

20104588D

HOUSE BILL NO. 1700

Offered January 17, 2020

A *BILL to amend and reenact §§ 46.2-208 and 46.2-328.1 of the Code of Virginia, relating to Department of Motor Vehicles data privacy, and to limit the use of Department of Motor Vehicles information for facial recognition purposes.*

Patron—Tran

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:**1. That §§ 46.2-208 and 46.2-328.1 of the Code of Virginia are amended and reenacted as follows:****§ 46.2-208. Records of Department; when open for inspection; release of privileged information.**

A. All records in the office of the Department containing the specific classes of information outlined below shall be considered privileged records:

1. Personal information, including all data defined as "personal information" in § 2.2-3801;

2. Driver information, including all data that relates to driver's license status and driver activity; and

3. Vehicle information, including all descriptive vehicle data and title, registration, and vehicle activity data.

B. The Commissioner shall release such information only under the following conditions:

1. Notwithstanding other provisions of this section, medical data included in personal data shall be released only to a physician, physician assistant, or nurse practitioner as provided in § 46.2-322.

2. Insurance data may be released as specified in §§ 46.2-372, 46.2-380, and 46.2-706.

3. Notwithstanding other provisions of this section, information disclosed or furnished shall be assessed a fee as specified in § 46.2-214.

4. When the person requesting the information is (i) the subject of the information, (ii) the parent or guardian of the subject of the information, (iii) the authorized representative of the subject of the information, or (iv) the owner of the vehicle that is the subject of the information, the Commissioner shall provide him with the requested information and a complete explanation of it. Requests for such information need not be made in writing or in person and may be made orally or by telephone, provided that the Department is satisfied that there is adequate verification of the requester's identity. When so requested in writing by (a) the subject of the information, (b) the parent or guardian of the subject of the information, (c) the authorized representative of the subject of the information, or (d) the owner of the vehicle that is the subject of the information, the Commissioner shall verify and, if necessary, correct the personal information provided and furnish driver and vehicle information in the form of an abstract of the record.

5. On the written request of any insurance carrier, surety, or representative of an insurance carrier or surety, the Commissioner shall furnish such insurance carrier, surety, or representative an abstract of the record of any person subject to the provisions of this title. The abstract shall include any record of any conviction of a violation of any provision of any statute or ordinance relating to the operation or ownership of a motor vehicle or of any injury or damage in which he was involved and a report of which is required by § 46.2-372. No such report of any conviction or accident shall be made after 60 months from the date of the conviction or accident unless the Commissioner or court used the conviction or accident as a reason for the suspension or revocation of a driver's license or driving privilege, in which case the revocation or suspension and any conviction or accident pertaining thereto shall not be reported after 60 months from the date that the driver's license or driving privilege has been reinstated. This abstract shall not be admissible in evidence in any court proceedings.

6. On the written request of any business organization or its agent, in the conduct of its business, the Commissioner shall compare personal information supplied by the business organization or agent with that contained in the Department's records and, when the information supplied by the business organization or agent is different from that contained in the Department's records, provide the business organization or agent with correct information as contained in the Department's records. Personal information provided under this subdivision shall be used solely for the purpose of pursuing remedies that require locating an individual.

7. The Commissioner shall provide vehicle information to any business organization or agent on such business' or agent's written request. Disclosures made under this subdivision shall not include any personal information and shall not be subject to the limitations contained in subdivision 6.

8. On the written request of any motor vehicle rental or leasing company or its designated agent, the Commissioner shall (i) compare personal information supplied by the company or agent with that

INTRODUCED

HB1700

59 contained in the Department's records and, when the information supplied by the company or agent is
60 different from that contained in the Department's records, provide the company or agent with correct
61 information as contained in the Department's records and (ii) provide the company or agent with driver
62 information in the form of an abstract of any person subject to the provisions of this title. Such abstract
63 shall include any record of any conviction of a violation of any provision of any statute or ordinance
64 relating to the operation or ownership of a motor vehicle or of any injury or damage in which the
65 subject of the abstract was involved and a report of which is required by § 46.2-372. No such abstract
66 shall include any record of any conviction or accident more than 60 months after the date of such
67 conviction or accident unless the Commissioner or court used the conviction or accident as a reason for
68 the suspension or revocation of a driver's license or driving privilege, in which case the revocation or
69 suspension and any conviction or accident pertaining thereto shall cease to be included in such abstract
70 after 60 months from the date on which the driver's license or driving privilege was reinstated. No
71 abstract released under this subdivision shall be admissible in evidence in any court proceedings.

