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HOUSE BILL NO. 2138

House Amendments in [] - January 25, 2021

A *BILL to amend and reenact §§ 24.2-411.3, 24.2-643, 46.2-203.2, 46.2-216.1, 46.2-323.01, 46.2-323.1, 46.2-346, 46.2-600.1, and 58.1-3 of the Code of Virginia and to amend the Code of Virginia by adding in Article 7 of Chapter 3 of Title 46.2 a section numbered 46.2-345.3, relating to identification privilege cards; fee; confidentiality; penalties.*

Patron Prior to Engrossment—Delegate Guzman

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-411.3, 24.2-643, 46.2-203.2, 46.2-216.1, 46.2-323.01, 46.2-323.1, 46.2-346, 46.2-600.1, and 58.1-3 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 7 of Chapter 3 of Title 46.2 a section numbered 46.2-345.3 as follows:

§ 24.2-411.3. Registration of Department of Motor Vehicles customers.

A. Each person coming into an office of the Department of Motor Vehicles or accessing its website in order to (i) apply for, replace, or renew a driver's license or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 except driver privilege cards or permits issued pursuant to § 46.2-328.3 or identification privilege cards issued pursuant to § 46.2-345.3; or (ii) change an address on an existing driver's license or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 except driver privilege cards or permits issued pursuant to § 46.2-328.3 or identification privilege cards issued pursuant to § 46.2-345.3 shall be presented with (a) a question asking whether or not the person is a United States citizen and (b) the option to decline to have his information transmitted to the Department of Elections for voter registration purposes. The citizenship question and option to decline shall be accompanied by a statement that intentionally making a materially false statement during the transaction constitutes election fraud and is punishable under Virginia law as a felony.

The Department of Motor Vehicles may not transmit the information of any person who so declines. The Department of Motor Vehicles may not transmit the information of any person who indicates that he is not a United States citizen, nor may such person be asked any additional questions relevant to voter registration but not relevant to the purpose for which the person came to an office of the Department of Motor Vehicles or accessed its website.

B. For each person who does not select the option to decline to have his information transmitted to the Department of Elections for voter registration purposes and who has identified himself as a United States citizen, the Department of Motor Vehicles shall request any information as may be required by the State Board to ensure that the person meets all voter registration eligibility requirements.

C. The Department of Motor Vehicles shall electronically transmit to the Department of Elections, in accordance with the standards set by the State Board, the information collected pursuant to subsection B for any person who (i) has indicated that he is a United States citizen, (ii) has indicated that he is 17 years of age or older, and (iii) at the time of such transaction did not decline to have his information transmitted to the Department of Elections for voter registration purposes.

D. The Department of Elections shall use the information transmitted to determine whether a person already has a registration record in the voter registration system.

1. For any person who does not yet have a registration record in the voter registration system, the Department of Elections shall transmit the information to the appropriate general registrar. The general registrar shall accept or reject the registration of such person in accordance with the provisions of this chapter.

2. For any person who already has a registration record in the voter registration system, if the information indicates that the voter has moved within the Commonwealth, the Department of Elections shall transmit the information and the registration record to the appropriate general registrar, who shall treat such transmittal as a request for transfer and process it in accordance with the provisions of this chapter.

3. General registrars shall not register any person who does not satisfy all voter eligibility requirements.

§ 24.2-643. Qualified voter permitted to vote; procedures at polling place; voter identification.

A. After the polls are open, each qualified voter at a precinct shall be permitted to vote. The officers of election shall ascertain that a person offering to vote is a qualified voter before admitting him to the voting booth and furnishing an official ballot to him.

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59 B. An officer of election shall ask the voter for his full name and current residence address and the
60 voter may give such information orally or in writing. The officer of election shall verify with the voter
61 his full name and address and shall repeat, in a voice audible to party and candidate representatives
62 present, the full name provided by the voter. The officer shall ask the voter to present any one of the
63 following forms of identification: (i) his voter confirmation documents; (ii) his valid Virginia driver's
64 license, his valid United States passport, or any other identification issued by the Commonwealth, one of
65 its political subdivisions, or the United States, other than a driver privilege card issued under
66 § 46.2-328.3 *or an identification privilege card issued under § 46.2-345.3*; (iii) any valid student
67 identification card issued by any institution of higher education located in the Commonwealth or any
68 private school located in the Commonwealth; (iv) any valid student identification card containing a
69 photograph of the voter and issued by any institution of higher education located in any other state or
70 territory of the United States; (v) any valid employee identification card containing a photograph of the
71 voter and issued by an employer of the voter in the ordinary course of the employer's business; or (vi) a
72 copy of a current utility bill, bank statement, government check, paycheck, or other government
73 document containing the name and address of the voter. The expiration date on a Virginia driver's
74 license shall not be considered when determining the validity of the driver's license offered for purposes
75 of this section.

