

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2428 Session of 2024

INTRODUCED BY NEILSON, JUNE 20, 2024

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 24, 2024

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in general provisions, further providing for
3 definitions; in registration of vehicles, further providing
4 for registration card to be signed and exhibited on demand;
5 and, in licensing of drivers, further providing for issuance
6 and content of driver's license and for carrying and
7 exhibiting driver's license on demand.

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

10 Section 1. The definition of "driver's license" in section
11 102 of Title 75 of the Pennsylvania Consolidated Statutes is
12 amended and the section is amended by adding definitions to
13 read:

14 § 102. Definitions.

15 Subject to additional definitions contained in subsequent
16 provisions of this title which are applicable to specific
17 provisions of this title, the following words and phrases when
18 used in this title shall have, unless the context clearly
19 indicates otherwise, the meanings given to them in this section:

20 * * *

1 "Data field." A discrete piece of information that is
2 printed or otherwise appears on a product.

3 * * *

4 "Driver's license." A license or permit, including a
5 physical or electronic driver's license, issued by the
6 department under this title to drive a motor vehicle [issued
7 under this title].

8 * * *

9 "Electronic driver's license." An electronic representation
10 of a physical driver's license or identification card that is
11 viewable on an electronic product system. An electronic driver's
12 license shall be considered the same as a physical driver's
13 license issued by the department except as follows:

14 (1) Under section 1511 (relating to carrying and
15 exhibiting driver's license on demand).

16 (2) Under the act of June 3, 1937 (P.L.1333, No.320),
17 known as the Pennsylvania Election Code.

18 "Electronic identification card." An electronic
19 representation of a physical identification card that is
20 viewable on an electronic product system.

21 "Electronic product." An electronic representation of a
22 physical driver's license or identification card that is
23 viewable on an electronic product system.

24 "Electronic product device." A computer, tablet, smart phone
25 or other electronic personal device used by an electronic
26 product holder to access or display an electronic product or
27 electronic proof of financial responsibility.

28 "Electronic product system." The processes, equipment,
29 programming and hardware that:

30 (1) is used to issue electronic products and to

1 administer the use of issued electronic products, including
2 verification of the information contained in a product and
3 displaying a product holder's profile; and

4 (2) is designed to comply with the most recently
5 applicable standards of the American Association of Motor
6 Vehicle Administrators and International Organization for
7 Standardization for electronic products and electronic
8 product systems.

9 * * *

10 "Full profile." All the data included on a physical driver's
11 license or identification card regarding the holder of the
12 product.

13 * * *

14 "Identification card." A physical or electronic
15 identification card issued by the department under this title
16 that identifies the individual to whom the card was issued.

17 * * *

18 "Limited profile." An electronic representation created by
19 the department containing less than all of the data fields
20 printed or otherwise displayed on an individual's product.

21 * * *

22 "Physical driver's license." A product issued under this
23 title in a physical format, such as paper or plastic, that
24 identifies the individual to whom the card was issued.

25 "Physical identification card." A product issued under this
26 title in a physical format, such as paper or plastic, that
27 identifies the individual to whom the card was issued.

28 * * *

29 "Product." A driver's license or an identification card
30 issued under this title.

1 "Product holder." An individual to whom a product has been
2 issued.

3 * * *

4 "REAL ID Act of 2005." The term shall mean the same as
5 defined under section 2 of the act of May 26, 2017 (P.L.6,
6 No.3), known as the Pennsylvania REAL ID Compliance Act.

7 * * *

8 "Third-party electronic product system." An electronic
9 product system that is not maintained by the department or an
10 agent acting on behalf of the department. The term includes,
11 without limitation, an electronic wallet.

12 * * *

13 "Verification system." A computer system operated by the
14 department, or a person authorized by the department, that is
15 used to verify the authenticity and validity of electronic
16 products issued under this title.

17 "Verifier." A person that seeks to confirm information about
18 an electronic product holder via the department's verification
19 system and the electronic product's data fields.

20 * * *

21 Section 2. Section 1311(b) of Title 75 is amended and the
22 section is amended by adding a subsection to read:

23 § 1311. Registration card to be signed and exhibited on demand.