72 9. On the request of any federal, state, or local governmental entity, local government group
73 self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized
74 agent of any of the foregoing, the Commissioner shall (i) compare personal information supplied by the
75 governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for
76 the Commonwealth, court, or the authorized agent of any of the foregoing, with that contained in the
77 Department's records and, when the information supplied by the governmental entity, local government
78 group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the
79 authorized agent of any of the foregoing, is different from that contained in the Department's records,
80 provide the governmental entity, local government group self-insurance pool, law-enforcement officer,
81 attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, with correct
82 information as contained in the Department's records and (ii) provide driver and vehicle information in
83 the form of an abstract of the record showing all convictions, accidents, and driver's license suspensions
84 or revocations. The Commissioner may also release other appropriate information as the governmental
85 entity, local government group self-insurance pool, law-enforcement officer, attorney for the
86 Commonwealth, court, or the authorized agent of any of the foregoing, may require in order to carry out
87 its official functions. The abstract shall be provided free of charge. *Nothing in this subdivision shall*
88 *authorize a disclosure of information otherwise prohibited pursuant to subdivision 34.*

89 10. On request of the driver licensing authority in any other state or foreign country, the
90 Commissioner shall provide whatever classes of information the requesting authority shall require in
91 order to carry out its official functions. The information shall be provided free of charge.

92 11. On the written request of any employer, prospective employer, or authorized agent of either, and
93 with the written consent of the individual concerned, the Commissioner shall (i) compare personal
94 information supplied by the employer, prospective employer, or agent with that contained in the
95 Department's records and, when the information supplied by the employer, prospective employer, or
96 agent is different from that contained in the Department's records, provide the employer, prospective
97 employer, or agent with correct information as contained in the Department's records and (ii) provide the
98 employer, prospective employer, or agent with driver information in the form of an abstract of an
99 individual's record showing all convictions, accidents, driver's license suspensions or revocations, and
100 any type of driver's license that the individual currently possesses, provided that the individual's position
101 or the position that the individual is being considered for involves the operation of a motor vehicle.

102 12. On the written request of any member of or applicant for membership in a volunteer fire
103 company or any volunteer emergency medical services personnel or applicant to serve as volunteer
104 emergency medical services personnel, the Commissioner shall (i) compare personal information
105 supplied by the volunteer fire company or volunteer emergency medical services agency with that
106 contained in the Department's records and, when the information supplied by the volunteer fire company
107 or volunteer emergency medical services agency is different from that contained in the Department's
108 records, provide the volunteer fire company or volunteer emergency medical services agency with
109 correct information as contained in the Department's records and (ii) provide driver information in the
110 form of an abstract of the member's, personnel, or applicant's record showing all convictions, accidents,
111 license suspensions or revocations, and any type of driver's license that the individual currently
112 possesses. Such abstract shall be provided free of charge if the request is accompanied by appropriate
113 written evidence that the person is a member of or applicant for membership in a volunteer fire
114 company or a volunteer emergency medical services agency to serve as a member of a volunteer
115 emergency medical services agency and the abstract is needed by a volunteer fire company or volunteer
116 emergency medical services agency to establish the qualifications of the member, volunteer, or applicant
117 to operate equipment owned by the volunteer fire company or volunteer emergency medical services
118 agency.

119 13. On the written request of any person who has applied to be a volunteer with a Virginia affiliate
120 of Big Brothers/Big Sisters of America, the Commissioner shall (i) compare personal information

121 supplied by a Virginia affiliate of Big Brothers/Big Sisters of America with that contained in the
122 Department's records and, when the information supplied by a Virginia affiliate of Big Brothers/Big
123 Sisters of America is different from that contained in the Department's records, provide the Virginia
124 affiliate of Big Brothers/Big Sisters of America with correct information as contained in the
125 Department's records and (ii) provide driver information in the form of an abstract of the applicant's
126 record showing all convictions, accidents, license suspensions or revocations, and any type of driver's
127 license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half
128 the normal charge if the request is accompanied by appropriate written evidence that the person has
129 applied to be a volunteer with a Virginia affiliate of Big Brothers/Big Sisters of America.