76 Except as provided in subsection E, any voter who does not show one of the forms of identification
77 specified in this subsection shall be allowed to vote after signing a statement, subject to felony penalties
78 for false statements pursuant to § 24.2-1016, that he is the named registered voter he claims to be. A
79 voter who requires assistance in voting by reason of a physical disability or an inability to read or write,
80 and who requests assistance pursuant to § 24.2-649, may be assisted in preparation of this statement in
81 accordance with that section. The provisions of § 24.2-649 regarding voters who are unable to sign shall
82 be followed when assisting a voter in completing this statement. A voter who does not show one of the
83 forms of identification specified in this subsection and does not sign this statement shall be offered a
84 provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall provide an
85 ID-ONLY provisional ballot envelope that requires no follow-up action by the registrar or electoral
86 board other than matching submitted identification documents from the voter for the electoral board to
87 make a determination on whether to count the ballot.

88 If the voter presents one of the forms of identification listed above, if his name is found on the
89 pollbook in a form identical to or substantially similar to the name on the presented form of
90 identification and the name provided by the voter, if he is qualified to vote in the election, and if no
91 objection is made, an officer shall enter, opposite the voter's name on the pollbook, the first or next
92 consecutive number from the voter count form provided by the State Board, or shall enter that the voter
93 has voted if the pollbook is in electronic form; an officer shall provide the voter with the official ballot;
94 and another officer shall admit him to the voting booth. Each voter whose name has been marked on the
95 pollbooks as present to vote and entitled to a ballot shall remain in the presence of the officers of
96 election in the polling place until he has voted. If a line of voters who have been marked on the
97 pollbooks as present to vote forms to await entry to the voting booths, the line shall not be permitted to
98 extend outside of the room containing the voting booths and shall remain under observation by the
99 officers of election.

100 A voter may be accompanied into the voting booth by his child age 15 or younger.

101 C. If the current residence address provided by the voter is different from the address shown on the
102 pollbook, the officer of election shall furnish the voter with a change of address form prescribed by the
103 State Board. Upon its completion, the voter shall sign the prescribed form, subject to felony penalties
104 for making false statements pursuant to § 24.2-1016, which the officer of election shall then place in an
105 envelope provided for such forms for transmission to the general registrar who shall then transfer or
106 cancel the registration of such voter pursuant to Chapter 4 (§ 24.2-400 et seq.).

107 D. At the time the voter is asked his full name and current residence address, the officer of election
108 shall ask any voter for whom the pollbook indicates that an identification number other than a social
109 security number is recorded on the Virginia voter registration system if he presently has a social security
110 number. If the voter is able to provide his social security number, he shall be furnished with a voter
111 registration form prescribed by the State Board to update his registration information. Upon its
112 completion, the form shall be placed by the officer of election in an envelope provided for such forms
113 for transmission to the general registrar. Any social security numbers so provided shall be entered by the
114 general registrar in the voter's record on the voter registration system.

115 E. This subsection shall apply in the case of any individual who is required by subparagraph (b) of
116 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time he votes
117 in a federal election in the state. At such election, such individual shall present (i) a current and valid
118 photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck,
119 or other government document that shows the name and address of the voter. Such individual who
120 desires to vote in person but does not show one of the forms of identification specified in this

subsection shall be offered a provisional ballot under the provisions of § 24.2-653. The identification requirements of subsection B of this section and subsection A of § 24.2-653 shall not apply to such voter at such election. The Department of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

§ 46.2-203.2. Emergency contact information program.

A. As used in this section, "emergency contact" means a person 18 years of age or older whom the customer may designate to be contacted by a law-enforcement officer in an emergency situation.

B. The Department may establish an emergency contact information program to assist law-enforcement personnel in emergency situations. To establish such a program, a person who currently holds a learner's permit, temporary driver's license, driver's license, commercial driver's license, or special identification card issued by the Department *credential issued by the Department under Chapter 3 (§ 46.2-300 et seq.)* or completes an application for the same may voluntarily submit emergency contact information for inclusion in his customer record with the Department. Such emergency contact information may include the name, relationship to the customer, address, and telephone number for an individual the customer designates as a contact in the event of an emergency situation.

C. Any person voluntarily submitting emergency contact information to the Department for inclusion in the applicant's customer record is responsible for maintaining current emergency contact information with the Department. Each applicant submitting emergency contact information to the Department shall certify in his application that he has notified the person he has designated as an emergency contact that such information will be supplied to the Department. The Department shall provide a method by which applicants submitting emergency contact information to the Department may submit such information electronically pursuant to § 46.2-216.1. Customers may add, modify, or delete information at any time. Such modifications or deletions will overwrite all previously provided information.

