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THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1867 Session of 2009

INTRODUCED BY MANDERINO, ROHRER, BARRAR, BEAR, BENNINGHOFF, BEYER, BOBACK, BOYD, BROWN, CARROLL, COHEN, D. COSTA, CREIGHTON, CUTLER, FLECK, FRANKEL, FREEMAN, GEIST, GOODMAN, GRUCELA, HARKINS, HORNAMAN, JOSEPHS, KAUFFMAN, KORTZ, KOTIK, KRIEGER, McGEEHAN, McILVAINE SMITH, METZGAR, MICOZZIE, MILLER, MOUL, MUNDY, MURT, O'NEILL, PASHINSKI, RAPP, READSHAW, ROCK, SEIP, SIPTROTH, STEVENSON, SWANGER, THOMAS, TRUE, WALKO, YOUNGBLOOD, MYERS AND MELIO, JULY 20, 2009

REFERRED TO COMMITTEE ON TRANSPORTATION, JULY 20, 2009

AN ACT

Limiting the electronic swiping of a driver's license or identification card; and prescribing penalties.

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 Identification Card Electronic Swiping 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:

"Business." A proprietorship, partnership, corporation or any other form of commercial enterprise.

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

"Legal requirement." A duty in statutory law or an action ordered by a court of law.

"Swipe." To pass a plastic card with a magnetic strip containing encoded data through an electronic device to obtain any of the encoded data or information contained on the plastic card.

Section 3. Electronic swiping of cards.

(a) Permitted uses.--

(1) A business may swipe a driver's license or identification card issued by the department in an electronic device for only the following purposes:

(i) To verify the authenticity of the driver's license or identification card or the age of the person to whom the driver's license or identification card was issued.

(ii) To comply with a legal requirement to record, retain or transmit the information contained on the driver's license or identification card.

(iii) To transmit information to a check service company for the purpose of approving negotiable instruments, electronic funds transfers or similar methods of payments, provided that only the name and identification number from the driver's license or identification card may be used or retained by the check service company.

(iv) To collect or disclose personal information that is required for reporting, investigating or preventing fraud, abuse or material misrepresentation.

(2) A business may not retain or use any of the information obtained by that electronic means for any purpose

other than as provided under this section.

(b) Violation.--A violation of this section constitutes a misdemeanor punishable by imprisonment in a county jail for not more than one year or by a fine of not more than $10,000, or both.

Section 4. Effective date.

This act shall take effect in 60 days.