130 14. On the written request of any person who has applied to be a volunteer with a court-appointed
131 special advocate program pursuant to § 9.1-153, the Commissioner shall provide an abstract of the
132 applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of
133 driver's license that the individual currently possesses. Such abstract shall be provided free of charge if
134 the request is accompanied by appropriate written evidence that the person has applied to be a volunteer
135 with a court-appointed special advocate program pursuant to § 9.1-153.

136 15. Upon the request of any employer, prospective employer, or authorized representative of either,
137 the Commissioner shall (i) compare personal information supplied by the employer, prospective
138 employer, or agent with that contained in the Department's records and, when the information supplied
139 by the employer, prospective employer, or agent is different from that contained in the Department's
140 records, provide the employer, prospective employer, or agent with correct information as contained in
141 the Department's records and (ii) provide driver information in the form of an abstract of the driving
142 record of any individual who has been issued a commercial driver's license, provided that the
143 individual's position or the position that the individual is being considered for involves the operation of
144 a commercial motor vehicle. Such abstract shall show all convictions, accidents, license suspensions,
145 revocations, or disqualifications, and any type of driver's license that the individual currently possesses.

146 16. Upon the receipt of a completed application and payment of applicable processing fees, the
147 Commissioner may enter into an agreement with any governmental authority or business to exchange
148 information specified in this section by electronic or other means.

149 17. Upon the request of an attorney representing a person in a motor vehicle accident, the
150 Commissioner shall provide vehicle information, including the owner's name and address, to the
151 attorney.

152 18. Upon the request, in the course of business, of any authorized representative of an insurance
153 company or of any not-for-profit entity organized to prevent and detect insurance fraud, or perform
154 rating and underwriting activities, the Commissioner shall provide to such person (i) all vehicle
155 information, including the owner's name and address, descriptive data and title, registration, and vehicle
156 activity data as requested or (ii) all driver information including name, license number and classification,
157 date of birth, and address information for each driver under the age of 22 licensed in the
158 Commonwealth of Virginia meeting the request criteria designated by such person, with such request
159 criteria consisting of driver's license number or address information. No such information shall be used
160 for solicitation of sales, marketing, or other commercial purposes.

161 19. Upon the request of an officer authorized to issue criminal warrants, for the purpose of issuing a
162 warrant for arrest for unlawful disposal of trash or refuse in violation of § 33.2-802 the Commissioner
163 shall provide vehicle information, including the owner's name and address.

164 20. Upon written request of the compliance agent of a private security services business, as defined
165 in § 9.1-138, which is licensed by the Department of Criminal Justice Services, the Commissioner shall
166 provide the name and address of the owner of the vehicle under procedures determined by the
167 Commissioner.

168 21. Upon the request of the operator of a toll facility or traffic light photo-monitoring system acting
169 on behalf of a government entity, or of the Dulles Access Highway, or an authorized agent or employee
170 of a toll facility operator or traffic light photo-monitoring system operator acting on behalf of a
171 government entity or the Dulles Access Highway, for the purpose of obtaining vehicle owner data under
172 subsection M of § 46.2-819.1 or subsection H of § 15.2-968.1 or subsection N of § 46.2-819.5.
173 Information released pursuant to this subdivision shall be limited to the name and address of the owner
174 of the vehicle having failed to pay a toll or having failed to comply with a traffic light signal or having
175 improperly used the Dulles Access Highway and the vehicle information, including all descriptive
176 vehicle data and title and registration data of the same vehicle.

177 22. On the written request of any person who has applied to be a volunteer with a Virginia affiliate
178 of Compeer, the Commissioner shall (i) compare personal information supplied by a Virginia affiliate of
179 Compeer with that contained in the Department's records and, when the information supplied by a
180 Virginia affiliate of Compeer is different from that contained in the Department's records, provide the
181 Virginia affiliate of Compeer with correct information as contained in the Department's records and (ii)

182 provide driver information in the form of an abstract of the applicant's record showing all convictions,
183 accidents, license suspensions or revocations, and any type of driver's license that the individual
184 currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the
185 request is accompanied by appropriate written evidence that the person has applied to be a volunteer
186 with a Virginia affiliate of Compeer.

