

Department of Planning and Budget
2021 Fiscal Impact Statement
Special Session 1

1. **Bill Number:** HB2138ER

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. **Patron:** Guzman

3. **Committee:** Passed both houses.

4. **Title:** Identification privilege cards; fee, confidentiality, penalties.

5. **Summary:** This bill authorizes the Department of Motor Vehicles to issue identification privilege cards to applicants who do not meet the citizenship or legal presence requirements for a special identification card or a limited-duration special identification card and have reported income from Virginia sources or been claimed as a dependent on an individual tax return filed with the Commonwealth in the preceding 12 months. The bill provides that identification privilege cards shall be treated as special identification cards unless otherwise provided in the Code of Virginia. The bill limits the release of certain information stored by the Department. The bill has a delayed effective date of January 1, 2022.

6. **Budget Amendment Necessary:** No.

7. **Fiscal Impact Estimates:** Final. See Item 8.

8. **Fiscal Implications:** This bill authorizes the Department of Motor Vehicles (DMV) to issue identification privilege cards to individuals who cannot present proof of legal presence, as required under current law for a special identification card, but who: meet requirements for issuance of a special identification card (including proof of identity, residency, etc.), other than presenting a social security number; and have filed a Virginia income tax return within the preceding 12 months or are claimed as a dependent on such a return. The Department of Taxation and DMV would be able to utilize the same electronic verification system that has been set up for the driver privilege card that would enable DMV to verify an income tax filing in real-time.

Identification privilege cards will be identical to special identification cards other than a restriction indicator that is identical in appearance to a limited-duration special identification card. These credentials will be valid for four years. The bill provides for a \$25 fee for an original, duplicate, reissue, or renewal identification privilege card.

The bill contains the same privacy provisions that cover the driver privilege card, which include a prohibition against the bulk release of identification privilege card data to governmental entities and specific rules for when information may be released by DMV.

In November 2018, the Pew Research Center released updated 2016 population estimates concerning Virginia's undocumented immigrant population. Based on this information, it is estimated that approximately 292,960 undocumented immigrants in Virginia may be eligible to obtain an identification privilege card if this bill is implemented in FY 2022. Based on the percentage of DMV customers who hold standard driver's licenses in comparison to those who hold special identification cards, approximately 15,000 customers may apply for an identification privilege card.

Based on this estimate and depending on the geographic disbursement of customers, the agency would be able to address the additional workload with part-time employees hired in high volume locations in the state. Implementation will require system programming costing \$53,458. Though revenue would be dependent on the number of individuals who apply for identification cards, it is anticipated that implementation costs will be offset by the \$25 fee per credential.

9. Specific Agency or Political Subdivisions Affected: Department of Motor Vehicles.

10. Technical Amendment Necessary: No.

11. Other Comments: None.