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SENATE BILL NO. 246

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Transportation
on January 16, 2020)

(Patron Prior to Substitute—Senator Surovell)

A *BILL to amend and reenact §§ 46.2-323, 46.2-341.12, as it is currently effective and as it may become effective, 46.2-345, and 46.2-345.2 of the Code of Virginia, relating to Department of Motor Vehicles; sex designation.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-323, 46.2-341.12, as it is currently effective and as it may become effective, 46.2-345, and 46.2-345.2 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, social security number, sex, and residence address 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. *Applicants shall be permitted to choose between "male," "female," or "non-binary" when designating the applicant's sex on the driver's license application form.* 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 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.

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

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

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

Applicants shall be permitted to choose between "male," "female," or "non-binary" when designating the applicant's sex on the commercial driver's license or commercial learner's permit 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.

B. 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.

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 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. 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.

G. 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.

H. Any person who provides a medical certificate to the Department pursuant to the requirements of subsections F and G 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.

I. 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

183 medical variance on the commercial driver's license document of the driver and on the record of the
184 driver on the Commercial Driver's License Information System using the restriction code "V."

185 J. Any holder of a commercial driver's license who has been issued a medical variance shall keep the
186 medical variance information current and shall notify the Department of any change in the status of the
187 medical variance. If the Department determines that the medical variance is no longer valid, the
188 Department shall initiate a downgrade of the driver's commercial driver's license as defined in 49 C.F.R.
189 § 383.5.

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

194 **§ 46.2-341.12. (For effective date, see Acts 2019, c. 750, cl. 3) Application for commercial**
195 **driver's license or commercial learner's permit.**

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

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

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

216 *Applicants shall be permitted to choose between "male," "female," or "non-binary" when designating*
217 *the applicant's sex on the commercial driver's license or commercial learner's permit application form.*

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

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

- 222 1. A consent to release driving record information;
- 223 2. Certifications that:
 - 224 a. He either meets the federal qualification requirements of 49 C.F.R. Parts 383 and 391, or he is
225 exempt from or is not subject to such federal requirements;
 - 226 b. He either meets the state qualification requirements established pursuant to § 52-8.4, or he is
227 exempt from or is not subject to such requirements;
 - 228 c. The motor vehicle in which the applicant takes the skills test is representative of the class and, if
229 applicable, the type of motor vehicle for which the applicant seeks to be licensed;
 - 230 d. He is not subject to any disqualification, suspension, revocation or cancellation of his driving
231 privileges;

- 232 e. He does not have more than one driver's license;
- 233 3. Other certifications required by the Department;
- 234 4. Any evidence required by the Department to establish proof of identity, citizenship or lawful
235 permanent residency, domicile, and social security number notwithstanding the provisions of
236 § 46.2-328.1 and pursuant to 49 C.F.R. Part 383;

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

241 6. An unexpired employment authorization document (EAD) issued by the U.S. Citizenship and
242 Immigration Services (USCIS) or an unexpired foreign passport accompanied by an approved Form I-94
243 documenting the applicant's most recent admittance into the United States for persons applying for a
244 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

306 commercial learner's permit by the Department.

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

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

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

326 K. Any holder of a commercial driver's license who has been issued a medical variance shall keep
327 the medical variance information current and shall notify the Department of any change in the status of
328 the medical variance. If the Department determines that the medical variance is no longer valid, the
329 Department shall initiate a downgrade of the driver's commercial driver's license as defined in 49 C.F.R.
330 § 383.5.

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

335 **§ 46.2-345. Issuance of special identification cards; fee; confidentiality; penalties.**

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

339 1. Application is made on a form prescribed by the Department and includes the applicant's full legal
340 name; year, month, and date of birth; social security number; sex; and residence address. *Applicants*
341 *shall be permitted to choose between "male," "female," or "non-binary" when designating the applicant's*
342 *sex on the application form;*

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

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

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

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

352 B. The fee for the issuance of an original, duplicate, reissue, or renewal special identification card is
353 \$2 per year, with a \$10 minimum fee. Persons 21 years old or older may be issued a scenic special
354 identification card for an additional fee of \$5.