D. In the event of an emergency situation, the Department shall make emergency contact information in customer records electronically available to a law-enforcement officer who in the exercise of his official duties requires assistance in reaching a customer's emergency contact. Emergency contact information provided to the Department by the customer shall only be disclosed as permitted in this section and shall not be considered a public record subject to disclosure under the Freedom of Information Act and shall not be subject to disclosure by court order or other means of discovery.

E. In the absence of gross negligence or willful misconduct, the Department, its employees, and law-enforcement officers shall be immune from any civil or criminal liability in connection with the maintenance and use of emergency contact information voluntarily provided by customers for use in an emergency situation.

§ 46.2-216.1. Electronic filings or submissions to Department; provision of electronic documents by Department.

A. Whenever this title or Title 58.1 provides that applications, certificates, fees, letters of credit, notices, penalties, records, reports, surety bonds, tariffs, taxes, time schedules, or any other documents or payments be filed or submitted to the Department in written form or otherwise, the Commissioner may, after providing 12-months' written notification to impacted applicants, licensees, or any other person or entity, require that all or certain applicants, licensees, or any other person or entity engaged in business with the Department, make such filings or submissions electronically in a format prescribed by the Commissioner. Any such requirement shall not apply to an individual application for a ~~driver's license, commercial driver's license, special identification card~~ *credential issued under Chapter 3 (§ 46.2-300 et seq.)*, or the titling or registration of 12 or fewer vehicles during a period of one year. The Commissioner shall develop a method to ensure that the electronic filing is received and stored accurately and that it is readily available to satisfy the requirements of the statutes ~~which~~ *that* call for a written document. Notwithstanding the provisions of this section, the Commissioner may accept, in lieu of paper documents, a filing or submission made by electronic means for any document not required to be filed or submitted electronically pursuant to the provisions of this title or Title 58.1.

B. Whenever this title or Title 58.1 provides that a written certificate or other document is to be delivered to an owner, registrant, licensee, lien holder, or any other person or entity by the Department or the Commissioner, the Commissioner may provide the written certificate or other document by electronic means. The electronic document may consist of all of the information included in the paper certificate or document or it may be an abstract or listing of the information held in electronic form by the Department. Whenever a certificate or other document is provided by electronic means, the Department will not be required to produce a written certificate or document until requested to do so by the owner, registrant, licensee, lien holder, or other party.

C. The Commissioner is authorized to establish, where feasible and cost efficient, contracts with public-private partnerships with commercial operations to provide for simplification and streamlining of services to citizens through electronic means. Such electronic services shall include (i) an electronic lien

and titling program, (ii) an online dealer program, and (iii) a print-on-demand license plate program.

1. Notwithstanding the provisions of § 46.2-208, to conduct customer-initiated transactions through electronic means the Commissioner may provide a customer's personal, driver, or vehicle information relating to the operation or theft of a motor vehicle or to public safety to the following entities: (i) lending institutions; (ii) motor vehicle dealers; or (iii) third-party vendors that enter into contracts with the Department. Pursuant to subsection A, the Commissioner may require such entities engaged in business with the Department to submit electronic filings using the third-party vendors that have contracts with the Department. Customer information obtained by such entities conducting customer-initiated transactions, including third-party vendors that enter into contracts with the Department, is subject to the restrictions upon use and dissemination imposed by (a) the federal Drivers Privacy Protection Act at 18 U.S.C. § 2721 et seq., (b) the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) and §§ 46.2-208 and 58.1-3, and (c) any rules, regulations, or guidelines adopted by the Department with regard to disclosure or dissemination of any information obtained from the Department.

2. The Department may impose a reasonable fee in accordance with fair market prices on such entities, including third-party vendors that enter into contracts with the Department, for customer-initiated transactions conducted through electronic means. Such fees shall be used to defray the costs of the transaction to the Department. Any transaction fees imposed and collected by the Department shall be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.

§ 46.2-323.01. Issuance of credentials; relationship with federal law.

A. The Department shall establish a process for persons who, for reasons beyond their control, are unable to provide all necessary documents required for driver's licenses, permits, and special identification cards *credentials issued under this chapter* and must rely on alternate documents to establish identity or date of birth. Alternative documents to demonstrate legal presence will only be allowed to demonstrate United States citizenship.

B. The Department shall not comply with any federal law or regulation that would require the Department to use any type of computer chip or radio-frequency identification tag or other similar device on or in a driver's license or special identification card *any credential issued under this chapter*.

§ 46.2-323.1. Certification of Virginia residency; nonresidents not eligible for credentials; penalty.

No driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, or special identification card *credential issued under this chapter* shall be issued to any person who is not a Virginia resident. Every person applying for a driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, or special identification card *credential issued under this chapter* shall execute and furnish to the Commissioner his certificate that he is a resident of Virginia. The Commissioner or his duly authorized agent may require any such applicant to supply, along with his application, such evidence of his Virginia residency as the Commissioner may deem appropriate and adequate, provided that neither an immigration visa nor a signed written statement, whether or not such statement is notarized, wherein the maker of the statement vouches for the Virginia residency of the applicant, shall be acceptable proof of Virginia residency. If the applicant is less than ~~nineteen~~ 19 years old and cannot otherwise provide proof of Virginia residency, the Commissioner may accept proof of the applicant's parent's or guardian's Virginia residency. Any minor providing proper evidence of the solemnization of his marriage or a certified copy of a court order of emancipation shall not be required to provide the parent's certification of residency. It ~~shall be~~ is unlawful for any applicant knowingly to make a false certification of Virginia residency or supply false or fictitious evidence of Virginia residency. Any violation of this section shall be punished as provided in § 46.2-348.

§ 46.2-345.3. Issuance of identification privilege cards; fee; confidentiality; penalties.

A. Upon application of any person who does not [~~meet the requirements~~ hold a status that is eligible] for a special identification card under subsections A and B of § 46.2-328.1, [~~the parent of any such person who is under the age of 18, or the legal guardian of any such person,~~] the Department may issue an identification privilege card to any 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 [~~that includes the information required pursuant to subdivision A 1 of § 46.2-345~~] ;

2. The applicant presents, when required by the Department, proof of identity, residency, and [social security number or individual] taxpayer identification number [~~of the person or his parent or legal guardian if such person is under the age of 15~~] ;

3. The Department determines that the applicant has reported income and deductions from Virginia sources, as defined in § 58.1-302, or has been claimed as a dependent, on an individual income tax

return filed with the Commonwealth in the preceding 12 months; and

4. The applicant does not hold a credential issued under this chapter.

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

B. The fee for the issuance of an original, duplicate, reissue, or renewal identification privilege card is \$25. The amount paid by an applicant for an identification privilege card shall be considered privileged information for the purposes of § 46.2-208.

C. An original identification privilege card shall expire on the applicant's fourth birthday following the date of issuance. Duplicate, reissue, or renewal identification privilege cards shall be valid for a period of four years from the date of issuance. No applicant shall be required to provide proof of compliance with subdivision A 3 for a duplicate, reissue, or renewal identification privilege card. Those cards issued to children under the age of 15 shall expire on the child's sixteenth birthday.

Notwithstanding the [~~provisions~~ provisions] of this subsection, 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. However, in no event shall the validity period be extended more than 90 days per occurrence of such conditions.

D. [~~A special identification~~ An identification privilege] card issued under this section may be similar in size, shape, and design to a driving credential and include a photograph of its holder, but the card shall be readily distinguishable from a driving credential and shall clearly state that it does not authorize the person to whom it is issued to drive a motor vehicle. Every applicant for an identification privilege 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. The front of an identification privilege card shall be identical in appearance to a special identification card issued under § 46.2-345, and the back of the card shall be identical in appearance to the restriction on the back of a limited-duration special identification card.

E. Identification privilege cards, for persons at least 15 years old but younger 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~~ credential] and descriptors within the photograph area to identify persons who are at least 15 years old but younger than 21 years old. These descriptors shall include the month, day, and year when the person will become 21 years old.

F. Identification privilege cards for persons under age 15 shall bear a full-face photograph. The identification card issued to persons under age 15 shall be readily distinguishable from a driving credential and from other 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. Any information collected pursuant to this section that is not otherwise collected by the Department or required for the issuance of [~~any other special identification~~ an identification privilege card] issued pursuant to the provisions of this chapter and any information regarding restrictions in the Department's records related to the issuance of a credential issued pursuant to this section shall be considered privileged. Notwithstanding the provisions of § 46.2-208, such information shall not be released except upon 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 court order.

The Department shall release to any federal, state, or local governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, or court, or the authorized agent of any of the foregoing, information related to the issuance of [~~a driver privilege card~~ ~~or permit~~ an identification privilege card], the release of which is not otherwise prohibited by this section, that is required for a requester to carry out the requester's official functions if the requester provides the individual's name and other sufficient identifying information contained on the individual's record. Any such release shall be in accordance with the requirements of § 46.2-208.

H. Any person who uses a false or fictitious name or gives a false or fictitious address in any application for an identification privilege card 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 name or address is given, or false statement is made, or fact is concealed, or fraud committed, for the purpose of committing any offense punishable as a felony, a violation of this section shall constitute a Class 4 felony.