187 23. Upon the request of the Department of Environmental Quality for the purpose of obtaining
188 vehicle owner data in connection with enforcement actions involving on-road testing of motor vehicles,
189 pursuant to § 46.2-1178.1.

190 24. On the written request of any person who has applied to be a volunteer vehicle operator with a
191 Virginia chapter of the American Red Cross, the Commissioner shall (i) compare personal information
192 supplied by a Virginia chapter of the American Red Cross with that contained in the Department's
193 records and, when the information supplied by a Virginia chapter of the American Red Cross is different
194 from that contained in the Department's records, provide the Virginia chapter of the American Red Cross
195 with correct information as contained in the Department's records and (ii) provide driver information in
196 the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions
197 or revocations, and any type of driver's license that the individual currently possesses. Such abstract
198 shall be provided at a fee that is one-half the normal charge if the request is accompanied by
199 appropriate written evidence that the person has applied to be a volunteer vehicle operator with a
200 Virginia chapter of the American Red Cross.

201 25. On the written request of any person who has applied to be a volunteer vehicle operator with a
202 Virginia chapter of the Civil Air Patrol, the Commissioner shall (i) compare personal information
203 supplied by a Virginia chapter of the Civil Air Patrol with that contained in the Department's records
204 and, when the information supplied by a Virginia chapter of the Civil Air Patrol is different from that
205 contained in the Department's records, provide the Virginia chapter of the Civil Air Patrol with correct
206 information as contained in the Department's records and (ii) provide driver information in the form of
207 an abstract of the applicant's record showing all convictions, accidents, license suspensions or
208 revocations, and any type of driver's license that the individual currently possesses. Such abstract shall
209 be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate
210 written evidence that the person has applied to be a volunteer vehicle operator with a Virginia chapter of
211 the Civil Air Patrol.

212 26. On the written request of any person who has applied to be a volunteer vehicle operator with
213 Faith in Action, the Commissioner shall (i) compare personal information supplied by Faith in Action
214 with that contained in the Department's records and, when the information supplied by Faith in Action is
215 different from that contained in the Department's records, provide Faith in Action with correct
216 information as contained in the Department's records and (ii) provide driver information in the form of
217 an abstract of the applicant's record showing all convictions, accidents, license suspensions or
218 revocations, and any type of driver's license that the individual currently possesses. Such abstract shall
219 be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate
220 written evidence that the person has applied to be a volunteer vehicle operator with Faith in Action.

221 27. On the written request of the surviving spouse or child of a deceased person or the executor or
222 administrator of a deceased person's estate, the Department shall, if the deceased person had been issued
223 a driver's license or special identification card by the Department, supply the requestor with a hard copy
224 image of any photograph of the deceased person kept in the Department's records.

225 28. On the written request of any person who has applied to be a volunteer with a Virginia Council
226 of the Girl Scouts of the USA, the Commissioner shall (i) compare personal information supplied by a
227 Virginia Council of the Girl Scouts of the USA with that contained in the Department's records and,
228 when the information supplied by a Virginia Council of the Girl Scouts of the USA is different from
229 that contained in the Department's records, provide a Virginia Council of the Girl Scouts of the USA
230 with correct information as contained in the Department's records and (ii) provide driver information in
231 the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions
232 or revocations, and any type of driver's license that the individual currently possesses. Such abstract
233 shall be provided at a fee that is one-half the normal charge if the request is accompanied by
234 appropriate written evidence that the person has applied to be a volunteer with the Virginia Council of
235 the Girl Scouts of the USA.

236 29. Upon written agreement, the Commissioner may digitally verify the authenticity and validity of a
237 driver's license, learner's permit, or special identification card to the American Association of Motor
238 Vehicle Administrators, a motor vehicle dealer as defined in § 46.2-1500, or other organization approved
239 by the Commissioner.

240 30. Upon the request of the operator of a video-monitoring system as defined in § 46.2-844 acting on
241 behalf of a government entity, the Commissioner shall provide vehicle owner data pursuant to subsection
242 B of § 46.2-844. Information released pursuant to this subdivision shall be limited to the name and
243 address of the owner of the vehicle having passed a stopped school bus and the vehicle information,

including all descriptive vehicle data and title and registration data for such vehicle.