355 C. Every special identification card shall expire on the applicant's birthday at the end of the period of
356 years for which a special identification card has been issued. At no time shall any special identification
357 card be issued for less than three nor more than eight years, except under the provisions of subsection B
358 of § 46.2-328.1 and except that those cards issued to children under the age of 15 shall expire on the
359 child's sixteenth birthday. Notwithstanding these limitations, the Commissioner may extend the validity
360 period of an expiring card if (i) the Department is unable to process an application for renewal due to
361 circumstances beyond its control, (ii) the extension has been authorized under a directive from the
362 Governor, and (iii) the card was not issued as a temporary special identification card under the
363 provisions of subsection B of § 46.2-328.1. However, in no event shall the validity period be extended
364 more than 90 days per occurrence of such conditions. Any special identification card issued to a person
365 required to register pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 shall expire on the applicant's
366 birthday in years which the applicant attains an age equally divisible by five. For each person required
367 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 presence as required by § 46.2-328.1 if the Virginia driver's license is unexpired and it has not been revoked, suspended, or cancelled. The special identification 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.

H. Any personal information, as identified in § 2.2-3801, which is retained by the Department from an application for the issuance of a special identification 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.

I. Any person who uses a false or fictitious name or gives a false or fictitious address in any application for an identification 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 name or address is given, or false statement is made, or fact is concealed, or fraud committed, with the intent to purchase a firearm or where the identification 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.

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

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

L. 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 that the applicant has any condition listed in subsection K of § 46.2-342 or that the applicant is blind or vision impaired.

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

A. On the application of any person with a sincerely held religious belief prohibiting the taking of a photograph who is a resident of the Commonwealth and who is at least 15 years of age, the Department shall issue a special identification card without a photograph 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; sex; and residence address. *Applicants shall be permitted to choose between "male," "female," or "non-binary" when designating the applicant's*

429 *sex on the application form;*

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

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

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

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

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

447 D. A special identification card without a photograph issued under this section may be similar in
448 size, shape, and design to a driver's license and shall not include a photograph of its holder. The card
449 shall be readily distinguishable from a driver's license and shall clearly state that federal limits apply,
450 that the card is not valid identification to vote, and that the card does not authorize the person to whom
451 it is issued to drive a motor vehicle. Every applicant for a special identification card without a
452 photograph shall appear in person before the Department to apply for a duplicate or reissue unless
453 specifically permitted by the Department to apply in another manner.

454 E. Unless otherwise prohibited by law, a valid Virginia driver's license or special identification card
455 shall be surrendered for a special identification card without a photograph without the applicant's having
456 to present proof of legal presence as required by § 46.2-328.1 if the Virginia driver's license or special
457 identification card is unexpired and has not been revoked, suspended, or canceled. The special
458 identification card without a photograph shall be considered a reissue, and the expiration date shall be
459 the last day of the month of the surrendered driver's license's or special identification card's month of
460 expiration.

461 F. Any personal information, as identified in § 2.2-3801, that is retained by the Department from an
462 application for the issuance of a special identification card without a photograph is confidential and shall
463 not be divulged to any person, association, corporation, or organization, public or private, except to the
464 legal guardian or the attorney of the applicant or to a person, association, corporation, or organization
465 nominated in writing by the applicant, his legal guardian, or his attorney. This subsection shall not
466 prevent the Department from furnishing the application or any information thereon to any
467 law-enforcement agency.

468 G. Any person who uses a false or fictitious name or gives a false or fictitious address in any
469 application for a special identification card without a photograph or knowingly makes a false statement
470 or conceals a material fact or otherwise commits a fraud in any such application is guilty of a Class 2
471 misdemeanor. However, where the special identification card without a photograph is obtained for the
472 purpose of committing any offense punishable as a felony, a violation of this section shall constitute a
473 Class 4 felony.

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

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