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HOUSE BILL NO. 2733

Offered January 10, 2007

Prefiled January 10, 2007

A BILL to amend and reenact §§ 46.2-342 and 46.2-345 of the Code of Virginia, relating to contents of driver's licenses and special identification cards.

Patrons—Englin, Carrico, Iaquinto, Kilgore, McEachin and Sickles

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:**1. That §§ 46.2-342 and 46.2-345 of the Code of Virginia are amended and reenacted as follows:**

§ 46.2-342. What license to contain; organ donor information; Uniform Donor Document.

A. Every license issued under this chapter shall bear:

1. For licenses issued or renewed on or after July 1, 2003, a license number which shall be assigned by the Department to the licensee and shall not be the same as the licensee's social security number;

2. A color photograph of the licensee;

3. The licensee's full name, year, month, and date of birth;

4. The licensee's address, subject to the provisions of subsection A1 of this section;

5. A brief description of the licensee for the purpose of identification;

6. A space for the signature of the licensee; and

7. Any other information deemed necessary by the Commissioner for the administration of this title.

No abbreviated names or nicknames shall be shown on any license.

A1. At the option of the licensee, the address shown on the license may be either the post office box, business, or residence address of the licensee, provided such address is located in Virginia. However, regardless of which address is shown on the license, the licensee shall supply the Department with his residence address, which shall be an address in Virginia. This residence address shall be maintained in the Department's records. Whenever the licensee's address shown either on his license or in the Department's records changes, he shall notify the Department of such change as required by § 46.2-324.

B. The license shall be made of a material and in a form to be determined by the Commissioner.

C. Licenses issued to persons less than 21 years old shall be immediately and readily distinguishable from those issued to persons 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 15 years old but less than 21 years old. These descriptors shall include the month, day, and year when the person will become 21 years old.

D. The Department shall establish a method by which an applicant for a driver's license or an identification card may designate his willingness to be an organ donor as provided in Article 2 (§ 32.1-289 et seq.) of Chapter 8 of Title 32.1 and shall cooperate with the Virginia Transplant Council to ensure that such method is designed to encourage organ donation with a minimum of effort on the part of the donor and the Department.

E. If an applicant designates his willingness to be a donor pursuant to subsection D, the Department may make a notation of this designation on his license or card and shall make a notation of this designation in his driver record.

F. The donor designation authorized in subsection E shall be sufficient legal authority for the removal, following death, of the subject's organs or tissues without additional authority from the donor, or his family or estate. No family member, guardian, agent named pursuant to an advance directive or person responsible for the decedent's estate shall refuse to honor the donor designation or, in any way, seek to avoid honoring the donor designation.

G. The donor designation provided pursuant to subsection D may be rescinded by notifying the Department.

H. With the written consent of his parent or legal guardian, a minor may make a donor designation.

I. When requested by the applicant, and upon presentation of a signed statement by a licensed physician confirming the applicant's condition, the Department shall indicate on the applicant's driver's license that the applicant is (i) an insulin-dependent diabetic, or (ii) hearing or speech impaired.

J. When requested by the applicant, the Department shall indicate on the applicant's driver's license the names of no more than five persons to be identified as "emergency contact persons." Contact information pertaining to such "emergency contact persons," such as addresses and telephone numbers, as supplied by the applicant, shall be maintained by the Department and released to law-enforcement

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59 *and other emergency services personnel as provided in regulations promulgated by the Commissioner.*

60 K. In the absence of gross negligence or willful misconduct, the Department and its employees shall
61 be immune from any civil or criminal liability in connection with the making of or failure to make a
62 notation of donor designation on any license or card or in any person's driver record.

63 K.L. Notwithstanding the foregoing provisions of this section, the Department shall continue to use
64 the uniform donor document, as formerly set forth in subsection D above, for organ donation
65 designation until such time as a new method is fully implemented, which shall be no later than July 1,
66 1994. Any such uniform donor document shall, when properly executed, remain valid and shall continue
67 to be subject to all conditions for execution, delivery, amendment, and revocation as set out in Article 2
68 (§ 32.1-289 et seq.) of Chapter 8 of Title 32.1.

69 L.M. The Department shall, in coordination with the Virginia Transplant Council, prepare an organ
70 donor information brochure describing the organ donor program and providing instructions for
71 completion of the uniform donor document information describing the bone marrow donation program
72 and instructions for registration in the National Bone Marrow Registry. The Department shall include a
73 copy of such brochure with every driver's license renewal notice or application mailed to licensed
74 drivers in Virginia.

75 § 46.2-345. Issuance of special identification cards; fee; confidentiality; penalties.

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

79 1. Application is made on a form prescribed by the Department and includes the applicant's full legal
80 name; year, month, and date of birth; sex; and residence address;

81 2. The applicant presents a birth certificate or other evidence acceptable to the Department of his
82 name and date of birth;

83 3. The Department is satisfied that the applicant needs an identification card or the applicant shows
84 he has a bona fide need for such a card; and

85 4. The applicant does not hold a driver's license, commercial driver's license, temporary driver's
86 permit, learner's permit, or motorcycle learner's permit.

87 *When requested by the applicant, the Department shall indicate on the applicant's special*
88 *identification card the names of no more than five persons to be identified as "emergency contact*
89 *persons" for the applicant. Contact information pertaining to such "emergency contact persons," such as*
90 *addresses and telephone numbers, as supplied by the applicant, shall be maintained by the Department*
91 *and released to law-enforcement and other emergency services personnel as provided in regulations*
92 *promulgated by the Commissioner.*

93 Persons 70 years of age or older may exchange a valid Virginia driver's license for a special
94 identification card at no fee. Special identification cards subsequently issued to such persons shall be
95 subject to the regular fees for special identification cards.

96 B. The fee for the issuance of an original or renewal special identification card is \$5. The fee for the
97 issuance of a duplicate or reissue of a special identification card is \$5. Persons 21 years old or older
98 may be issued a scenic special identification card for an additional fee of \$5.

99 C. Every special identification card shall expire on the last day of the month of birth of the applicant
100 in years in which the applicant attains an age exactly divisible by five. At no time shall any special
101 identification card be issued for less than three nor more than seven years, except under the provisions
102 of subsection B of § 46.2-328.1 and except that those cards issued to children under the age of 15 shall
103 expire on the child's sixteenth birthday, thereafter the special identification card may be renewed on or
104 before the last day of the month of birth of the applicant and shall be valid for five years, expiring in
105 the next year in which the applicant's age is exactly divisible by five, except under the provisions of
106 subsection B of § 46.2-328.1.

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

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

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

120 G. A valid Virginia driver's license may be surrendered for a special identification card without the

applicant's having to present proof of legal presence as required by § 46.2-328.1 if the Virginia driver's license is unexpired and it has not been revoked, suspended, or cancelled. The special identification card shall be considered a reissue and the expiration date shall be the last day of the month of the surrendered driver's license's month of expiration.

H. 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.

I. 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.

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

K. 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.

L. (Effective January 1, 2007) The Department shall electronically transmit application information to the Department of State Police, in a format approved by the State Police, for comparison with information contained in the Virginia Criminal Information Network and National Crime Information Center Convicted Sexual Offender Registry Files, at the time of issuance of a special identification card. Whenever it appears from the records of the State Police that a person has failed to comply with the duty to register or reregister pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the State Police shall promptly investigate and, if there is probable cause to believe a violation has occurred, obtain a warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the person made application for the special identification card.