I. 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 identification privilege card

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

307 *J. Unless the context of the Code provides otherwise, an identification privilege card shall be treated*
308 *as a special identification card.*

309 **§ 46.2-346. Unlawful acts enumerated.**

310 A. No person shall:

311 1. Display, cause or permit to be displayed, or have in his possession any driver's license which he
312 knows to be fictitious or to have been cancelled, revoked, suspended, or altered, or photographed for the
313 purpose of evading the intent of this chapter;

314 2. Lend to, or knowingly permit the use of by one not entitled thereto, any driver's license issued to
315 the person so lending or permitting the use thereof;

316 3. Display or represent as his own any driver's license not issued to him;

317 4. Reproduce by photograph or otherwise, any ~~driver's license, temporary driver's permit, learner's~~
318 ~~permit, or special identification card issued by the Department~~ *credential issued under this chapter* with
319 the intent to commit an illegal act;

320 5. Fail or refuse to surrender to the Department, on demand, any driver's license issued in the
321 Commonwealth or any other state when the license has been suspended, cancelled, or revoked by proper
322 authority in the Commonwealth, or any other state as provided by law, or to fail or refuse to surrender
323 the suspended, cancelled, or revoked license to any court in which a driver has been tried and convicted
324 for the violation of any law or ordinance of the Commonwealth or any county, city, or town thereof,
325 regulating or affecting the operation of a motor vehicle.

326 B. Any law-enforcement officer empowered to enforce the provisions of this title may retain any
327 driver's license held in violation of this section and shall submit the license to the appropriate court for
328 evidentiary purposes.

329 **§ 46.2-600.1. Indication of special communication needs.**

330 A. As used in this section, "disability that can impair communication" means a condition with
331 symptoms that can impair the ability of a person with such condition to receive, send, process, or
332 comprehend concepts or verbal, nonverbal, or graphic symbol systems, including autism spectrum
333 disorders as defined in § 38.2-3418.17 and hearing loss.

334 B. The Department shall include on the application for registration of a motor vehicle an option for
335 the vehicle owner to, if applicable, voluntarily indicate that he has a disability that can impair
336 communication. Any application on which the applicant indicates that he has such a disability shall be
337 accompanied by a certification signed by a licensed physician that such individual has a disability that
338 can impair communication.

339 C. Any vehicle owner with a driver's license indicator authorized pursuant to subsection K of
340 § 46.2-342 ~~or~~; special identification card indicator authorized pursuant to subsection L of § 46.2-345 *or*
341 *subsection H of § 46.2-345.2; or identification privilege card indicator authorized pursuant to subsection*
342 *I of § 46.2-345.3* shall be eligible for the registration indicator. ~~Vehicle owners~~ *A vehicle owner with a*
343 ~~driver's license indicator or special identification card~~ *such an indicator on his credential* may apply to
344 the Department for a registration indicator in a manner prescribed by the Commissioner.

345 D. Notwithstanding the provisions of § 46.2-208, the Department shall provide information regarding
346 vehicle registrants who have indicated, pursuant to subsection B or C, that they have a disability that
347 can impair communication with employees and agents of criminal justice agencies as defined in
348 § 9.1-101. The Department shall confirm the presence or absence of a registration indicator indicating
349 that the registrant has a disability that can impair communication, but it shall not provide information
350 about the type of health condition or disability that the registrant has.

351 **§ 58.1-3. Secrecy of information; penalties.**

352 A. Except in accordance with a proper judicial order or as otherwise provided by law, the Tax
353 Commissioner or agent, clerk, commissioner of the revenue, treasurer, or any other state or local tax or
354 revenue officer or employee, or any person to whom tax information is divulged pursuant to this section
355 or § 58.1-512 or 58.1-2712.2, or any former officer or employee of any of the aforementioned offices
356 shall not divulge any information acquired by him in the performance of his duties with respect to the
357 transactions, property, including personal property, income or business of any person, firm or
358 corporation. Such prohibition specifically includes any copy of a federal return or federal return
359 information required by Virginia law to be attached to or included in the Virginia return. This
360 prohibition shall apply to any reports, returns, financial documents or other information filed with the
361 Attorney General pursuant to the provisions of Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2.
362 Any person violating the provisions of this section is guilty of a Class 1 misdemeanor. The provisions
363 of this subsection shall not be applicable, however, to:

364 1. Matters required by law to be entered on any public assessment roll or book;

365 2. Acts performed or words spoken, published, or shared with another agency or subdivision of the
366 Commonwealth in the line of duty under state law;

3. Inquiries and investigations to obtain information as to the process of real estate assessments by a duly constituted committee of the General Assembly, or when such inquiry or investigation is relevant to its study, provided that any such information obtained shall be privileged;

4. The sales price, date of construction, physical dimensions or characteristics of real property, or any information required for building permits;

