

VIRGINIA ACTS OF ASSEMBLY -- 2005 SESSION

CHAPTER 665

An Act to amend and reenact § 46.2-345 of the Code of Virginia, relating to special identification cards issued for persons less than 15 years old.

[S 789]

Approved March 23, 2005

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-345 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-345. Issuance of special identification cards; fee; confidentiality; penalties.

A. On the application of any person who is a resident of the Commonwealth or the parent or legal guardian of any such person who is under the age of ~~fifteen~~ 15, the Department shall issue a special identification card to the person provided:

1. Application is made on a form prescribed by the Department;
2. The applicant presents a birth certificate or other evidence acceptable to the Department of his name and date of birth;
3. The Department is satisfied that the applicant needs an identification card or the applicant shows he has a bona fide need for such a card; and
4. The applicant does not hold a driver's license, commercial driver's license, temporary driver's permit, learner's permit, or motorcycle learner's permit.

B. The fee for the issuance of a special identification card is ~~five dollars~~ \$5. Persons ~~twenty-one~~ 21 years old or older may be issued a scenic special identification card for an additional fee of ~~five dollars~~ \$5.

C. A special identification card shall expire five years from its date of issuance except that those cards issued to children under the age of ~~fifteen~~ 15 shall expire on the child's ~~fifteenth~~ *sixteenth* birthday ~~or five years from the date of issuance, whichever occurs first.~~

D. A special identification card issued under this section may be similar in size, shape, and design to a driver's license, and include a color photograph of its holder, but the card shall be readily distinguishable from a driver's license and shall clearly state that it does not authorize the person to whom it is issued to drive a motor vehicle.

E. Special identification cards, for persons at least ~~fifteen~~ 15 years old but less than ~~twenty-one~~ 21 years old, shall be immediately and readily distinguishable from those issued to persons ~~twenty-one~~ 21 years old or older. Distinguishing characteristics shall include unique design elements of the document and descriptors within the photograph area to identify persons who are at least ~~fifteen~~ 15 years old but less than ~~twenty-one~~ 21 years old. These descriptors shall include the month, day, and year when the person will become ~~twenty-one~~ 21 years old.

F. Special identification cards for persons under age ~~fifteen~~ 15 shall bear a full face photograph. The special identification card issued to persons under age ~~fifteen~~ 15 shall be readily distinguishable from a driver's license and from other special identification cards issued by the Department. Such cards shall clearly indicate that it does not authorize the person to whom it is issued to drive a motor vehicle.

G. Any personal information, as identified in § 2.2-3801, which is retained by the Department from an application for the issuance of a special identification card is confidential and shall not be divulged to any person, association, corporation, or organization, public or private, except to the legal guardian or the attorney of the applicant or to a person, association, corporation, or organization nominated in writing by the applicant, his legal guardian, or his attorney. This subsection shall not prevent the Department from furnishing the application or any information thereon to any law-enforcement agency.

H. Any person who uses a false or fictitious name or gives a false or fictitious address in any application for an identification card or knowingly makes a false statement or conceals a material fact or otherwise commits a fraud in any such application shall be guilty of a Class 2 misdemeanor. However, where the name or address is given, or false statement is made, or fact is concealed, or fraud committed, with the intent to purchase a firearm or where the identification card is obtained for the purpose of committing any offense punishable as a felony, a violation of this section shall constitute a Class 4 felony.

I. The Department may promulgate regulations necessary for the effective implementation of the provisions of this section.

J. The Department shall utilize the various communications media throughout the Commonwealth to inform Virginia residents of the provisions of this section and to promote and encourage the public to take advantage of its provisions.