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## HOUSE BILL NO. 1211

Offered January 8, 2020

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A *BILL to amend and reenact §§ 46.2-323, 46.2-324, 46.2-328.1, 46.2-330, 46.2-341.12, as it is currently effective and as it may become effective, 46.2-345, 46.2-345.2, and 63.2-503.1 of the Code of Virginia, relating to Department of Motor Vehicles; issuance of certain documents; citizenship.*

Patrons—Tran, Guzman, Lopez, Rasoul, Aird, Ayala, Carr, Delaney, Hayes, Hope, Hudson, Hurst, Keam, Kory, Krizek, Levine, Plum, Price, Samirah, Sickles, Simon, Simonds and Subramanyam

Referred to Committee on Transportation

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

**1. That §§ 46.2-323, 46.2-324, 46.2-328.1, 46.2-330, 46.2-341.12, as it is currently effective and as it may become effective, 46.2-345, 46.2-345.2, and 63.2-503.1 of the Code of Virginia are amended and reenacted 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, *sex, residence address, and social security number; sex, and residence address or Individual Taxpayer Identification Number* 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. *If the applicant has not been issued a social security number or Individual Taxpayer Identification Number, he shall certify that such number has not been issued.* 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 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~~ *If required to appear in person before the Department to apply, the* applicant may also be required to present proof of identity, residency, and social security number ~~or non-work authorized status, if required to appear in person before the Department to apply or Individual Taxpayer Identification Number, or certify that a social security number or Individual Taxpayer Identification Number has not been issued.~~

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 fails or refuses to sign the certification statement, 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 or supplies false or fictitious evidence shall be punished as provided in § 46.2-348.

C. Every application for a driver's license shall include a 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 18 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. Every application for a driver's license submitted by a person less than 18 years old and attending a public school in the Commonwealth shall be accompanied by a document, signed by the applicant's parent or legal guardian, authorizing the principal, or his designee, of the school attended by the applicant to notify the juvenile and domestic relations district court within whose jurisdiction the minor resides when the applicant has had 10 or more unexcused absences from school on consecutive school days.

F. The Department shall electronically transmit application information to the Department of State

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58 Police, in a format approved by the State Police, for comparison with information contained in the  
59 Virginia Criminal Information Network and National Crime Information Center Convicted Sexual  
60 Offender Registry Files, at the time of issuance of a driver's license, temporary driver's permit, learner's  
61 permit, or motorcycle learner's permit. Whenever it appears from the records of the State Police that a  
62 person has failed to comply with the duty to register or reregister pursuant to Chapter 9 (§ 9.1-900 et  
63 seq.) of Title 9.1, the State Police shall promptly investigate and, if there is probable cause to believe a  
64 violation has occurred, obtain a warrant or assist in obtaining an indictment charging a violation of §  
65 18.2-472.1 in the jurisdiction in which the person made application of licensure.

66 *G. Notwithstanding the provisions of § 46.2-208, for any applicant who presents a document*  
67 *pursuant to this section proving legal presence other than citizenship, the Department shall record and*  
68 *provide to the State Board of Elections monthly the applicant's document number, if any, issued by an*  
69 *agency or court of the United States government.*

70 **§ 46.2-324. Applicants and license holders to notify Department of change of address; fee.**

71 A. Whenever any person, after applying for or obtaining a driver's license or special identification  
72 card shall move from the address shown in the application or on the license or special identification  
73 card, he shall, within 30 days, notify the Department of his change of address. If the Department  
74 receives notification from the person or any court or law-enforcement agency that a person's ~~residential~~  
75 address has changed to a non-Virginia address, unless the person (i) is on active duty with the armed  
76 forces of the United States, (ii) provides proof that he is a U.S. citizen and resides outside the United  
77 States because of his employment or the employment of a spouse or parent, or (iii) provides proof  
78 satisfactory to the Commissioner that he is a bona fide resident of Virginia, the Department shall ~~(i)~~ (a)  
79 mail, by first-class mail, no later than three days after the notice of address change is received by the  
80 Department, notice to the person that his license and/or special identification card will be cancelled by  
81 the Department and ~~(ii)~~ (b) cancel the driver's license and/or special identification card 30 days after  
82 notice of cancellation has been mailed.

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

90 C. There may be imposed upon anyone failing to notify the Department of his change of address as  
91 required by this section a fee of \$5, which fee shall be used to defray the expenses incurred by the  
92 Department. Notwithstanding the foregoing provision of this subsection, no fee shall be imposed on any  
93 person whose address is obtained from the National Change of Address System.

