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HOUSE BILL NO. 1063

Offered January 11, 2006

Prefiled January 11, 2006

A *BILL to amend and reenact §§ 46.2-323, 46.2-341.12, and 46.2-345 of the Code of Virginia, relating to use of adoption decrees in connection with applications for driver's licenses, commercial driver's licenses, and special identification cards.*

Patron—Watts

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-323, 46.2-341.12, and 46.2-345 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-323. Application for driver's license; proof of completion of driver education program; penalty.

A. Every application for a driver's license, temporary driver's permit, learner's permit, or motorcycle learner's permit shall be made on a form prescribed by the Department and the applicant shall write his usual signature in ink in the space provided on the form. The form shall include notice to the applicant of the duty to register with the Department of State Police as provided in Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, if the applicant has been convicted of an offense for which registration with the Sex Offender and Crimes Against Minors Registry is required.

B. Every application shall state the full legal name, year, month, and date of birth, social security number, sex, and residence address of the applicant; whether or not the applicant has previously been licensed as a driver and, if so, when and by what state, and whether or not his license has ever been suspended or revoked and, if so, the date of and reason for such suspension or revocation. The Department, as a condition for the issuance of any driver's license, temporary driver's permit, learner's permit, or motorcycle learner's permit may require the surrender of any driver's license or, in the case of a motorcycle learner's permit, a motorcycle license issued by another state and held by the applicant. The applicant shall also answer any questions on the application form or otherwise propounded by the Department incidental to the examination. The applicant may also be required to present to the person conducting the examination a birth certificate, *adoption decree*, or other evidence, reasonably acceptable to the Department, of his name and date of birth.

The applicant shall also certify that he is a resident of the Commonwealth by signing a certification statement, on a form prescribed by the Commissioner, and by providing satisfactory proof that he is a resident of the Commonwealth. The Commissioner may adopt regulations to determine the process by which applicants prove that they are residents of the Commonwealth.

If the applicant either (i) fails or refuses to sign the certification statement or (ii) fails to follow the process determined by the Commissioner for proving residency, the Department shall not issue the applicant a driver's license, temporary driver's permit, learner's permit or motorcycle learner's permit.

Any applicant who knowingly makes a false certification of Virginia residency or supplies false or fictitious evidence of Virginia residency shall be punished as provided in § 46.2-348.

The Commissioner may, on a case-by-case basis, waive any provision of such regulations for good cause shown.

C. Every application for a driver's license shall include a color photograph of the applicant supplied under arrangements made by the Department. The photograph shall be processed by the Department so that the photograph can be made part of the issued license.

D. Notwithstanding the provisions of § 46.2-334, every applicant for a driver's license who is under 19 years of age shall furnish the Department with satisfactory proof of his successful completion of a driver education program approved by the State Department of Education.

§ 46.2-341.12. Application for commercial driver's license.

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

1. Full legal name;
2. Current mailing and residential addresses;
3. Physical description including sex, height, weight and eye and hair color;
4. Year, month and date of birth;
5. Social Security number; and
6. Any other information required on the application form.

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59 B. Every applicant for a commercial driver's license shall also submit to the Department the
60 following:

61 1. A consent to release driving record information;

62 2. Certifications that:

63 a. He either meets the federal qualification requirements of 49 C.F.R. Part 391, or he is exempt from
64 or is not subject to such federal requirements;

65 b. He either meets the state qualification requirements established pursuant to § 52-8.4, or he is
66 exempt from or is not subject to such requirements;

67 c. The motor vehicle in which the applicant takes the skills test is representative of the class and, if
68 applicable, the type of motor vehicle for which the applicant seeks to be licensed;

69 d. He is not subject to any disqualification, suspension, revocation or cancellation of his driving
70 privileges;

71 e. He does not have more than one driver's license;

72 3. Other certifications required by the Department;

73 4. Any evidence required by the Department to establish proof of identity, including but not limited
74 to a birth certificate *or adoption decree*; and

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

79 C. Every application for a commercial driver's license shall include a color photograph of the
80 applicant supplied under arrangements made therefor by the Department in accordance with § 46.2-323.

81 D. The Department shall disqualify any commercial driver for a period of one year when the records
82 of the Department clearly show to the satisfaction of the Commissioner that such person has made a
83 material false statement on any application or certification made for a commercial driver's license. The
84 Department shall take such action within 30 days after discovering such falsification.