24 * * *

25 (b) Carrying and exhibiting card.--Every registration card
26 shall, at all times while the vehicle is being operated upon a
27 highway, be in the possession of the person driving or in
28 control of the vehicle or carried in the vehicle and shall be
29 exhibited upon demand of any police officer. Proof of
30 registration may be satisfied under this chapter by production

1 of a registration card in paper or electronic form.

2 * * *

3 (d) Immunity.--If a ~~registrant~~ AN OPERATOR chooses to <--
4 provide PROOF OF REGISTRATION OR proof of financial <--
5 responsibility to be viewed in an electronic format on an
6 electronic device under section 1301 (RELATING TO REGISTRATION <--
7 AND CERTIFICATE OF TITLE REQUIRED) OR 1786 (relating to required
8 financial responsibility), a police officer administering this
9 subchapter in good faith shall be immune from any civil or
10 criminal liability which arises from the insured's choice,
11 including the inadvertent viewing of materials on the device
12 other than the proof of financial responsibility, inadvertent
13 deletion of information from the device, inadvertent
14 interception of a communication while in possession of the
15 device and breakage which occurs to the device.

16 Section 3. Section 1510 of Title 75 is amended by adding
17 subsections to read:

18 § 1510. Issuance and content of driver's license.

19 * * *

20 (k) Electronic products.--The department may issue an
21 electronic product to an individual if the individual has paid
22 the access fee to an electronic product system and holds a
23 physical driver's license issued under this title which complies
24 with the REAL ID Act of 2005. The department may create an
25 electronic product system that a licensee may access via an
26 electronic device, including, but not limited to, a smart phone
27 or tablet, to display the licensee's electronic driver's license
28 on the device.

29 (l) Electronic identification card.--The department may
30 issue an electronic identification card to an individual if the

1 individual has paid the access fee to an electronic product
2 system and holds a physical identification card issued under
3 this title which complies with the REAL ID Act of 2005. The
4 department may create an electronic product system that an
5 identification card holder may access via an electronic device,
6 including, but not limited to, a smart phone or tablet, to
7 display the electronic identification card on the device.

8 (m) Regulations regarding electronic driver's licenses and
9 electronic identification cards.--The department shall
10 promulgate regulations as necessary to issue and verify
11 electronic products issued by the department under this title or
12 by other government entities.

13 (n) Electronic products.--

14 (1) The department may issue only one electronic product
15 to an individual. The data fields in the electronic product
16 shall match the data fields held by the department for the
17 product holder at the time the electronic product is issued.

18 (2) Changes and updates to data fields held by the
19 department shall be reflected in the data fields in the
20 electronic product. The department shall update the data
21 fields of electronic products when the department updates the
22 records of holders of electronic products, but not later than
23 30 days of updating the records. An electronic product device
24 shall permit the update of the data fields of the electronic
25 product with the department periodically to determine the
26 operating system and application compliance and to update the
27 data fields on the electronic product.

28 (o) Third-party electronic product systems.--The department
29 may issue electronic products through an electronic product
30 system owned, operated or controlled by a third party. Prior to

1 issuing electronic products through a third-party electronic
2 product system, the department must enter into an agreement with
3 the third party to protect the confidentiality of the
4 information contained in records held by the department or the
5 data fields of electronic credentials as required by this title.

6 (P) MESSENGER AND AGENT SERVICES.--A MESSENGER OR AGENT <--
7 SERVICE AUTHORIZED UNDER CHAPTER 75 (RELATING TO MESSENGER
8 SERVICE) MAY REQUIRE A PHYSICAL DRIVER'S LICENSE OR PHYSICAL
9 IDENTIFICATION CARD WHEN TRANSFERRING OWNERSHIP OF A VEHICLE OR
10 WHEN ISSUING A REGISTRATION PLATE OR TEMPORARY REGISTRATION
11 PLATE IF A FORM OF IDENTIFICATION IS REQUIRED UNDER THIS TITLE.

12 ~~(P)~~ (O) Electronic driver's license and electronic <--
13 identification card verification system.--

14 (1) The department shall develop a verification system
15 that operates when the department issues electronic products.

16 (2) An individual who is issued an electronic product
17 may give consent to a verifier to verify information about
18 the product holder via the department's verification system.