94 D. The Department shall electronically transmit change of address information to the Department of  
95 State Police, in a format approved by the State Police, for comparison with information contained in the  
96 Virginia Criminal Information Network and National Crime Information Center Convicted Sexual  
97 Offender Registry Files, at the time of the change of address. Whenever it appears from the records of  
98 the State Police that a person has failed to comply with the duty to register or reregister pursuant to  
99 Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the State Police shall promptly investigate and, if there is  
100 probable cause to believe a violation has occurred, obtain a warrant or assist in obtaining an indictment  
101 charging a violation of § 18.2-472.1 in the jurisdiction in which the person last registered or reregistered  
102 or in the jurisdiction where the person made application for change of address.

103 E. For any summons issued for a violation of this section, the court may, in its discretion, dismiss  
104 the summons, where proof of compliance with this section is provided to the court on or before the  
105 court date.

106 **§ 46.2-328.1. Certain licenses, permits and special identification cards to be issued only to**  
107 **United States citizens, or legal permanent resident aliens; renewal, duplication, or reissuance.**

108 A. Notwithstanding any other provision of this title, except as provided in subsection G of §—  
109 46.2-345, the Department shall not issue an original license, permit, or special identification card  
110 pursuant to the provisions of the REAL ID Act of 2005, as amended, (REAL ID Act) to any applicant  
111 who has not presented to the Department, with the application, valid documentary evidence that the  
112 applicant is either (i) a citizen of the United States, (ii) a legal permanent resident of the United States,  
113 or (iii) a conditional resident alien of the United States meets the citizenship requirements of the REAL  
114 ID Act.

115 B. Notwithstanding the provisions of subsection A and the provisions of §§ 46.2-330 and 46.2-345,  
116 an applicant who presents in person valid documentary evidence of (i) a valid, unexpired nonimmigrant  
117 visa or nonimmigrant visa status for entry into the United States; (ii) a pending or approved application  
118 for asylum in the United States; (iii) entry into the United States in refugee status; (iv) a pending or  
119 approved application for temporary protected status in the United States; (v) approved deferred action

status, or (vi) a pending application for adjustment of status to legal permanent residence status or conditional resident status, 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.

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 issued pursuant to the REAL ID Act that it has issued to an individual if it is notified by a federal government agency that the individual is neither a citizen of the United States nor legally present in the United States.

E. For any applicant who presents a document pursuant to this section proving legal presence other than citizenship, the Department shall record and provide to the State Board of Elections monthly the applicant's document number, if any, issued by an agency or court of the United States government.

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

A. Every driver's license shall expire on the applicant's birthday at the end of the period of years for which a driver's license has been issued. At no time shall any driver's license be issued for more than eight years or less than five years, unless otherwise provided by law. Thereafter the driver's license shall be renewed on or before the birthday of the licensee and shall be valid for a period not to exceed eight years except as otherwise provided by law. Any driver's license issued to a person age 75 or older shall be issued for a period not to exceed five years. Notwithstanding these limitations, the Commissioner may extend the validity period of an expiring license if (i) the Department is unable to process an application for renewal due to circumstances beyond its control; and (ii) the extension has been authorized under a directive from the Governor; and (iii) the license was not issued as a temporary driver's license under the provisions of subsection B of § 46.2-328.1. However, in no event shall the validity period be extended more than 90 days per occurrence of such conditions. In determining the number of years for which a driver's license shall be renewed, the Commissioner shall take into consideration the examinations, conditions, requirements, and other criteria provided under this title that relate to the issuance of a license to operate a vehicle. Any driver's license issued to a person required to register pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 shall expire on the applicant's birthday in years which the applicant attains an age equally divisible by five.

B. Within one year prior to the date shown on the driver's license as the date of expiration, the Department shall send notice, to the holder thereof, at the address shown on the records of the Department in its driver's license file, that his license will expire on a date specified therein, whether he must be reexamined, and when he may be reexamined. Nonreceipt of the notice shall not extend the period of validity of the driver's license beyond its expiration date. The license holder may request the Department to send such renewal notice to an email or other electronic address, upon provision of such address to the Department.

Any driver's license may be renewed by application 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 or Individual Taxpayer Identification Number, or certify that a social security number

181 *or Individual Taxpayer Identification Number has not been issued.*

182 C. Notwithstanding any other provision of this section, the Commissioner, in his discretion, may  
183 require any applicant for renewal to be fully examined as provided in §§ 46.2-311 and 46.2-325 and the  
184 Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.). Furthermore, if the applicant is less  
185 than 75 years old, the Commissioner may waive the vision examination for any applicant for renewal of  
186 a driver's license that is not a commercial driver's license and the requirement for the taking of the  
187 written test as provided in subsection B of this section, § 46.2-325, and the Virginia Commercial  
188 Driver's License Act (§ 46.2-341.1 et seq.). However, in no case shall there be any waiver of the vision  
189 examination for applicants for renewal of a commercial driver's license or of the knowledge test required  
190 by the Virginia Commercial Driver's License Act for the hazardous materials endorsement on a  
191 commercial driver's license. No driver's license or learner's permit issued to any person who is 75 years  
192 old or older shall be renewed unless the applicant for renewal appears in person and either (i) passes a  
193 vision examination or (ii) presents a report of a vision examination, made within 90 days prior thereto  
194 by an ophthalmologist or optometrist, indicating that the applicant's vision meets or exceeds the  
195 standards contained in § 46.2-311.

