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SENATE BILL NO. 1046

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Transportation
on February 5, 2009)

(Patron Prior to Substitute—Senator Miller, Y.B.)

A *BILL to amend and reenact §§ 46.2-323, 46.2-328.1, 46.2-330, 46.2-341.12, 46.2-341.15, 46.2-342, 46.2-343, 46.2-344, and 46.2-345 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 46.2-323.01, relating to implementation of the federal REAL ID Act.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-323, 46.2-328.1, 46.2-330, 46.2-341.12, 46.2-341.15, 46.2-342, 46.2-343, 46.2-344, and 46.2-345 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 46.2-323.01 as follows:

§ 46.2-323. Application for driver's license; proof of completion of driver education program; penalty.

A. Every application for a driver's license, temporary driver's permit, learner's permit, or motorcycle learner's permit shall be made on a form prescribed by the Department and the applicant shall write his usual signature in ink in the space provided on the form. The form shall include notice to the applicant of the duty to register with the Department of State Police as provided in Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, if the applicant has been convicted of an offense for which registration with the Sex Offender and Crimes Against Minors Registry is required.

B. Every application shall state the full legal name, year, month, and date of birth, social security number, sex, and residence address of the applicant; whether or not the applicant has previously been licensed as a driver and, if so, when and by what state, and whether or not his license has ever been suspended or revoked and, if so, the date of and reason for such suspension or revocation. The Department, as a condition for the issuance of any driver's license, temporary driver's permit, learner's permit, or motorcycle learner's permit ~~may~~ *shall* require the surrender of any driver's license or, in the case of a motorcycle learner's permit, a motorcycle license issued by another state and held by the applicant. The applicant shall also answer any questions on the application form or otherwise propounded by the Department incidental to the examination. The applicant may also be required to present to the person conducting the examination a birth certificate or other evidence, reasonably acceptable to the Department, of his name and date of birth proof of identity, residency, and social security number or non-work authorized status, if required to appear in person before the Department to apply.

The applicant shall also certify that he is a resident of the Commonwealth by signing a certification statement, on a form prescribed by the Commissioner, and by providing satisfactory proof that he is a resident of the Commonwealth. The Commissioner may adopt regulations to determine the process by which applicants prove that they are residents of the Commonwealth.

The Commissioner shall require that each application include a certification statement to be signed by the applicant under penalty of perjury, certifying that the information presented on the application is true and correct.

If the applicant ~~either (i) fails or refuses to sign the certification statement or (ii) fails to follow the process determined by the Commissioner for proving residency~~, the Department shall not issue the applicant a driver's license, temporary driver's permit, learner's permit or motorcycle learner's permit.

Any applicant who knowingly makes a false certification of ~~Virginia residency~~ or supplies false or fictitious evidence of ~~Virginia residency~~ shall be punished as provided in § 46.2-348.

~~The Commissioner may, on a case-by-case basis, waive any provision of such regulations for good cause shown.~~

C. Every application for a driver's license shall include a ~~color~~ photograph of the applicant supplied under arrangements made by the Department. The photograph shall be processed by the Department so that the photograph can be made part of the issued license.

D. Notwithstanding the provisions of § 46.2-334, every applicant for a driver's license who is under 19 years of age shall furnish the Department with satisfactory proof of his successful completion of a driver education program approved by the State Department of Education.

E. 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 driver's license, temporary driver's permit, learner's permit, or motorcycle learner's permit. 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

60 violation has occurred, obtain a warrant or assist in obtaining an indictment charging a violation of
61 § 18.2-472.1 in the jurisdiction in which the person made application of licensure.

62 § 46.2-323.01. *Issuance of documents; relationship with federal law.*

63 A. *The Department shall establish a process for persons who, for reasons beyond their control, are*
64 *unable to provide all necessary documents required for driver's licenses, permits, and special*
65 *identification cards and must rely on alternate documents to establish identity or date of birth.*
66 *Alternative documents to demonstrate legal presence will only be allowed to demonstrate United States*
67 *citizenship.*

68 B. *The Department shall not comply with any federal law or regulation that would require the*
69 *Department to use any type of computer chip or radio-frequency identification tag or other similar*
70 *device on or in a driver's license or special identification card.*

71 § 46.2-328.1. Licenses, permits and special identification cards to be issued only to United States
72 citizens, legal permanent resident aliens, or holders of valid unexpired nonimmigrant visas; exceptions;
73 renewal, duplication, or reissuance.

74 A. Notwithstanding any other provision of this title, except as provided in subsection G of
75 § 46.2-345, the Department shall not issue an original license, permit, or special identification card to
76 any applicant who has not presented to the Department, with the application, valid documentary
77 evidence that the applicant is either (i) a citizen of the United States, (ii) a legal permanent resident of
78 the United States, or (iii) a conditional resident alien of the United States.