85 E. The Department shall review the driving record of any person who applies for a Virginia
86 commercial driver's license, for the renewal or reinstatement of such license or for an additional
87 commercial classification or endorsement, including the driving record from all jurisdictions where,
88 during the previous 10 years, the applicant was licensed to drive any type of motor vehicle. If
89 appropriate, the Department shall incorporate information from such other jurisdictions' records into the
90 applicant's Virginia driving record, and shall make a notation on the applicant's driving record
91 confirming that such review has been completed and the date it was completed. The Department's
92 review shall include research through the Commercial Driver License Information System established
93 pursuant to the Commercial Motor Vehicle Safety Act and the National Driver Register in addition to
94 the driver record maintained by the applicant's previous jurisdictions of licensure. This research shall be
95 completed prior to the issuance, renewal, or reinstatement of a commercial driver's license or additional
96 commercial classification or endorsement.

97 § 46.2-345. Issuance of special identification cards; fee; confidentiality; penalties.

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

101 1. Application is made on a form prescribed by the Department and includes the applicant's full legal
102 name; year, month, and date of birth; sex; and residence address;

103 2. The applicant presents a birth certificate, *adoption decree*, or other evidence acceptable to the
104 Department of his name and date of birth;

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

107 4. The applicant does not hold a driver's license, commercial driver's license, temporary driver's
108 permit, learner's permit, or motorcycle learner's permit.

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

112 B. The fee for the issuance of an original or renewal special identification card is \$5. The fee for the
113 issuance of a duplicate or reissue of a special identification card is \$5. Persons 21 years old or older
114 may be issued a scenic special identification card for an additional fee of \$5.

115 C. Every special identification card shall expire on the last day of the month of birth of the applicant
116 in years in which the applicant attains an age exactly divisible by five. At no time shall any special
117 identification card be issued for less than three nor more than seven years, except under the provisions
118 of subsection B of § 46.2-328.1 and except that those cards issued to children under the age of 15 shall
119 expire on the child's sixteenth birthday, thereafter the special identification card may be renewed on or
120 before the last day of the month of birth of the applicant and shall be valid for five years, expiring in

121 the next year in which the applicant's age is exactly divisible by five, except under the provisions of
122 subsection B of § 46.2-328.1.

123 D. A special identification card issued under this section may be similar in size, shape, and design to
124 a driver's license, and include a color photograph of its holder, but the card shall be readily
125 distinguishable from a driver's license and shall clearly state that it does not authorize the person to
126 whom it is issued to drive a motor vehicle.

127 E. Special identification cards, for persons at least 15 years old but less than 21 years old, shall be
128 immediately and readily distinguishable from those issued to persons 21 years old or older.
129 Distinguishing characteristics shall include unique design elements of the document and descriptors
130 within the photograph area to identify persons who are at least 15 years old but less than 21 years old.
131 These descriptors shall include the month, day, and year when the person will become 21 years old.

132 F. Special identification cards for persons under age 15 shall bear a full face photograph. The special
133 identification card issued to persons under age 15 shall be readily distinguishable from a driver's license
134 and from other special identification cards issued by the Department. Such cards shall clearly indicate
135 that it does not authorize the person to whom it is issued to drive a motor vehicle.

136 G. A valid Virginia driver's license may be surrendered for a special identification card without the
137 applicant's having to present proof of legal presence as required by § 46.2-328.1 if the Virginia driver's
138 license is unexpired and it has not been revoked, suspended, or cancelled. The special identification card
139 shall be considered a reissue and the expiration date shall be the last day of the month of the
140 surrendered driver's license's month of expiration.

141 H. Any personal information, as identified in § 2.2-3801, which is retained by the Department from
142 an application for the issuance of a special identification card is confidential and shall not be divulged to
143 any person, association, corporation, or organization, public or private, except to the legal guardian or
144 the attorney of the applicant or to a person, association, corporation, or organization nominated in
145 writing by the applicant, his legal guardian, or his attorney. This subsection shall not prevent the
146 Department from furnishing the application or any information thereon to any law-enforcement agency.

147 I. Any person who uses a false or fictitious name or gives a false or fictitious address in any
148 application for an identification card or knowingly makes a false statement or conceals a material fact or
149 otherwise commits a fraud in any such application shall be guilty of a Class 2 misdemeanor. However,
150 where the name or address is given, or false statement is made, or fact is concealed, or fraud committed,
151 with the intent to purchase a firearm or where the identification card is obtained for the purpose of
152 committing any offense punishable as a felony, a violation of this section shall constitute a Class 4
153 felony.

154 J. The Department may promulgate regulations necessary for the effective implementation of the
155 provisions of this section.

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