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

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

201 F. 1. The Department shall electronically transmit application information, including a photograph, to  
202 the Department of State Police, in a format approved by the State Police, for comparison with  
203 information contained in the Virginia Criminal Information Network and National Crime Information  
204 Center Convicted Sexual Offender Registry files, at the time of the renewal of a driver's license.  
205 Whenever it appears from the records of the State Police that a person has failed to comply with the  
206 duty to register or reregister pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the State Police shall  
207 promptly investigate and, if there is probable cause to believe a violation has occurred, obtain a warrant  
208 or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the  
209 person last registered or reregistered or in the jurisdiction where the person made application for  
210 licensure. The Department of State Police shall electronically transmit to the Department, in a format  
211 approved by the Department, for each person required to register pursuant to Chapter 9 of Title 9.1,  
212 registry information consisting of the person's name, all aliases that he has used or under which he may  
213 have been known, his date of birth, and his social security number as set out in § 9.1-903.

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

217 **§ 46.2-341.12. (For expiration date — see Acts 2019, c. 750, cl. 3) Application for commercial**  
218 **driver's license or commercial learner's permit.**

219 A. Every application to the Department for a commercial driver's license or commercial learner's  
220 permit shall be made upon a form approved and furnished by the Department, and the applicant shall  
221 write his usual signature in ink in the space provided. The applicant shall provide the following  
222 information:

- 223 1. Full legal name;
- 224 2. Current mailing and residential addresses;
- 225 3. Physical description including sex, height, weight, and eye and hair color;
- 226 4. Year, month, and date of birth;
- 227 5. Social security number;
- 228 6. Domicile or, if not domiciled in the Commonwealth, proof of status as a member of the active  
229 duty military, military reserves, National Guard, active duty United States Coast Guard, or Coast Guard  
230 Auxiliary pursuant to 49 U.S.C. § 31311(a)(12); and
- 231 7. Any other information required on the application form.

232 The applicant's social security number shall be provided to the Commercial Driver's License  
233 Information System as required by 49 C.F.R. § 383.153.

234 B. Every applicant for a commercial driver's license or commercial learner's permit shall also submit  
235 to the Department the following:

- 236 1. A consent to release driving record information;
- 237 2. Certifications that:
  - 238 a. He either meets the federal qualification requirements of 49 C.F.R. Parts 383 and 391, or he is  
239 exempt from or is not subject to such federal requirements;
  - 240 b. He either meets the state qualification requirements established pursuant to § 52-8.4, or he is  
241 exempt from or is not subject to such requirements;
  - 242 c. The motor vehicle in which the applicant takes the skills test is representative of the class and, if

applicable, the type of motor vehicle for which the applicant seeks to be licensed;

d. He is not subject to any disqualification, suspension, revocation or cancellation of his driving privileges;

e. He does not have more than one driver's license;

3. Other certifications required by the Department;

4. Any evidence required by the Department to establish proof of identity, citizenship or lawful permanent residency, domicile, and social security number notwithstanding the provisions of § 46.2-328.1 and pursuant to 49 C.F.R. Part 383;

5. A statement indicating whether (i) the applicant has previously been licensed to drive any type of motor vehicle during the previous 10 years and, if so, all states that licensed the applicant and the dates he was licensed, and (ii) whether or not he has ever been disqualified, or his license suspended, revoked or canceled and, if so, the date of and reason therefor; and

6. An unexpired employment authorization document (EAD) issued by the U.S. Citizenship and Immigration Services (USCIS) or an unexpired foreign passport accompanied by an approved Form I-94 documenting the applicant's most recent admittance into the United States for persons applying for a nondomiciled commercial driver's license or nondomiciled commercial learner's permit.

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

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

E. (For expiration date, see Acts 2019, c. 750, cl. 2) The Department shall review the driving record of any person who applies for a Virginia commercial driver's license or commercial learner's permit, for the renewal or reinstatement of such license or permit or for an additional commercial classification or endorsement, including the driving record from all jurisdictions where, during the previous 10 years, the applicant was licensed to drive any type of motor vehicle. Such review shall include checking the photograph on record whenever the applicant or holder appears in person to renew, upgrade, transfer, reinstate, or obtain a duplicate commercial driver's license or to renew, upgrade, reinstate, or obtain a duplicate commercial learner's permit. If appropriate, the Department shall incorporate information from such other jurisdictions' records into the applicant's Virginia driving record, and shall make a notation on the applicant's driving record confirming that such review has been completed and the date it was completed. The Department's review shall include research through the Commercial Driver License Information System established pursuant to the Commercial Motor Vehicle Safety Act and the National Driver Register Problem Driver Pointer System in addition to the driver record maintained by the applicant's previous jurisdictions of licensure. This research shall be completed prior to the issuance, renewal, transfer, or reinstatement of a commercial driver's license or additional commercial classification or endorsement.