79 B. Notwithstanding the provisions of subsection A and the provisions of §§ 46.2-330 and 46.2-345,
80 an applicant who presents in person valid documentary evidence of (i) a valid, unexpired nonimmigrant
81 visa or nonimmigrant visa status for entry into the United States, (ii) a pending or approved application
82 for asylum in the United States, (iii) entry into the United States in refugee status, (iv) a pending or
83 approved application for temporary protected status in the United States, (v) approved deferred action
84 status, or (vi) a pending application for adjustment of status to legal permanent residence status or
85 conditional resident status, may be issued a temporary license, permit, or special identification card.
86 Such temporary license, permit, or special identification card shall be valid only during the period of
87 time of the applicant's authorized stay in the United States or if there is no definite end to the period of
88 authorized stay a period of one year. *No license, permit, or special identification card shall be issued if*
89 *an applicant's authorized stay in the United States is less than 30 days from the date of application.*
90 Any temporary license, permit, or special identification card issued pursuant to this subsection shall
91 clearly indicate that it is temporary and shall state the date that it expires. Such a temporary license,
92 permit or identification card may be renewed only upon presentation of valid documentary evidence that
93 the status by which the applicant qualified for the temporary license, permit or special identification has
94 been extended by the United States Immigration and Naturalization Service or the Bureau of Citizenship
95 and Immigration Services of the Department of Homeland Security.

96 C. Any license or special identification card for which an application has been made for renewal,
97 duplication or reissuance shall be presumed to have been issued in accordance with the provisions of
98 subsection A, provided that, at the time the application is made, the license or special identification card
99 has not expired, or been cancelled, suspended or revoked. The requirements of subsection A shall apply,
100 however, to a renewal, duplication or reissuance if the Department is notified by a local, state or federal
101 government agency that the individual seeking such renewal, duplication or reissuance is neither a
102 citizen of the United States nor legally in the United States.

103 ~~The provisions of this section shall not apply to an applicant for a special identification card whose~~
104 ~~year of birth is 1937 or earlier and who has previously held a Virginia-issued driver's license or special~~
105 ~~identification card, provided that such driver's license or special identification card has not been expired~~
106 ~~for more than five years.~~

107 § 46.2-330. Expiration and renewal of licenses; examinations required.

108 A. Every driver's license shall expire on the applicant's birthday at the end of the period of years for
109 which a driver's license has been issued. At no time shall any driver's license be issued for more than
110 eight years. Thereafter the driver's license shall be renewed on or before the birthday of the licensee and
111 shall be valid for a period not to exceed eight years except as otherwise provided by law. In determining
112 the number of years for which a driver's license shall be renewed, the Commissioner shall take into
113 consideration the examinations, conditions, requirements, and other criteria provided under this title that
114 relate to the issuance of a license to operate a vehicle. Any driver's license issued to a person required
115 to register pursuant to Chapter 9 of Title 9.1 shall expire on the applicant's birthday in years which the
116 applicant attains an age equally divisible by five.

117 B. Within one year prior to the date shown on the driver's license as the date of expiration, the
118 Department shall mail notice, to the holder thereof, at the address shown on the records of the
119 Department in its driver's license file, that his license will expire on a date specified therein, whether he
120 must be reexamined, and when he may be reexamined. Nonreceipt of the notice shall not extend the
121 period of validity of the driver's license beyond its expiration date.

Any driver's license may be renewed by application, which shall include the applicant's certification of Virginia residency, after the applicant has taken and successfully completed those parts of the examination provided for in §§ 46.2-311, 46.2-325, and the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), including vision and written tests, other than the parts of the examination requiring the applicant to drive a motor vehicle. All drivers applying in person for renewal of a license shall take and successfully complete the examination each renewal year. *Every applicant for a renewal shall appear in person before the Department, unless specifically notified by the Department that renewal may be accomplished in another manner as provided in the notice. Applicants who are required to appear in person before the Department to apply for a renewal may also be required to present proof of identity, legal presence, residency, and social security number or non-work authorized status.*

C. Notwithstanding any other provision of this section, the Commissioner, in his discretion, may require any applicant for renewal to be fully examined as provided in §§ 46.2-311, 46.2-325, and the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.). Furthermore, if the applicant is less than 80 years old, the Commissioner may waive the vision examination for any applicant for renewal of a driver's license which is not a commercial driver's license, and the requirement or the taking of the written test as provided in subsection B of this section, § 46.2-325 and the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), for any applicant for renewal who is at least 21 years old. Such written test shall not be waived for an applicant less than 21 years old if such applicant's driver's license record on file with the Department contains a record of one or more convictions for any offense reportable under §§ 46.2-382, 46.2-382.1, and 46.2-383. However, in no case shall there be any waiver of the vision examination for applicants for renewal of a commercial driver's license or of the knowledge test required by the Virginia Commercial Driver's License Act for the hazardous materials endorsement on a commercial driver's license. No driver's license or learner's permit issued to any person who is 80 years old or older shall be renewed unless the applicant for renewal appears in person and either (i) passes a vision examination or (ii) presents a report of a vision examination, made within 90 days prior thereto by an ophthalmologist or optometrist, indicating that the applicant's vision meets or exceeds the standards contained in § 46.2-311.

