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HOUSE BILL NO. 1149

Offered January 10, 2018

Prefiled January 10, 2018

A *BILL to amend the Code of Virginia by adding in Article 7 of Chapter 3 of Title 46.2 a section numbered 46.2-345.2, relating to credential cards without a photograph; issuance by the Department of Motor Vehicles; penalties.*

Patron—Wilt

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 7 of Chapter 3 of Title 46.2 a section numbered 46.2-345.2 as follows:

§ 46.2-345.2. Issuance of credential cards; fee; confidentiality; penalties.

A. *On the application of any person who is a resident of the Commonwealth or the parent or legal guardian of any such person who is under the age of 15, the Department shall issue a credential card to the person, provided that:*

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

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

3. *The applicant presents either (i) an approved and signed IRS Form 4029 or (ii) an affidavit affirming that he has a sincerely held religious belief against the taking of a portrait photograph; and*

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

B. *The fee for the issuance of an original, duplicate, reissue, or renewal credential card is \$2 per year, with a \$10 minimum fee.*

C. *Every credential card shall expire on the applicant's birthday at the end of the period of years for which a credential card has been issued. At no time shall any credential card be issued for less than three nor more than eight years, except that those cards issued to children under the age of 15 shall expire on the child's sixteenth birthday. Notwithstanding these limitations, the Commissioner may extend the validity period of an expiring card if (i) the Department is unable to process an application for renewal due to circumstances beyond its control or (ii) the extension has been authorized under a directive from the Governor. However, in no event shall the validity period be extended more than 90 days per occurrence of such conditions.*

D. *A credential card issued under this section may be similar in size, shape, and design to a driver's license and shall not include a photograph of its holder. The card shall be readily distinguishable from a driver's license and shall clearly state that it does not authorize the person to whom it is issued to drive a motor vehicle, vote, or receive federal benefits. Every applicant for a credential card shall appear in person before the Department to apply for a renewal, duplicate, or reissue unless specifically permitted by the Department to apply in another manner.*

E. *Unless otherwise prohibited by law, a valid Virginia driver's license may be surrendered for a credential card without the applicant's having to present proof of legal presence as required by § 46.2-328.1 if the Virginia driver's license is unexpired and it has not been revoked, suspended, or canceled. The credential 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.*

F. *Any personal information, as identified in § 2.2-3801, that is retained by the Department from an application for the issuance of a credential 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.*

G. *Any person who uses a false or fictitious name or gives a false or fictitious address in any application for a credential 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 credential 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.*

INTRODUCED

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59 *H. The Department may promulgate regulations necessary for the effective implementation of the*
60 *provisions of this section.*

61 *1. When requested by the applicant, the applicant's parent if the applicant is a minor, or the*
62 *applicant's guardian, and upon presentation of a signed statement by a licensed physician confirming*
63 *the applicant's condition, the Department shall indicate on the applicant's credential card that the*
64 *applicant has any condition listed in subsection K of § 46.2-342.*

65 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
66 **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot**
67 **be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter**
68 **836 of the Acts of Assembly of 2017 requires the Virginia Criminal Sentencing Commission to**
69 **assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the**
70 **necessary appropriation cannot be determined for periods of commitment to the custody of the**
71 **Department of Juvenile Justice.**