The Department shall verify the name, date of birth, and social security number provided by the applicant with the information on file with the Social Security Administration for initial issuance of a commercial learner's permit or transfer of a commercial driver's license from another state. The Department shall make a notation in the driver's record confirming that the necessary verification has been completed and noting the date it was done. The Department shall also make a notation confirming that proof of citizenship or lawful permanent residency has been presented and the date it was done.

E. (For effective date, see Acts 2019, c. 750, cl. 2) The Department shall review the driving record of any person who applies for a Virginia commercial driver's license or commercial learner's permit, for the renewal or reinstatement of such license or permit or for an additional commercial classification or endorsement, including the driving record from all jurisdictions where, during the previous 10 years, the applicant was licensed to drive any type of motor vehicle. Such review shall include checking the photograph on record whenever the applicant or holder appears in person to renew, upgrade, transfer, reinstate, or obtain a duplicate commercial driver's license or to renew, upgrade, reinstate, or obtain a duplicate commercial learner's permit. If appropriate, the Department shall incorporate information from such other jurisdictions' records into the applicant's Virginia driving record, and shall make a notation on the applicant's driving record confirming that such review has been completed and the date it was completed. The Department's review shall include (i) research through the Commercial Driver License Information System established pursuant to the Commercial Motor Vehicle Safety Act and the National Driver Register Problem Driver Pointer System in addition to the driver record maintained by the applicant's previous jurisdictions of licensure and (ii) requesting information from the Drug and Alcohol Clearinghouse in accordance with 49 C.F.R. § 382.725. This research shall be completed prior to the issuance, renewal, transfer, or reinstatement of a commercial driver's license or additional commercial

304 classification or endorsement.

305 The Department shall verify the name, date of birth, and social security number provided by the  
306 applicant with the information on file with the Social Security Administration for initial issuance of a  
307 commercial learner's permit or transfer of a commercial driver's license from another state. The  
308 Department shall make a notation in the driver's record confirming that the necessary verification has  
309 been completed and noting the date it was done. The Department shall also make a notation confirming  
310 that proof of citizenship or lawful permanent residency has been presented and the date it was done.

311 F. Every new applicant for a commercial driver's license or commercial learner's permit, including  
312 any person applying for a commercial driver's license or permit after revocation of his driving privileges,  
313 who certifies that he will operate a commercial motor vehicle in non-excepted interstate or intrastate  
314 commerce shall provide the Department with an original or certified copy of a medical examiner's  
315 certificate prepared by a medical examiner as defined in 49 C.F.R. § 390.5. Upon receipt of an  
316 appropriate medical examiner's certificate, the Department shall post a certification status of "certified"  
317 on the record of the driver on the Commercial Driver's License Information System. Any new applicant  
318 for a commercial driver's license or commercial learner's permit who fails to comply with the  
319 requirements of this subsection shall be denied the issuance of a commercial driver's license or  
320 commercial learner's permit by the Department.

321 G. Every existing holder of a commercial driver's license or commercial learner's permit who certifies  
322 that he will operate a commercial motor vehicle in non-excepted interstate or intrastate commerce shall  
323 provide the Department with an original or certified copy of a medical examiner's certificate prepared by  
324 a medical examiner as defined in 49 C.F.R. § 390.5. Upon receipt of an appropriate medical examiner's  
325 certificate, the Department shall post a certification status of "certified" and any other necessary  
326 information on the record of the driver on the Commercial Driver's License Information System. If an  
327 existing holder of a commercial driver's license fails to provide the Department with a medical  
328 certificate as required by this subsection, the Department shall post a certification status of "noncertified"  
329 on the record of the driver on the Commercial Driver's License Information System and initiate a  
330 downgrade of his commercial driver's license as defined in 49 C.F.R. § 383.5.

331 H. Any person who provides a medical certificate to the Department pursuant to the requirements of  
332 subsections F and G shall keep the medical certificate information current and shall notify the  
333 Department of any change in the status of the medical certificate. If the Department determines that the  
334 medical certificate is no longer valid, the Department shall initiate a downgrade of the driver's  
335 commercial driver's license as defined in 49 C.F.R. § 383.5.

336 I. If the Department receives notice that the holder of a commercial driver's license has been issued a  
337 medical variance as defined in 49 C.F.R. § 390.5, the Department shall indicate the existence of such  
338 medical variance on the commercial driver's license document of the driver and on the record of the  
339 driver on the Commercial Driver's License Information System using the restriction code "V."

