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HOUSE BILL NO. 864

Offered January 12, 2022

Prefiled January 12, 2022

A BILL to amend and reenact §§ 54.1-116 and 63.2-1937 of the Code of Virginia, relating to professions and occupations; proof of identity.

Patron—Lopez

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-116 and 63.2-1937 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-116. Applicants to include proof of identity; exemption.

A. Every applicant for a license, certificate, registration, or other authorization to engage in a business, trade, profession, or occupation issued by the Commonwealth pursuant to this title, and every applicant for renewal thereof, shall provide on with the application either his social security number or control number issued by the Department of Motor Vehicles pursuant to § 46.2-342 proof of identity that includes a government-issued identification card or driver's license, or other photo identification along with documentation of the applicant's current address. An initial application or renewal application which that does not include either identifying number proof of identity shall not be considered or acted upon by the issuing entity, and no refund of any fees paid with the application shall be granted.

B. Notwithstanding the provisions of subsection A, a health regulatory board of the Department of Health Professions may issue a temporary license or authorization to practice, effective for not longer than 90 days, to an otherwise qualified applicant for a license, certificate, or registration who is a foreign national and cannot provide a social security number or control number proof of identity at the time of application.

§ 63.2-1937. Applications for occupational or other license to include proof of identity; suspension upon delinquency; procedure.

Every initial application for or application for renewal of a license, certificate, registration, or other authorization to engage in a business, trade, profession, or occupation issued by the Commonwealth pursuant to Titles 22.1, 38.2, 46.2, or 54.1 or any other provision of law shall require that the applicant provide his social security number or a control number issued by the Department of Motor Vehicles pursuant to § 46.2-342 proof of identity that includes a government-issued identification card or driver's license, or other photo identification along with documentation of the applicant's current address.

Upon 30 days' notice to an obligor who (i) has failed to comply with a subpoena, summons, or warrant relating to paternity or child support proceedings or (ii) is alleged to be delinquent in the payment of child support by a period of 90 days or more or for \$5,000 or more, an obligee or the Department on behalf of an obligee, may petition either the court that entered or the court that is enforcing the order for child support for an order suspending any license, certificate, registration, or other authorization to engage in a business, trade, profession or, occupation, or recreational activity issued to the obligor by the Commonwealth pursuant to Titles 22.1, 29.1, 38.2, 46.2, or 54.1 or any other provision of law. The notice shall be sent in accordance with the provisions of § 8.01-296, 8.01-327, or 8.01-329, by certified mail, with proof of actual receipt, or by electronic means. The notice shall specify that (a) the obligor has 30 days from the date of receipt to comply with the subpoena, summons, or warrant or pay the delinquency or to reach an agreement with the obligee or the Department to pay the delinquency and (b) if compliance is not forthcoming or payment is not made or an agreement cannot be reached within that time, a petition will be filed seeking suspension of any license, certificate, registration, or other authorization to engage in a business, trade, profession or, occupation, or recreational license issued by the Commonwealth to the obligor.

The court shall not suspend a license, certificate, registration, or authorization upon finding that an alternate remedy is available to the obligee or the Department that is likely to result in collection of the delinquency. Further, the court may refuse to order the suspension upon finding that (1) suspension would result in irreparable harm to the obligor or employees of the obligor or would not result in collection of the delinquency or (2) the obligor has made a demonstrated, good faith effort to reach an agreement with the obligee or the Department.

If the court finds that the obligor is delinquent in the payment of child support by 90 days or more or in an amount of \$5,000 or more and holds a license, certificate, registration, or other authority to engage in a business, trade, profession or, occupation, or recreational activity issued by the Commonwealth, it shall order suspension. The order shall require the obligor to surrender any license,

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59 certificate, registration, or other such authorization to the issuing entity within 90 days of the date on
60 which the order is entered. If at any time after entry of the order the obligor (A) pays the delinquency
61 or (B) reaches an agreement with the obligee or the Department to satisfy the delinquency within a
62 period not to exceed 10 years and makes at least one payment, representing at least five percent of the
63 total delinquency or \$500, whichever is greater, pursuant to the agreement, or (C) complies with the
64 subpoena, summons, or warrant or reaches an agreement with the Department with respect to the
65 subpoena, summons, or warrant, upon proof of payment or certification of the compliance or agreement,
66 the court shall order reinstatement. Payment shall be proved by certified copy of the payment record
67 issued by the Department or notarized statement of payment signed by the obligee. No fee shall be
68 charged to a person who obtains reinstatement of a license, certificate, registration, or authorization
69 pursuant to this section.