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HOUSE BILL NO. 2020

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Transportation
on February 2, 2017)

(Patron Prior to Substitute—Delegate Villanueva)

A BILL to amend and reenact § 46.2-328.1 of the Code of Virginia, relating to issuance of temporary licenses, permits, or special identification cards; requirements.

Be it enacted by the General Assembly of Virginia:

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

§ 46.2-328.1. Licenses, permits and special identification cards to be issued only to United States citizens, legal permanent resident aliens, or those authorized to be in the United States by a federal court or federal agency; exceptions; renewal, duplication, or reissuance.

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

B. Notwithstanding the provisions of subsection A and the provisions of §§ 46.2-330 and 46.2-345, (i) an applicant who presents in person *current and* valid documentary evidence of ~~(i)~~ (a) a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States, ~~(ii)~~ (b) a pending or approved application for asylum in the United States, ~~(iii)~~ (c) entry into the United States in refugee status, ~~(iv)~~ (d) a pending or approved application for temporary protected status in the United States, ~~(v)~~ (e) approved deferred action status, or ~~(vi)~~ (f) a pending application for adjustment of status to legal permanent residence status or conditional resident status; and (ii) *persons who present in person current and valid documentary evidence of qualification under the following exemptions as of July 1, 2017, and who are* (a) aliens granted parolee status, (b) aliens granted cancellation of removal or suspension of deportation, (c) aliens present in the United States with pending asylee or refugee relative petitions, (d) beneficiaries of family unity protection benefits, (e) aliens determined to be battered spouses, parents, and children, (f) aliens determined to be victims of severe forms of human trafficking in persons, (g) applicants under the Nicaraguan Adjustment and Central American Relief Act, the Haitian Refugee Immigration Fairness Act, or the Cuban-Haitian Adjustment Act, (h) aliens with pending legalization applications, special agricultural worker applications, and Legal Immigration Family Equity Act legalization applications, (i) aliens granted voluntary departure, (j) aliens granted stay of removal, (k) aliens granted withholding of removal, (l) aliens with applications pending for suspension of deportation or cancellation of removal, (m) aliens granted deferred enforced departure, (n) aliens against whom a final order of removal exists but who are released under an order of supervision, or (o) other aliens legally authorized by a federal court or federal agency with jurisdiction over immigration to remain in the United States may be issued a temporary license, permit, or special identification card. Such temporary license, permit, or special identification card shall be valid only during the period of time of the applicant's authorized stay in the United States or if there is no definite end to the period of authorized stay a period of one year. No license, permit, or special identification card shall be issued if an applicant's authorized stay in the United States is less than 30 days from the date of application. Any temporary license, permit, or special identification card issued pursuant to this subsection shall clearly indicate that it is temporary and shall state the date that it expires. Such a temporary license, permit or identification card may be renewed only upon presentation of valid documentary evidence that the status by which the applicant qualified for the temporary license, permit or special identification has been extended by the United States Immigration and Naturalization Service or the Bureau of Citizenship and Immigration Services of the Department of Homeland Security a federal court or federal agency with jurisdiction over immigration.

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

D. The Department shall cancel any license, permit, or special identification card that it has issued to

60 an individual if it is notified by a federal government agency that the individual is neither a citizen of
61 the United States nor legally present in the United States.
62 E. For any applicant who presents a document pursuant to this section proving legal presence other
63 than citizenship, the Department shall record and provide to the State Board of Elections monthly the
64 applicant's document number, if any, issued by an agency or court of the United States government.