340 J. Any holder of a commercial driver's license who has been issued a medical variance shall keep the  
341 medical variance information current and shall notify the Department of any change in the status of the  
342 medical variance. If the Department determines that the medical variance is no longer valid, the  
343 Department shall initiate a downgrade of the driver's commercial driver's license as defined in 49 C.F.R.  
344 § 383.5.

345 K. Any applicant applying for a hazardous materials endorsement must comply with Transportation  
346 Security Administration requirements in 49 C.F.R. Part 1572. A lawful permanent resident of the United  
347 States requesting a hazardous materials endorsement must additionally provide his U.S. Citizenship and  
348 Immigration Services (USCIS) alien registration number.

349 L. *The Department shall cancel any commercial driver's license or commercial learner's permit that*  
350 *it has issued if the Department is notified by an agency of the federal government that the individual to*  
351 *whom the license or permit was issued is not in compliance with the citizenship, lawful permanent*  
352 *residency, or domicile requirements for such license or permit pursuant to this section or federal law.*

353 **§ 46.2-341.12. (For effective date — see Acts 2019, c. 750, cl. 3) Application for commercial**  
354 **driver's license or commercial learner's permit.**

355 A. No entry-level driver shall be eligible to (i) apply for a Virginia Class A or Class B commercial  
356 driver's license for the first time, (ii) upgrade to a Class A or Class B commercial driver's license for the  
357 first time, or (iii) apply for a hazardous materials, passenger, or school bus endorsement for the first  
358 time, unless he has completed an entry-level driver training course related to the license, classification,  
359 or endorsement he is applying for and the training is provided by a training provider. An individual is  
360 not required to complete an entry-level driver training course related to the license, classification, or  
361 endorsement he is applying for if he is exempted from such requirements under 49 C.F.R. § 380.603.

362 B. Every application to the Department for a commercial driver's license or commercial learner's  
363 permit shall be made upon a form approved and furnished by the Department, and the applicant shall  
364 write his usual signature in ink in the space provided. The applicant shall provide the following  
365 information:

1. Full legal name;
2. Current mailing and residential addresses;
3. Physical description including sex, height, weight, and eye and hair color;
4. Year, month, and date of birth;
5. Social security number;
6. Domicile or, if not domiciled in the Commonwealth, proof of status as a member of the active duty military, military reserves, National Guard, active duty United States Coast Guard, or Coast Guard Auxiliary pursuant to 49 U.S.C. § 31311(a)(12); and
7. Any other information required on the application form.

The applicant's social security number shall be provided to the Commercial Driver's License Information System as required by 49 C.F.R. § 383.153.

C. Every applicant for a commercial driver's license or commercial learner's permit shall also submit to the Department the following:

1. A consent to release driving record information;
2. Certifications that:
  - a. He either meets the federal qualification requirements of 49 C.F.R. Parts 383 and 391, or he is exempt from or is not subject to such federal requirements;
  - b. He either meets the state qualification requirements established pursuant to § 52-8.4, or he is exempt from or is not subject to such requirements;
  - c. The motor vehicle in which the applicant takes the skills test is representative of the class and, if applicable, the type of motor vehicle for which the applicant seeks to be licensed;
  - d. He is not subject to any disqualification, suspension, revocation or cancellation of his driving privileges;
  - e. He does not have more than one driver's license;
3. Other certifications required by the Department;
4. Any evidence required by the Department to establish proof of identity, citizenship or lawful permanent residency, domicile, and social security number ~~notwithstanding the provisions of § 46.2-328.1~~ and pursuant to 49 C.F.R. Part 383;
5. A statement indicating whether (i) the applicant has previously been licensed to drive any type of motor vehicle during the previous 10 years and, if so, all states that licensed the applicant and the dates he was licensed, and (ii) whether or not he has ever been disqualified, or his license suspended, revoked or canceled and, if so, the date of and reason therefor; and

6. An unexpired employment authorization document (EAD) issued by the U.S. Citizenship and Immigration Services (USCIS) or an unexpired foreign passport accompanied by an approved Form I-94 documenting the applicant's most recent admittance into the United States for persons applying for a nondomiciled commercial driver's license or nondomiciled commercial learner's permit.

