

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 46.2-328.1 of the Code of Virginia, relating to licenses, permits, and*
3 *special identification cards; legal presence requirements.*

4
5 Approved

[H 549]

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That § 46.2-328.1 of the Code of Virginia is amended and reenacted as follows:**

8 § 46.2-328.1. Licenses, permits and special identification cards to be issued only to United States
9 citizens, legal permanent resident aliens, or holders of valid unexpired nonimmigrant visas; exceptions;
10 renewal, duplication, or reissuance.

11 A. Notwithstanding any other provision of this title, except as provided in subsection G of
12 § 46.2-345, the Department shall not issue an original license, permit, or special identification card to
13 any applicant who has not presented to the Department, with the application, valid documentary
14 evidence that the applicant is either (i) a citizen of the United States, (ii) a legal permanent resident of
15 the United States, or (iii) a conditional resident alien of the United States.

16 B. Notwithstanding the provisions of subsection A and the provisions of §§ 46.2-330 and 46.2-345,
17 an applicant who presents in person valid documentary evidence of (i) a valid, unexpired nonimmigrant
18 visa or nonimmigrant visa status for entry into the United States, (ii) a pending or approved application
19 for asylum in the United States, (iii) entry into the United States in refugee status, (iv) a pending or
20 approved application for temporary protected status in the United States, (v) approved deferred action
21 status, or (vi) a pending application for adjustment of status to legal permanent residence status or
22 conditional resident status, may be issued a temporary license, permit, or special identification card.
23 Such temporary license, permit, or special identification card shall be valid only during the period of
24 time of the applicant's authorized stay in the United States or if there is no definite end to the period of
25 authorized stay a period of one year. No license, permit, or special identification card shall be issued if
26 an applicant's authorized stay in the United States is less than 30 days from the date of application. Any
27 temporary license, permit, or special identification card issued pursuant to this subsection shall clearly
28 indicate that it is temporary and shall state the date that it expires. Such a temporary license, permit or
29 identification card may be renewed only upon presentation of valid documentary evidence that the status
30 by which the applicant qualified for the temporary license, permit or special identification has been
31 extended by the United States Immigration and Naturalization Service or the Bureau of Citizenship and
32 Immigration Services of the Department of Homeland Security.

33 C. Any license or special identification card for which an application has been made for renewal,
34 duplication or reissuance shall be presumed to have been issued in accordance with the provisions of
35 subsection A, provided that, at the time the application is made, (i) the license or special identification
36 card has not expired; or been cancelled, suspended or revoked or (ii) *the license or special identification*
37 *card has been canceled or suspended as a result of the applicant having been placed under medical*
38 *review by the Department pursuant to § 46.2-322.* The requirements of subsection A shall apply,
39 however, to a renewal, duplication or reissuance if the Department is notified by a local, state or federal
40 government agency that the individual seeking such renewal, duplication or reissuance is neither a
41 citizen of the United States nor legally in the United States.

ENROLLED

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