D. Every applicant for renewal of a driver's license, whether renewal shall or shall not be dependent on any examination of the applicant, shall appear in person before the Department to apply for renewal, unless specifically notified by the Department that renewal may be accomplished in another manner as provided in the notice.

E. This section shall not modify the provisions of § 46.2-221.2.

F. (Effective until January 1, 2009) 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 the renewal of a driver's license. 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 last registered or reregistered or in the jurisdiction where the person made application for licensure.

F. (Effective January 1, 2009) 1. The Department shall electronically transmit application information, including a photograph, 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 the renewal of a driver's license. 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 last registered or reregistered or in the jurisdiction where the person made application for licensure. The Department of State Police shall electronically transmit to the Department, in a format approved by the Department, for each person required to register pursuant to Chapter 9 of Title 9.1, registry information consisting of the person's name, all aliases that he has used or under which he may have been known, his date of birth and social security number as set out in § 9.1-903.

2. For each person required to register pursuant to Chapter 9 of Title 9.1, the Department may not waive the requirement that each such person shall appear for each renewal or the requirement to obtain a photograph in accordance with subsection C of § 46.2-323.

§ 46.2-341.12. Application for commercial driver's license.

A. Every application to the Department for a commercial driver's license shall be made upon a form

183 approved and furnished by the Department, and the applicant shall write his usual signature in ink in the
184 space provided. The applicant shall provide the following information:

- 185 1. Full legal name;
- 186 2. Current mailing and residential addresses;
- 187 3. Physical description including sex, height, weight and eye and hair color;
- 188 4. Year, month and date of birth;
- 189 5. Social Security number; and
- 190 6. Any other information required on the application form.

191 B. Every applicant for a commercial driver's license shall also submit to the Department the
192 following:

- 193 1. A consent to release driving record information;
- 194 2. Certifications that:
 - 195 a. He either meets the federal qualification requirements of 49 C.F.R. Part 391, or he is exempt from
 - 196 or is not subject to such federal requirements;
 - 197 b. He either meets the state qualification requirements established pursuant to § 52-8.4, or he is
 - 198 exempt from or is not subject to such requirements;
 - 199 c. The motor vehicle in which the applicant takes the skills test is representative of the class and, if
 - 200 applicable, the type of motor vehicle for which the applicant seeks to be licensed;
 - 201 d. He is not subject to any disqualification, suspension, revocation or cancellation of his driving
 - 202 privileges;
 - 203 e. He does not have more than one driver's license;
- 204 3. Other certifications required by the Department;
- 205 4. Any evidence required by the Department to establish proof of identity, ~~including but not limited~~
206 ~~to a birth certificate~~ *legal presence, residency, and social security number*; and
- 207 5. A statement indicating whether (i) the applicant has previously been licensed to drive any type of
208 motor vehicle during the previous 10 years and, if so, all states that licensed the applicant and the dates
209 he was licensed, and (ii) whether or not he has ever been disqualified, or his license suspended, revoked
210 or cancelled and, if so, the date of and reason therefor.

211 C. Every application for a commercial driver's license shall include a ~~color~~ photograph of the
212 applicant supplied under arrangements made therefor by the Department in accordance with § 46.2-323.

213 D. The Department shall disqualify any commercial driver for a period of one year when the records
214 of the Department clearly show to the satisfaction of the Commissioner that such person has made a
215 material false statement on any application or certification made for a commercial driver's license. The
216 Department shall take such action within 30 days after discovering such falsification.

217 E. The Department shall review the driving record of any person who applies for a Virginia
218 commercial driver's license, for the renewal or reinstatement of such license or for an additional
219 commercial classification or endorsement, including the driving record from all jurisdictions where,
220 during the previous 10 years, the applicant was licensed to drive any type of motor vehicle. If
221 appropriate, the Department shall incorporate information from such other jurisdictions' records into the
222 applicant's Virginia driving record, and shall make a notation on the applicant's driving record
223 confirming that such review has been completed and the date it was completed. The Department's
224 review shall include research through the Commercial Driver License Information System established
225 pursuant to the Commercial Motor Vehicle Safety Act and the National Driver Register in addition to
226 the driver record maintained by the applicant's previous jurisdictions of licensure. This research shall be
227 completed prior to the issuance, renewal, or reinstatement of a commercial driver's license or additional
228 commercial classification or endorsement.