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

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

F. (For expiration date, see Acts 2019, c. 750, cl. 2) The Department shall review the driving record of any person who applies for a Virginia commercial driver's license or commercial learner's permit, for the renewal or reinstatement of such license or permit or for an additional commercial classification or endorsement, including the driving record from all jurisdictions where, during the previous 10 years, the applicant was licensed to drive any type of motor vehicle. Such review shall include checking the photograph on record whenever the applicant or holder appears in person to renew, upgrade, transfer, reinstate, or obtain a duplicate commercial driver's license or to renew, upgrade, reinstate, or obtain a duplicate commercial learner's permit. If appropriate, the Department shall incorporate information from such other jurisdictions' records into the applicant's Virginia driving record, and shall make a notation on the applicant's driving record confirming that such review has been completed and the date it was completed. The Department's review shall include research through the Commercial Driver License Information System established pursuant to the Commercial Motor Vehicle Safety Act and the National Driver Register Problem Driver Pointer System in addition to the driver record maintained by the applicant's previous jurisdictions of licensure. This research shall be completed prior to the issuance, renewal, transfer, or reinstatement of a commercial driver's license or additional commercial classification or endorsement.

The Department shall verify the name, date of birth, and social security number provided by the applicant with the information on file with the Social Security Administration for initial issuance of a

commercial learner's permit or transfer of a commercial driver's license from another state. The Department shall make a notation in the driver's record confirming that the necessary verification has been completed and noting the date it was done. The Department shall also make a notation confirming that proof of citizenship or lawful permanent residency has been presented and the date it was done.

F. (For effective date, see Acts 2019, c. 750, cl. 2) The Department shall review the driving record of any person who applies for a Virginia commercial driver's license or commercial learner's permit, for the renewal or reinstatement of such license or permit or for an additional commercial classification or endorsement, including the driving record from all jurisdictions where, during the previous 10 years, the applicant was licensed to drive any type of motor vehicle. Such review shall include checking the photograph on record whenever the applicant or holder appears in person to renew, upgrade, transfer, reinstate, or obtain a duplicate commercial driver's license or to renew, upgrade, reinstate, or obtain a duplicate commercial learner's permit. If appropriate, the Department shall incorporate information from such other jurisdictions' records into the applicant's Virginia driving record, and shall make a notation on the applicant's driving record confirming that such review has been completed and the date it was completed. The Department's review shall include (i) research through the Commercial Driver License Information System established pursuant to the Commercial Motor Vehicle Safety Act and the National Driver Register Problem Driver Pointer System in addition to the driver record maintained by the applicant's previous jurisdictions of licensure and (ii) requesting information from the Drug and Alcohol Clearinghouse in accordance with 49 C.F.R. § 382.725. This research shall be completed prior to the issuance, renewal, transfer, or reinstatement of a commercial driver's license or additional commercial classification or endorsement.

The Department shall verify the name, date of birth, and social security number provided by the applicant with the information on file with the Social Security Administration for initial issuance of a commercial learner's permit or transfer of a commercial driver's license from another state. The Department shall make a notation in the driver's record confirming that the necessary verification has been completed and noting the date it was done. The Department shall also make a notation confirming that proof of citizenship or lawful permanent residency has been presented and the date it was done.

G. Every new applicant for a commercial driver's license or commercial learner's permit, including any person applying for a commercial driver's license or permit after revocation of his driving privileges, who certifies that he will operate a commercial motor vehicle in non-excepted interstate or intrastate commerce shall provide the Department with an original or certified copy of a medical examiner's certificate prepared by a medical examiner as defined in 49 C.F.R. § 390.5. Upon receipt of an appropriate medical examiner's certificate, the Department shall post a certification status of "certified" on the record of the driver on the Commercial Driver's License Information System. Any new applicant for a commercial driver's license or commercial learner's permit who fails to comply with the requirements of this subsection shall be denied the issuance of a commercial driver's license or commercial learner's permit by the Department.

H. Every existing holder of a commercial driver's license or commercial learner's permit who certifies that he will operate a commercial motor vehicle in non-excepted interstate or intrastate commerce shall provide the Department with an original or certified copy of a medical examiner's certificate prepared by a medical examiner as defined in 49 C.F.R. § 390.5. Upon receipt of an appropriate medical examiner's certificate, the Department shall post a certification status of "certified" and any other necessary information on the record of the driver on the Commercial Driver's License Information System. If an existing holder of a commercial driver's license fails to provide the Department with a medical certificate as required by this subsection, the Department shall post a certification status of "noncertified" on the record of the driver on the Commercial Driver's License Information System and initiate a downgrade of his commercial driver's license as defined in 49 C.F.R. § 383.5.

I. Any person who provides a medical certificate to the Department pursuant to the requirements of subsections G and H shall keep the medical certificate information current and shall notify the Department of any change in the status of the medical certificate. If the Department determines that the medical certificate is no longer valid, the Department shall initiate a downgrade of the driver's commercial driver's license as defined in 49 C.F.R. § 383.5.

J. If the Department receives notice that the holder of a commercial driver's license has been issued a medical variance as defined in 49 C.F.R. § 390.5, the Department shall indicate the existence of such medical variance on the commercial driver's license document of the driver and on the record of the driver on the Commercial Driver's License Information System using the restriction code "V."