19 (3) The product holder shall determine which data fields
20 are available to the verifier via the product holder's
21 electronic product device. The product holder may make either
22 a full profile, a limited profile or no data fields available
23 to the verifier.

24 (4) If there is a discrepancy between the information on
25 an individual's physical driver's license or physical
26 identification card and the information in a verification
27 from the department via the verification system, the
28 information from the verification system shall be considered
29 the accurate and current information.

30 (5) The department may enter into agreements with other

1 government entities that issue electronic credentials to
2 allow for verification of those credentials through the
3 department's verification system. The department may enter
4 into agreements with other government entities and
5 jurisdictions that operate a similar verification system for
6 the purpose of verifying electronic products issued under
7 this title.

8 ~~(g)~~ (R) Reports to General Assembly.--Reports to the General <--
9 Assembly shall be in accordance with the following:

10 (1) Within 120 days of the effective date of this
11 paragraph, the department shall present an initial report to
12 the individuals listed under paragraph (3) providing details
13 on estimated costs associated with the implementation and
14 maintenance of electronic driver's licenses and
15 identification cards. The report shall also include all
16 estimated initial and recurring costs to establish and
17 maintain a system which allows individuals to apply for an
18 electronic driver's license or identification card.

19 (2) Except for the year the initial report is presented,
20 the department shall submit an annual report to the
21 individuals listed under paragraph (3) no later than July 1
22 of each year, providing details on costs incurred by the
23 department under this section. At a minimum, the report shall
24 include:

25 (i) The cost to the department to issue electronic
26 driver's licenses and identification cards.

27 (ii) The total number of electronic driver's
28 licenses and identification cards applied for.

29 (iii) The total number of electronic driver's
30 licenses and identification cards issued.

1 (iv) Any available usage metrics.

2 (3) The reports required under paragraphs (1) and (2)
3 shall be submitted to the following individuals:

4 (i) The President pro tempore of the Senate.

5 (ii) The Speaker of the House of Representatives.

6 (iii) The Majority Leader and the Minority Leader of
7 the Senate.

8 (iv) The Majority Leader and the Minority Leader of
9 the House of Representatives.

10 (v) The chairperson and minority chairperson of the
11 Transportation Committee of the Senate.

12 (vi) The chairperson and minority chairperson of the
13 Transportation Committee of the House of Representatives.

14 Section 4. Section 1511 of Title 75 is amended to read:

15 § 1511. Carrying and exhibiting driver's license on demand.

16 (a) General rule.--Every licensee shall possess a physical
17 driver's license issued to the licensee at all times when
18 driving a motor vehicle and shall exhibit [the] a physical
19 driver's license upon demand by a police officer, and when
20 requested by the police officer the licensee shall write the
21 licensee's name in the presence of the officer in order to
22 provide identity.

23 (b) Production to avoid penalty.--No person shall be
24 convicted of violating this section or section 1501(a) (relating
25 to drivers required to be licensed) if the person:

26 (1) produces at the headquarters of the police officer
27 who demanded to see the person's license, within 15 days of
28 the demand, a driver's license valid in this Commonwealth at
29 the time of the demand; or

30 (2) if a citation has been filed, produces at the office

1 of the issuing authority, within 15 days of the filing of the
2 citation, a driver's license valid in this Commonwealth on
3 the date of the citation.

4 (c) Surrender of electronic product device not required.--A
5 statute or regulation that requires an individual to surrender a
6 driver's license or identification card to law enforcement does
7 not apply to an electronic product device.

8 (d) Privacy of information on electronic product device.--

9 (1) If a licensee exhibits an electronic driver's
10 license upon demand by a police officer under this section,
11 the police officer may review only the full profile of the
12 product holder's electronic driver's license via the
13 electronic product device.

14 (2) If the police officer inadvertently reviews
15 information on the electronic product device in addition to
16 the licensee's full profile, the inadvertently reviewed
17 information may not be used as evidence in a civil or
18 criminal trial.

19 Section 5. This act shall take effect as follows:

20 (1) The amendment of 75 Pa.C.S. § 1311(b) shall take
21 effect in 12 months.

22 (2) The remainder of this act shall take effect
23 immediately.