31. *The Department shall not release the photograph of an individual or image of the signature of an individual unless such release is to a law-enforcement officer pursuant to subdivision 9 and such officer provides the name of the individual and other sufficient identifying information regarding such individual. Notwithstanding the provisions of this subdivision, upon request the Department shall provide the image of an individual's signature to the Board of Elections, provided that such images shall only be used for election integrity purposes, shall not be shared with any other entity, and shall not be subject to disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).*

32. *Notwithstanding the provisions of this section other than subdivision 33, the Department shall not release, except upon the request by the subject of the information, the parent of a minor who is the subject of the information, the guardian of the subject of the information, or the authorized representative of the subject of the information or pursuant to a judicial warrant or court order, (i) proof documents submitted to the Department for the issuance of any driving credential or special identification card or any copy thereof, (ii) the information in the Department's record indicating the type of proof document that was provided, or (iii) applications related to the issuance of a driving credential or a special identification card. The Department shall not collect, gather, or otherwise retain the proof documents presented for the issuance of any driving credential or special identification card other than a REAL ID compliant driver's license. As used in this subdivision, "proof document" means any document not originally created by the Department submitted to the Department for the issuance of any driving credential or special identification card*

33. *Notwithstanding the provisions of this section, the Department may release, with all available data security and confidentiality protections, the information in the Department's records it deems reasonable and necessary for the purpose of federal compliance audits.*

34. *The Department shall not provide, disclose, or otherwise provide access to any information to a federal agency that primarily enforces immigration law unless the federal agency serves the Commissioner or his designee with a valid subpoena, a judicial warrant issued by a federal or Virginia state court, or a court order entered by a judge appointed to a federal or Virginia state court requiring such disclosure. The Commissioner may challenge any such service or any warrant, order, or subpoena if he deems such to be overbroad, unreasonable, or otherwise outside of the scope of the agency's legal purpose. The Department shall comply with all requirements provided under state or federal law.*

C. *Whenever the Commissioner issues an order to suspend or revoke the driver's license or driving privilege of any individual, he may notify the National Driver Register Service operated by the United States Department of Transportation and any similar national driver information system and provide whatever classes of information the authority may require.*

D. *Accident reports may be inspected under the provisions of §§ 46.2-379 and 46.2-380.*

E. *Whenever the Commissioner takes any licensing action pursuant to the provisions of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), he may provide information to the Commercial Driver License Information System, or any similar national commercial driver information system, regarding such action.*

F. *In addition to the foregoing provisions of this section, vehicle information may also be inspected under the provisions of §§ 46.2-633, 46.2-644.02, 46.2-644.03, and §§ 46.2-1200.1 through 46.2-1237.*

G. *The Department may promulgate regulations to govern the means by which personal, vehicle, and driver information is requested and disseminated.*

H. *Driving records of any person accused of an offense involving the operation of a motor vehicle shall be provided by the Commissioner upon request to any person acting as counsel for the accused. If such counsel is from the public defender's office or has been appointed by the court, such records shall be provided free of charge.*

I. *The Department shall maintain the records of persons convicted of violations of § 18.2-36.2, subsection B of § 29.1-738, and §§ 29.1-738.02, 29.1-738.2, and 29.1-738.4 which shall be forwarded by every general district court or circuit court or the clerk thereof, pursuant to § 46.2-383. Such records shall be electronically available to any law-enforcement officer as provided for under clause (ii) of subdivision B 9.*

J. *Whenever the Commissioner issues a certificate of title for a motor vehicle, he may notify the National Motor Vehicle Title Information System, or any other nationally recognized system providing similar information, or any entity contracted to collect information for such system, and may provide whatever classes of information are required by such system.*

K. *Notwithstanding the provisions of this section, the Department shall not provide, disclose, share, or otherwise provide access to any information to or enter into an information-sharing agreement with any data broker, information broker, information reseller, or for-profit corporation or any other entity that is in the business of aggregating, distributing, or selling such information. The provisions of this section shall not impact any information-sharing agreement entered into prior to July 1, 2020, provided*

305 *that such agreement complies with federal law.*

306 **§ 46.2-328.1. Licenses, permits and special identification cards to be issued only to United States**
307 **citizens, legal permanent resident aliens, or holders of valid unexpired nonimmigrant visas;**
308 **exceptions; renewal, duplication, or reissuance.**

309 A. Notwithstanding any other provision of this title, except as provided in subsection G of
310 § 46.2-345, the Department shall not issue an original license, permit, or special identification card to
311 any applicant who has not presented to the Department, with the application, valid documentary
312 evidence that the applicant is either (i) a citizen of the United States, (ii) a legal permanent resident of
313 the United States, or (iii) a conditional resident alien of the United States.