K. Any holder of a commercial driver's license who has been issued a medical variance shall keep the medical variance information current and shall notify the Department of any change in the status of the medical variance. If the Department determines that the medical variance is no longer valid, the Department shall initiate a downgrade of the driver's commercial driver's license as defined in 49 C.F.R. § 383.5.

L. Any applicant applying for a hazardous materials endorsement must comply with Transportation



Security Administration requirements in 49 C.F.R. Part 1572. A lawful permanent resident of the United States requesting a hazardous materials endorsement must additionally provide his U.S. Citizenship and Immigration Services (USCIS) alien registration number.

*M. The Department shall cancel any commercial driver's license or commercial learner's permit that it has issued if the Department is notified by an agency of the federal government that the individual to whom the license or permit was issued is not in compliance with the citizenship, lawful permanent residency, or domicile requirements for such license or permit pursuant to this section or federal law.*

**§ 46.2-345. Issuance of special identification 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 special identification 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; year, month, and date of birth; social security number or *Individual Taxpayer Identification Number*, or certification that a social security number or *Individual Taxpayer Identification Number* has not been issued; 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~~ *Individual Taxpayer Identification Number*, or certification that a social security number or *Individual Taxpayer Identification Number* has not been issued;

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

4. The applicant does not hold a driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, or special identification card without a photograph.

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

B. The fee for the issuance of an original, duplicate, reissue, or renewal special identification card is \$2 per year, with a \$10 minimum fee. Persons 21 years old or older may be issued a scenic special identification card for an additional fee of \$5.

C. Every special identification card shall expire on the applicant's birthday at the end of the period of years for which a special identification card has been issued. At no time shall any special identification card be issued for less than three nor more than eight years; ~~except under the provisions of subsection B of § 46.2-328.1~~ and 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; and (ii) the extension has been authorized under a directive from the Governor; and (iii) ~~the card was not issued as a temporary special identification card under the provisions of subsection B of § 46.2-328.1.~~ However, in no event shall the validity period be extended more than 90 days per occurrence of such conditions. Any special identification card issued to a person required to register pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 shall expire on the applicant's birthday in years which the applicant attains an age equally divisible by five. 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.

D. A special identification card issued under this section may be similar in size, shape, and design to a driver's license, and include a photograph of its holder, but 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. Every applicant for a special identification 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. Special identification cards, for persons at least 15 years old but 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. Special identification cards for persons under age 15 shall bear a full face photograph. The special identification card issued to persons under age 15 shall be readily distinguishable from a driver's license and from other special identification cards issued by the Department. Such cards shall clearly indicate that it does not authorize the person to whom it is issued to drive a motor vehicle.

G. Unless otherwise prohibited by law, a valid Virginia driver's license shall be surrendered upon application for a special identification card ~~without the applicant's having to present proof of legal~~

550 presence as required by ~~§ 46.2-328.1~~ if the Virginia driver's license is unexpired and it has not been  
551 revoked, suspended, or ~~cancelled~~ *canceled*. The special identification card shall be considered a reissue  
552 and the expiration date shall be the ~~last day of the month~~ *same date as that* of the surrendered driver's  
553 license's ~~month of expiration~~ *license*.

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

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

567 J. The Department shall utilize the various communications media throughout the Commonwealth to  
568 inform Virginia residents of the provisions of this section and to promote and encourage the public to  
569 take advantage of its provisions.

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

579 L. When requested by the applicant, the applicant's parent if the applicant is a minor, or the  
580 applicant's guardian, and upon presentation of a signed statement by a licensed physician confirming the  
581 applicant's condition, the Department shall indicate on the applicant's special identification card that the  
582 applicant has any condition listed in subsection K of § 46.2-342 or that the applicant is blind or vision  
583 impaired.

584 **§ 46.2-345.2. Issuance of special identification cards without photographs; fee; confidentiality;**  
585 **penalties.**

586 A. On the application of any person with a sincerely held religious belief prohibiting the taking of a  
587 photograph who is a resident of the Commonwealth and who is at least 15 years of age, the Department  
588 shall issue a special identification card without a photograph to the person, provided that:

589 1. Application is made on a form prescribed by the Department and includes the applicant's full legal  
590 name; year, month, and date of birth; social security number *or Individual Taxpayer Identification*  
591 *Number, or certification that a social security number or Individual Taxpayer Identification Number has*  
592 *not been issued*; sex; and residence address;

593 2. The applicant presents, when required by the Department, proof of identity, ~~legal presence,~~  
594 residency, and social security number ~~or non-work authorized status~~ *Individual Taxpayer Identification*  
595 *Number, or certification that a social security number or Individual Taxpayer Identification Number has*  
596 *not been issued*;

597 3. The applicant presents an approved and signed U.S. Department of the Treasury Internal Revenue  
598 Service (IRS) Form 4029 or if such applicant is a minor, the applicant's parent or legal guardian  
599 presents an approved and signed IRS Form 4029; and

600 4. The applicant does not hold a driver's license, commercial driver's license, temporary driver's  
601 permit, learner's permit, motorcycle learner's permit, or special identification card.

