



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

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Good morning. My name is Kurt Myers, and I am the Deputy Secretary for Driver and Vehicle Services at the Pennsylvania Department of Transportation (PennDOT). On behalf of Secretary Gramian, thank you for the opportunity to discuss House Bill 279, which looks to amend Title 75 regarding licensing of drivers who are undocumented and reside in Pennsylvania.

PennDOT supports the concept behind this legislation but has concerns with unclear language in the proposed legislation that could create uncertainties for PennDOT regarding logistical processes that are in place to protect Pennsylvanians by ensuring road safety.

PennDOT's primary focus is highway safety, and to that end this legislation would require undocumented residents, who wish to become licensed drivers to follow the same test requirements that exist today: the physical, eye test, driver's knowledge test, learner's permit process and the skills test -- before PennDOT may issue a driver's license. These test requirements help to ensure those possessing a Pennsylvania driver's license are safe to be operating a motor vehicle on the roadway. Other states that have already implemented driver license programs for undocumented residents have also anticipated increases in insured vehicles as a byproduct of issuing driver licenses to undocumented residents.

As you know, Pennsylvania has a lawful presence law that was passed by the General Assembly back in 2002. The law requires applicants for a driver's license or identification (ID) card to show they are legally present in the United States and a resident of Pennsylvania to obtain a Pennsylvania driver's license. Additionally, Pennsylvania requires original documentation from non-U.S. citizens applying for a Pennsylvania driver's license learner's permit or transferring an out-of-state driver's license. PennDOT determines the expiration date of products for non-US citizens based on the applicant's length of stay indicated in the lawful presence documents. This information is verified by electronic means with the US Department of Homeland Security.

Current federal laws also prevent individuals from obtaining certain types of licenses as lawful presence is also required, such as a REAL ID or a commercial driver's license. Federal regulations for REAL ID establish a minimum-security standard for license issuance and production and prohibits federal agencies from accepting for certain purposes driver's licenses and identification cards from states not meeting the Act's minimum standards. The REAL ID regulations' requirements for applicant documentation will not permit undocumented residents to obtain a REAL ID product. Only lawfully present non-U.S. citizens are eligible to apply for a REAL ID driver's license or ID card. In addition, the U.S. Federal Motor Carrier Safety Administration (FMCSA) regulations prohibit issuance of commercial driver licenses to undocumented residents. All commercial driver license holders must be U.S. citizens or be able to show proof of lawful presence.



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Again, PennDOT supports the concept behind this legislation; however, the legislation does raise some uncertainties that we believe need to be addressed. As an example, as currently written, the legislative intent behind the restrictions in the bill concerning the disclosure of information is unclear. Specifically, the bill contains two separate sections that govern disclosure of driver license data. Those sections, proposed Section 1510(k)(1), which limits disclosure of information, and Section 1510(k)(4), which provides broad disclosure authority, appear to be in conflict. Regardless of which section is intended to control, it is important to ensure that PennDOT is able to maintain its public safety obligations by ensuring that law enforcement retain “on road” access to PennDOT data for traffic and public safety purposes.

As I have noted, at the forefront of our responsibility in our operations is safety, especially on the roadways, and conceptually issuing drivers licenses to undocumented residents should allow for an increase in safety. An individual has the privilege of receiving a driver’s license based on the individual’s demonstrated knowledge and skills and once it is received, the individual is responsible for obeying traffic laws and to make safe driving choices. By providing for the issuance of a learner’s permit and driver’s license to undocumented residents, highway safety should be enhanced by ensuring these individuals are properly tested. Additionally, it would allow for freedom of mobility and job support, while also supporting compliance with vehicle registration, insurance coverage, and safety and emission inspections. We believe this concept has a lot of merit and look forward to working on the operational details.

Thank you again for the opportunity to discuss this legislation. I would be happy to take any questions from the committee at this time.