229 § 46.2-341.15. Commercial driver's license document.

230 A. The commercial driver's license issued by the Department shall be identified as a Virginia
231 commercial driver's license and shall include at least the following:

- 232 1. Full name, a Virginia address, and signature of the licensee;
- 233 2. A ~~color~~ photograph of the licensee;
- 234 3. A physical description of the licensee, including sex and height;
- 235 4. The licensee's date of birth and license number that shall be assigned by the Department to the
236 licensee and shall not be the same as the licensee's Social Security number;
- 237 5. A designation of the class and type of commercial motor vehicle or vehicles which the licensee is
238 authorized to drive, together with any restrictions; and
- 239 6. The date of license issuance and expiration.

240 B. The commercial driver's instruction permit shall be identified as such but shall in all other
241 respects conform to subsection A of this section.

242 § 46.2-342. What license to contain; organ donor information; Uniform Donor Document.

243 A. Every license issued under this chapter shall bear:

- 244 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 (§ 32.1-289.2 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 as authorized by the Revised Uniform Anatomical Gift Act (§ 32.1-291.1 et seq.).

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

K. Notwithstanding the foregoing provisions of this section, the Department shall continue to use the uniform donor document, as formerly set forth in subsection D above, for organ donation designation until such time as a new method is fully implemented, which shall be no later than July 1, 1994. Any such uniform donor document shall, when properly executed, remain valid and shall continue to be subject to all conditions for execution, delivery, amendment, and revocation as set out in Article 2 (§ 32.1-289.2 et seq.) of Chapter 8 of Title 32.1.

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

§ 46.2-343. Duplicate driver's license, reissued driver's licenses, learner's permit; fees.

If a driver's license or learner's permit issued under the provisions of this chapter is lost, stolen, or destroyed, the person to whom it was issued may obtain a duplicate or substitute thereof on furnishing proof satisfactory to the Department that his license or permit has been lost, stolen, or destroyed, or that there are good reasons why a duplicate should be issued. *Every applicant for a duplicate or reissued*

306 *driver's license shall appear in person before the Department to apply, unless permitted by the*
307 *Department to apply for duplicate or reissue in another manner. Applicants who are required to apply*
308 *in person may be required to present proof of identity, legal presence, residency, and social security*
309 *number or non-work authorized status.*

310 There shall be a fee of five dollars for each duplicate license and two dollars for each duplicate
311 learner's permit. An additional fee of five dollars shall be charged to add or change the scene on a
312 duplicate license or duplicate learner's permit.

313 There shall be a fee of five dollars for reissuance of any driver's license upon the termination of
314 driving restrictions imposed upon the licensee by the Department or a court. An additional fee of five
315 dollars shall be charged to add or change the scene on a license upon reissuance.

316 § 46.2-344. Temporary driver's permit.

317 The Department, upon determining, after an examination, that an applicant is mentally, physically,
318 and otherwise qualified to receive a license, may issue to him a temporary driver's permit entitling him,
319 while having the permit in his immediate possession, to drive a motor vehicle on the highways ~~for a~~
320 ~~period of ninety days, pending the issuance to such person of a driver's license. The temporary driver's~~
321 ~~permit shall be valid until receipt of the driver's license but in no case shall be valid for more than 90~~
322 ~~days from the date of issuance.~~

323 § 46.2-345. Issuance of special identification cards; fee; confidentiality; penalties.

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

327 1. Application is made on a form prescribed by the Department and includes the applicant's full legal
328 name; year, month, and date of birth; *social security number*; sex; and residence address;

329 2. The applicant presents a ~~birth certificate or other evidence acceptable to the Department of his~~
330 ~~name and date of birth, when required by the Department, proof of identity, legal presence, residency,~~
331 ~~and social security number or non-work authorized status;~~

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

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

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

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

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

350 D. A special identification card issued under this section may be similar in size, shape, and design to
351 a driver's license, and include a ~~color~~ photograph of its holder, but the card shall be readily
352 distinguishable from a driver's license and shall clearly state that it does not authorize the person to
353 whom it is issued to drive a motor vehicle. *Every applicant for a special identification card shall*
354 *appear in person before the Department to apply for a renewal, duplicate or reissue unless specifically*
355 *permitted by the Department to apply in another manner.*

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

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

365 G. *A Unless otherwise prohibited by law, a valid Virginia driver's license may be surrendered for a*
366 *special identification card without the applicant's having to present proof of legal presence as required*
367 *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. 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.