602 B. The fee for the issuance of an original, duplicate, or reissue special identification card without a  
603 photograph is \$10 per year, with a \$20 minimum fee.

604 C. Every special identification card without a photograph shall expire on the applicant's birthday at  
605 the end of the period of years for which a special identification card without a photograph has been  
606 issued. At no time shall any special identification card without a photograph be issued for more than  
607 eight years. Notwithstanding these limitations, the Commissioner may extend the validity period of an  
608 expiring card if (i) the Department is unable to process an application for re-issue due to circumstances  
609 beyond its control or (ii) the extension has been authorized under a directive from the Governor.  
610 However, in no event shall the validity period be extended more than 90 days per occurrence of such  
611 conditions.

D. A special identification card without a photograph 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 federal limits apply, that the card is not valid identification to vote, and that the card does not authorize the person to whom it is issued to drive a motor vehicle. Every applicant for a special identification card without a photograph shall appear in person before the Department to apply for a 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 or special identification card shall be surrendered for a special identification card without a photograph ~~without the applicant's having to present proof of legal presence as required by § 46.2-328.1~~ if the Virginia driver's license or special identification card is unexpired and has not been revoked, suspended, or canceled. The special identification card without a photograph shall be considered a reissue, and the expiration date shall be ~~the last day of the month same date as that of the surrendered driver's license's license or special identification card's month of expiration card.~~

F. Any personal information, as identified in § 2.2-3801, that is retained by the Department from an application for the issuance of a special identification card without a photograph 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 special identification card without a photograph or knowingly makes a false statement or conceals a material fact or otherwise commits a fraud in any such application is guilty of a Class 2 misdemeanor. However, where the special identification card without a photograph is obtained for the purpose of committing any offense punishable as a felony, a violation of this section shall constitute a Class 4 felony.

H. When requested by the applicant, the applicant's parent if the applicant is a minor, or the applicant's guardian, and upon presentation of a signed statement by a licensed physician confirming the applicant's condition, the Department shall indicate on the applicant's special identification card without a photograph that the applicant has any condition listed in subsection K of § 46.2-342.

I. Unless the Code specifies that a photograph is required, a special identification card without a photograph shall be treated as a special identification card.

**§ 63.2-503.1. Legal presence required for public assistance; exceptions; proof of legal presence.**

A. In addition to meeting the existing eligibility requirements of the benefits applied for, no person who is not a United States Citizen or legally present in the United States shall receive state or local public assistance pursuant to this subtitle, except for state or local public assistance that is mandated by Federal Law pursuant to 8 U.S.C. § 1621.

B. In addition to providing proof of other eligibility requirements, at the time of application for any state or local public benefit, an applicant who is 19 years of age or older shall provide affirmative proof that he is a U.S. citizen or is legally present in the United States. Such affirmative proof shall consist of documentary evidence ~~as required pursuant to § 46.2-328.1~~ *that the applicant is legally present in the United States* or a social security number as verified by the Social Security Administration. An applicant who is under the age of 19 years shall not be required to provide such affirmative proof; however, such person upon reaching the age of 19 years shall comply with the provisions of this section.

An applicant who cannot provide proof that he is a citizen or legally present at the time of application shall sign an affidavit under oath attesting that he is a U.S. citizen or legally present in the United States in order to receive temporary benefits as provided in this section. The affidavit shall be on or consistent with forms prepared by the Commissioner, and shall be subject to and include an explanation of the provisions of § 63.2-502 relating to penalties for knowingly providing false information on a public document. The agency shall report in writing to the appropriate attorney for the Commonwealth those who are determined to have falsely attested to lawful presence.

Once an applicant has provided the sworn affidavit required by this subsection, he shall be eligible to receive temporary benefits for either:

1. Ninety days or until such time that it is determined that he is not legally present in the United States, whichever is earlier, or

2. Indefinitely if the applicant provides a copy of a completed application for a birth certificate that has been filed and is pending and being actively pursued in accordance with § 32.1-259 or 32.1-260 or any substantially similar law of another state, the District of Columbia, or United States territory or commonwealth. Such extension shall terminate upon the applicant's receipt of a birth certificate or a determination that a birth certificate does not exist because the applicant is not a United States citizen.

673 C. The provisions of subsection B shall not apply to persons applying for benefits exempted by  
674 subsection A of this section and subsection A of § 32.1-325.03.  
675 **2. That the provisions of the first enactment of this act shall become effective on January 1, 2021.**