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HOUSE BILL NO. 156

Offered January 9, 2008

Prefiled December 21, 2007

A *BILL to amend the Code of Virginia by adding a section numbered 6.1-2.8:1, relating to mortgage loans; evidence of legal presence required; penalty.*

Patron—Nichols

Referred to Committee on Rules

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 6.1-2.8:1 as follows:**

§ 6.1-2.8:1. Evidence of legal presence required for mortgage loans; penalty.

A. As used in this section:

"Evidence of legal presence" means valid documentary evidence that the individual is legally entitled to work in the United States. Such valid documentary evidence shall consist of:

1. One of the following documents:

a. United States passport, unexpired or expired;

b. Certificate of United States citizenship (Form N-560 or N-561);

c. Certificate of Naturalization (INS Form N-550 or N-570);

d. Unexpired foreign passport, with I-551 stamp or attached Form I-94 indicating unexpired employment authorization;

e. Permanent resident card or alien registration receipt card with photograph (Form I-151 or Form I-551);

f. Unexpired temporary resident card (Form I-688);

g. Unexpired employment authorization card (Form I-688A);

h. Unexpired reentry permit (Form I-327);

i. Unexpired refugee travel document (Form I-571); or

j. Unexpired employment authorization document issued by the Department of Homeland Security that contains a photograph (Form I-688B); or

2. One of the documents listed in subdivision 2 a and one of the documents listed in subdivision 2 b:

a. (1) Driver's license or identification card issued by (i) the Department of Motor Vehicles or (ii) another state or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address;

(2) Identification card issued by federal, state, or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address;

(3) School identification card with a photograph;

(4) Voter registration card;

(5) Military card or draft record;

(6) Military dependent's identification card;

(7) U.S. Coast Guard Merchant Mariner Card;

(8) Native American tribal document; or

(9) Driver's license issued by a Canadian government authority.

b. (1) United States social security card issued by the Social Security Administration, other than a card stating that it is not valid for employment;

(2) Certification of Birth Abroad issued by the Department of State (Form FS-545 or Form DS-1350);

(3) Original or certified copy of a birth certificate issued by a state, county, municipal authority, or outlying possession of the United States bearing an official seal;

(4) Native American tribal document;

(5) U.S. Citizen identification card (Form I-197);

(6) Identification card for use of Resident Citizen in the United States (Form I-179); or

(7) Unexpired employment authorization document issued by the Department of Homeland Security, other than those documents listed in subdivision 1.

"Settlement" has the same meaning ascribed thereto in § 6.1-2.10.

B. It is unlawful for any person to make a loan secured by a mortgage or deed of trust on real estate located in the Commonwealth to an individual unless the individual, prior to settlement, has provided to such person evidence of legal presence of the individual.

INTRODUCED

HB156

- 59** *C. It is unlawful for any person who makes a loan secured by a mortgage or deed of trust on real*
60 *estate located in the Commonwealth on or after July 1, 2008, to fail to retain for a period of not less*
61 *than three years copies of the evidence of legal presence provided by the individual to whom the loan is*
62 *made.*
63 *D. A violation of this section shall be punishable by a fine of not more than \$10,000.*