314 B. Notwithstanding the provisions of subsection A and the provisions of §§ 46.2-330 and 46.2-345,
315 an applicant who presents in person valid documentary evidence of (i) a valid, unexpired nonimmigrant
316 visa or nonimmigrant visa status for entry into the United States, (ii) a pending or approved application
317 for asylum in the United States, (iii) entry into the United States in refugee status, (iv) a pending or
318 approved application for temporary protected status in the United States, (v) approved deferred action
319 status, or (vi) a pending application for adjustment of status to legal permanent residence status or
320 conditional resident status, may be issued a temporary license, permit, or special identification card.
321 Such temporary license, permit, or special identification card shall be valid only during the period of
322 time of the applicant's authorized stay in the United States or if there is no definite end to the period of
323 authorized stay a period of one year. No license, permit, or special identification card shall be issued if
324 an applicant's authorized stay in the United States is less than 30 days from the date of application. Any
325 temporary license, permit, or special identification card issued pursuant to this subsection shall clearly
326 indicate that it is temporary and shall state the date that it expires. Such a temporary license, permit or
327 identification card may be renewed only upon presentation of valid documentary evidence that the status
328 by which the applicant qualified for the temporary license, permit or special identification has been
329 extended by the United States Immigration and Naturalization Service or the Bureau of Citizenship and
330 Immigration Services of the Department of Homeland Security.

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

340 D. The Department shall cancel any license, permit, or special identification card that it has issued to
341 an individual if it is notified by a federal government agency that the individual is neither a citizen of
342 the United States nor legally present in the United States.

343 E. For any applicant who presents a document pursuant to this section proving legal presence other
344 than citizenship, the Department shall record and provide to the State Board of Elections monthly the
345 applicant's document number, if any, issued by an agency or court of the United States government. *The*
346 *information provided pursuant to this subsection shall only be used to accomplish the official functions*
347 *of the State Board of Elections. Any information recorded and provided pursuant to this subsection shall*
348 *not be provided, disclosed, shared, or otherwise made accessible to any other entity and shall not be*
349 *subject to disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).*

350 **2. § 1. The Department of Motor Vehicles (the Department) shall not authorize the release or use of any**
351 **information stored by the Department for facial recognition purposes before July 1, 2022.**

352 *Notwithstanding the prohibition in this section, the Department shall authorize the release or use of*
353 *information stored by the Department for facial recognition purposes before July 1, 2022, for the*
354 *identification of victims of sex trafficking by any law-enforcement agency.*

355 *For the purposes of this section, "facial recognition" means an automated or semi-automated process*
356 *that assists in identifying an individual or capturing information about an individual on the basis of the*
357 *physical characteristics of an individual's face or that logs characteristics of an individual's face, head,*
358 *or body to infer emotion, associations, activities, or the location of the individual.*

359 **3. That the Department of Motor Vehicles, in consultation with the Department of Criminal**
360 **Justice Services, the Office of the Attorney General, and other relevant stakeholders, shall develop**
361 **recommendations on using information maintained and stored by the Department of Motor**
362 **Vehicles for facial recognition purposes and protecting the privacy of the residents of Virginia and**
363 **shall report such recommendations to the Governor and the General Assembly on or before**
364 **November 1, 2021.**

365 **4. That the Department of State Police shall review the policies, procedures, regulations, and**
366 **agreements governing the use of the Virginia Criminal Information Network (VCIN) to ensure**

367 that no local, state, or federal government entity, through VCIN, has access to information stored
368 by the Department of Motor Vehicles in violation of the protections contained in the provisions of
369 this act.

INTRODUCED

HB1700