5. Copies of or information contained in an estate's probate tax return, filed with the clerk of court pursuant to § 58.1-1714, when requested by a beneficiary of the estate or an heir at law of the decedent or by the commissioner of accounts making a settlement of accounts filed in such estate;

6. Information regarding nonprofit entities exempt from sales and use tax under § 58.1-609.11, when requested by the General Assembly or any duly constituted committee of the General Assembly;

7. Reports or information filed with the Attorney General by a Stamping Agent pursuant to the provisions of Article 3 (§ 3.2-4204 et seq.), when such reports or information are provided by the Attorney General to a tobacco products manufacturer who is required to establish a qualified escrow fund pursuant to § 3.2-4201 and are limited to the brand families of that manufacturer as listed in the Tobacco Directory established pursuant to § 3.2-4206 and are limited to the current or previous two calendar years or in any year in which the Attorney General receives Stamping Agent information that potentially alters the required escrow deposit of the manufacturer. The information shall only be provided in the following manner: the manufacturer may make a written request, on a quarterly or yearly basis or when the manufacturer is notified by the Attorney General of a potential change in the amount of a required escrow deposit, to the Attorney General for a list of the Stamping Agents who reported stamping or selling its products and the amount reported. The Attorney General shall provide the list within 15 days of receipt of the request. If the manufacturer wishes to obtain actual copies of the reports the Stamping Agents filed with the Attorney General, it must first request them from the Stamping Agents pursuant to subsection C of § 3.2-4209. If the manufacturer does not receive the reports pursuant to subsection C of § 3.2-4209, the manufacturer may make a written request to the Attorney General, including a copy of the prior written request to the Stamping Agent and any response received, for copies of any reports not received. The Attorney General shall provide copies of the reports within 45 days of receipt of the request.

B. 1. Nothing contained in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns and the items thereof or the publication of delinquent lists showing the names of taxpayers who are currently delinquent, together with any relevant information which in the opinion of the Department may assist in the collection of such delinquent taxes. Notwithstanding any other provision of this section or other law, the Department, upon request by the General Assembly or any duly constituted committee of the General Assembly, shall disclose the total aggregate amount of an income tax deduction or credit taken by all taxpayers, regardless of (i) how few taxpayers took the deduction or credit or (ii) any other circumstances. This section shall not be construed to prohibit a local tax official from disclosing whether a person, firm or corporation is licensed to do business in that locality and divulging, upon written request, the name and address of any person, firm or corporation transacting business under a fictitious name. Additionally, notwithstanding any other provision of law, the commissioner of revenue is authorized to provide, upon written request stating the reason for such request, the Tax Commissioner with information obtained from local tax returns and other information pertaining to the income, sales and property of any person, firm or corporation licensed to do business in that locality.

2. This section shall not prohibit the Department from disclosing whether a person, firm, or corporation is registered as a retail sales and use tax dealer pursuant to Chapter 6 (§ 58.1-600 et seq.) or whether a certificate of registration number relating to such tax is valid. Additionally, notwithstanding any other provision of law, the Department is hereby authorized to make available the names and certificate of registration numbers of dealers who are currently registered for retail sales and use tax.

3. This section shall not prohibit the Department from disclosing information to nongovernmental entities with which the Department has entered into a contract to provide services that assist it in the administration of refund processing or other services related to its administration of taxes.

4. This section shall not prohibit the Department from disclosing information to taxpayers regarding whether the taxpayer's employer or another person or entity required to withhold on behalf of such taxpayer submitted withholding records to the Department for a specific taxable year as required pursuant to subdivision C 1 of § 58.1-478.

5. This section shall not prohibit the commissioner of the revenue, treasurer, director of finance, or other similar local official who collects or administers taxes for a county, city, or town from disclosing information to nongovernmental entities with which the locality has entered into a contract to provide services that assist it in the administration of refund processing or other non-audit services related to its administration of taxes. The commissioner of the revenue, treasurer, director of finance, or other similar local official who collects or administers taxes for a county, city, or town shall not disclose information

428 to such entity unless he has obtained a written acknowledgement by such entity that the confidentiality
429 and nondisclosure obligations of and penalties set forth in subsection A apply to such entity and that
430 such entity agrees to abide by such obligations.

