - Medical information or disability information of the card holder or applicant
- However, there are some exceptions. The Department of Transportation would be permitted to release records related to noncommercial driver's licenses, identification cards, or learner's permits (or their applications) only under the following circumstances:
- At the request of the individual license or card holder;
 - Where necessary to comply with a lawful court order, judicial warrant signed by a judge or subpoena for individual records issued by the Pennsylvania Rules of Criminal Procedure or Rules of Civil Procedure; or
 - Where specifically authorized by law (e.g. [49 U.S.C. Ch. 303](#), relating to national driver register).
- If records are disclosed in response to a judicial warrant or law enforcement request, HB 279 would require that the Department of Transportation notify the person who is the subject of the request and provide the identity of the agency that made the request within three days of receiving the request.
- For non-commercial driver's licenses or learner's permits that do not meet federal standards for identification, the Department of Transportation or any agent or employee of the Department:
- **May not** inquire about citizenship or immigration status of any applicant.
 - **May not** retain the documents or copies of documents presented by applicants to prove age or identity except for a limited period necessary to ensure the validity and authenticity of the documents.
 - **May not** use records or information related to a noncommercial driver's license or learner's permit as evidence of a person's citizenship or immigration status and cannot be used as the sole basis for investigating, arresting or detaining a person.
- In addition, HB 279 would require that an agency that has access to or receives records that include photographs, addresses, places of birth, countries of origin and driving histories:
- **May not** use the records or information contained in the records for any purpose other than the purposes permitted under this subsection or disclose the records to any third party.
 - **Must** keep records of all users and each person or entity that received department records or information from the certifying agency for a period of five years.
 - **Must** maintain records in a form and manner prescribed by the Department and be made available for inspection by the Department upon its request.

For these reasons, we urge you to support House Bill 279.