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HOUSE BILL NO. 388

Offered January 11, 2012

Prefiled January 10, 2012

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 issued by the Department of Motor Vehicles.

Patron—Gilbert

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 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 B 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.

B. 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.

C. The Department may contract with the United States Postal Service or an authorized agent to use the National Change of Address System for the purpose of obtaining current address information for a person whose name appears in customer records maintained by the Department. If the Department receives information from the National Change of Address System indicating that a person whose name appears in a Department record has submitted a permanent change of address to the Postal Service, the Department may then update its records with the mailing address obtained from the National Change of Address System.

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

E. 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.

F. The Department shall establish a method by which an applicant for a driver's license or an identification card may designate his willingness to make an anatomical gift for transplantation, therapy, research, and education 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, tissue, and eye donation with a minimum of effort on the part of the donor and the Department.

G. If an applicant designates his willingness to be a donor pursuant to subsection F, 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.

H. The donor designation authorized in subsection G 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.

I. The donor designation provided pursuant to subsection F may be rescinded by notifying the Department. In addition, the Department shall remove from the driver's license or identification card any donor designation made pursuant to subsection F, if, at the time the applicant renews or replaces the

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59 license or identification card, the applicant does not again designate his willingness to be a donor
60 pursuant to subsection F.

61 J. A minor may make a donor designation pursuant to subsection F without the consent of a parent
62 or legal guardian as authorized by the Revised Uniform Anatomical Gift Act (§ 32.1-291.1 et seq.).

63 K. The Department shall provide a method by which an applicant conducting a Department of Motor
64 Vehicles transaction using electronic means may make a voluntary contribution to the Virginia Donor
65 Registry and Public Awareness Fund (Fund) established pursuant to § 32.1-297.1. The Department shall
66 inform the applicant of the existence of the Fund and also that contributing to the Fund is voluntary.

67 L. The Department shall collect all moneys contributed pursuant to subsection K and transmit the
68 moneys on a regular basis to the Virginia Transplant Council, which shall credit the contributions to the
69 Fund.

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

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

76 O. *When so requested by the applicant, and upon presentation of evidence satisfactory to the*
77 *Commissioner that the applicant is a member of or an honorably discharged former member of one of*
78 *the armed forces of the United States, the Department shall indicate on the applicant's driver's license*
79 *that the applicant is a veteran of the armed forces of the United States.*

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

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

92 § 46.2-345. Issuance of special identification cards; fee; confidentiality; penalties.

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

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

98 2. The applicant presents, when required by the Department, proof of identity, legal presence,
99 residency, and social security number or non-work authorized status;

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

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

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

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

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

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

121 to drive a motor vehicle. Every applicant for a special identification card shall appear in person before
122 the Department to apply for a renewal, duplicate or reissue unless specifically permitted by the
123 Department to apply in another manner. *When so requested by the applicant, and upon presentation of*
124 *evidence satisfactory to the Commissioner that the applicant is a member of or an honorably discharged*
125 *former member of one of the armed forces of the United States, the Department shall indicate on the*
126 *applicant's special identification card that the applicant is a veteran of the armed forces of the United*
127 *States.*

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

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

137 G. Unless otherwise prohibited by law, a valid Virginia driver's license may be surrendered for a
138 special identification card without the applicant's having to present proof of legal presence as required
139 by § 46.2-328.1 if the Virginia driver's license is unexpired and it has not been revoked, suspended, or
140 cancelled. The special identification card shall be considered a reissue and the expiration date shall be
141 the last day of the month of the surrendered driver's license's month of expiration.

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

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

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

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

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