431 C. Notwithstanding the provisions of subsection A or B or any other provision of this title, the Tax
432 Commissioner is authorized to (i) divulge tax information to any commissioner of the revenue, director
433 of finance, or other similar collector of county, city, or town taxes who, for the performance of his
434 official duties, requests the same in writing setting forth the reasons for such request; (ii) provide to the
435 Commissioner of the Department of Social Services, upon entering into a written agreement, the amount
436 of income, filing status, number and type of dependents, whether a federal earned income tax credit as
437 authorized in § 32 of the Internal Revenue Code and an income tax credit for low-income taxpayers as
438 authorized in § 58.1-339.8 have been claimed, and Forms W-2 and 1099 to facilitate the administration
439 of public assistance or social services benefits as defined in § 63.2-100 or child support services
440 pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2, or as may be necessary to facilitate the
441 administration of outreach and enrollment related to the federal earned income tax credit authorized in
442 § 32 of the Internal Revenue Code and the income tax credit for low-income taxpayers authorized in
443 § 58.1-339.8; (iii) provide to the chief executive officer of the designated student loan guarantor for the
444 Commonwealth of Virginia, upon written request, the names and home addresses of those persons
445 identified by the designated guarantor as having delinquent loans guaranteed by the designated
446 guarantor; (iv) provide current address information upon request to state agencies and institutions for
447 their confidential use in facilitating the collection of accounts receivable, and to the clerk of a circuit or
448 district court for their confidential use in facilitating the collection of fines, penalties, and costs imposed
449 in a proceeding in that court; (v) provide to the Commissioner of the Virginia Employment Commission,
450 after entering into a written agreement, such tax information as may be necessary to facilitate the
451 collection of unemployment taxes and overpaid benefits; (vi) provide to the Virginia Alcoholic Beverage
452 Control Authority, upon entering into a written agreement, such tax information as may be necessary to
453 facilitate the collection of state and local taxes and the administration of the alcoholic beverage control
454 laws; (vii) provide to the Director of the Virginia Lottery such tax information as may be necessary to
455 identify those lottery ticket retailers who owe delinquent taxes; (viii) provide to the Department of the
456 Treasury for its confidential use such tax information as may be necessary to facilitate the location of
457 owners and holders of unclaimed property, as defined in § 55.1-2500; (ix) provide to the State
458 Corporation Commission, upon entering into a written agreement, such tax information as may be
459 necessary to facilitate the collection of taxes and fees administered by the Commission; (x) provide to
460 the Executive Director of the Potomac and Rappahannock Transportation Commission for his
461 confidential use such tax information as may be necessary to facilitate the collection of the motor
462 vehicle fuel sales tax; (xi) provide to the Commissioner of the Department of Agriculture and Consumer
463 Services such tax information as may be necessary to identify those applicants for registration as a
464 supplier of charitable gaming supplies who have not filed required returns or who owe delinquent taxes;
465 (xii) provide to the Department of Housing and Community Development for its confidential use such
466 tax information as may be necessary to facilitate the administration of the remaining effective provisions
467 of the Enterprise Zone Act (§ 59.1-270 et seq.), and the Enterprise Zone Grant Program (§ 59.1-538 et
468 seq.); (xiii) provide current name and address information to private collectors entering into a written
469 agreement with the Tax Commissioner, for their confidential use when acting on behalf of the
470 Commonwealth or any of its political subdivisions; however, the Tax Commissioner is not authorized to
471 provide such information to a private collector who has used or disseminated in an unauthorized or
472 prohibited manner any such information previously provided to such collector; (xiv) provide current
473 name and address information as to the identity of the wholesale or retail dealer that affixed a tax stamp
474 to a package of cigarettes to any person who manufactures or sells at retail or wholesale cigarettes and
475 who may bring an action for injunction or other equitable relief for violation of Chapter 10.1,
476 Enforcement of Illegal Sale or Distribution of Cigarettes Act; (xv) provide to the Commissioner of
477 Labor and Industry, upon entering into a written agreement, such tax information as may be necessary to
478 facilitate the collection of unpaid wages under § 40.1-29; (xvi) provide to the Director of the Department
479 of Human Resource Management, upon entering into a written agreement, such tax information as may
480 be necessary to identify persons receiving workers' compensation indemnity benefits who have failed to
481 report earnings as required by § 65.2-712; (xvii) provide to any commissioner of the revenue, director of
482 finance, or any other officer of any county, city, or town performing any or all of the duties of a
483 commissioner of the revenue and to any dealer registered for the collection of the Communications Sales
484 and Use Tax, a list of the names, business addresses, and dates of registration of all dealers registered
485 for such tax; (xviii) provide to the Executive Director of the Northern Virginia Transportation
486 Commission for his confidential use such tax information as may be necessary to facilitate the collection
487 of the motor vehicle fuel sales tax; (xix) provide to the Commissioner of Agriculture and Consumer
488 Services the name and address of the taxpayer businesses licensed by the Commonwealth that identify
489 themselves as subject to regulation by the Board of Agriculture and Consumer Services pursuant to

§ 3.2-5130; (xx) provide to the developer or the economic development authority of a tourism project authorized by § 58.1-3851.1, upon entering into a written agreement, tax information facilitating the repayment of gap financing; (xxi) provide to the Virginia Retirement System and the Department of Human Resource Management, after entering into a written agreement, such tax information as may be necessary to facilitate the enforcement of subdivision C 4 of § 9.1-401; (xxii) provide to the Department of Medical Assistance Services, upon entering into a written agreement, the name, address, social security number, number and type of personal exemptions, tax-filing status, and adjusted gross income of an individual, or spouse in the case of a married taxpayer filing jointly, who has voluntarily consented to such disclosure for purposes of identifying persons who would like to newly enroll in medical assistance; and (xxiii) provide to the Commissioner of the Department of Motor Vehicles information sufficient to verify that an applicant for a driver privilege card or permit under § 46.2-328.3 *or an applicant for an identification privilege card under § 46.2-345.3* reported income and deductions from Virginia sources, as defined in § 58.1-302, or was claimed as a dependent, on an individual income tax return filed with the Commonwealth within the preceding 12 months. The Tax Commissioner is further authorized to enter into written agreements with duly constituted tax officials of other states and of the United States for the inspection of tax returns, the making of audits, and the exchange of information relating to any tax administered by the Department of Taxation. Any person to whom tax information is divulged pursuant to this section shall be subject to the prohibitions and penalties prescribed herein as though he were a tax official.

D. Notwithstanding the provisions of subsection A or B or any other provision of this title, the commissioner of revenue or other assessing official is authorized to (i) provide, upon written request stating the reason for such request, the chief executive officer of any county or city with information furnished to the commissioner of revenue by the Tax Commissioner relating to the name and address of any dealer located within the county or city who paid sales and use tax, for the purpose of verifying the local sales and use tax revenues payable to the county or city; (ii) provide to the Department of Professional and Occupational Regulation for its confidential use the name, address, and amount of gross receipts of any person, firm or entity subject to a criminal investigation of an unlawful practice of a profession or occupation administered by the Department of Professional and Occupational Regulation, only after the Department of Professional and Occupational Regulation exhausts all other means of obtaining such information; and (iii) provide to any representative of a condominium unit owners' association, property owners' association or real estate cooperative association, or to the owner of property governed by any such association, the names and addresses of parties having a security interest in real property governed by any such association; however, such information shall be released only upon written request stating the reason for such request, which reason shall be limited to proposing or opposing changes to the governing documents of the association, and any information received by any person under this subsection shall be used only for the reason stated in the written request. The treasurer or other local assessing official may require any person requesting information pursuant to clause (iii) of this subsection to pay the reasonable cost of providing such information. Any person to whom tax information is divulged pursuant to this subsection shall be subject to the prohibitions and penalties prescribed herein as though he were a tax official.

Notwithstanding the provisions of subsection A or B or any other provisions of this title, the treasurer or other collector of taxes for a county, city or town is authorized to provide information relating to any motor vehicle, trailer or semitrailer obtained by such treasurer or collector in the course of performing his duties to the commissioner of the revenue or other assessing official for such jurisdiction for use by such commissioner or other official in performing assessments.

This section shall not be construed to prohibit a local tax official from imprinting or displaying on a motor vehicle local license decal the year, make, and model and any other legal identification information about the particular motor vehicle for which that local license decal is assigned.

E. Notwithstanding any other provisions of law, state agencies and any other administrative or regulatory unit of state government shall divulge to the Tax Commissioner or his authorized agent, upon written request, the name, address, and social security number of a taxpayer, necessary for the performance of the Commissioner's official duties regarding the administration and enforcement of laws within the jurisdiction of the Department of Taxation. The receipt of information by the Tax Commissioner or his agent ~~which~~ *that* may be deemed taxpayer information shall not relieve the Commissioner of the obligations under this section.

F. Additionally, it is unlawful for any person to disseminate, publish, or cause to be published any confidential tax document ~~which~~ *that* he knows or has reason to know is a confidential tax document. A confidential tax document is any correspondence, document, or tax return that is prohibited from being divulged by subsection A, B, C, or D and includes any document containing information on the transactions, property, income, or business of any person, firm, or corporation that is required to be filed with any state official by § 58.1-512. This prohibition shall not apply if such confidential tax document

551 has been divulged or disseminated pursuant to a provision of law authorizing disclosure. Any person
552 violating the provisions of this subsection is guilty of a Class 1 misdemeanor.

553 **2. That the provisions of this act shall become effective on January 1, 2022.**

554 **3. That the provisions of this act may result in a net increase in periods of imprisonment or**
555 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the**
556 **necessary appropriation cannot be determined for periods of imprisonment in state adult**
557 **correctional facilities; therefore, Chapter 1289 of the Acts of Assembly of 2020 requires the**
558 **Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant**
559 **to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot**
560 **be determined for periods of commitment to the custody of the Department of Juvenile Justice.**