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SENATE BILL NO. 285

Offered January 9, 2008

Prefiled January 8, 2008

A *BILL to amend and reenact § 46.2-323 of the Code of Virginia, relating to application for driver's license; social security number.*

Patron—Wampler

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-323 of the Code of Virginia is 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 or other evidence, reasonably acceptable to the Department, of his name and date of birth.

Notwithstanding any of the other provisions stated herein, if any applicant for a driver's license states in writing that he has a bona fide religious objection to the use of his social security number for any reason other than social security purposes, certifies that he does not allow his social security number to be used for any purpose other than for social security taxes and benefits, and if he otherwise qualifies for a driver's license, then the Commissioner shall grant that applicant a driver's license. However, should the Commissioner have reasonable belief to question whether the applicant is in fact who he claims to be, then the Commissioner may use such other forms of identification as are necessary, including, but not limited to, biometric identification.

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.

E. The Department shall electronically transmit application information to the Department of State Police, in a format approved by the State Police, for comparison with information contained in the Virginia Criminal Information Network and National Crime Information Center Convicted Sexual Offender Registry Files, at the time of issuance of a driver's license, temporary driver's permit, learner's

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59 permit, or motorcycle learner's permit. Whenever it appears from the records of the State Police that a
60 person has failed to comply with the duty to register or reregister pursuant to Chapter 9 (§ 9.1-900 et
61 seq.) of Title 9.1, the State Police shall promptly investigate and, if there is probable cause to believe a
62 violation has occurred, obtain a warrant or assist in obtaining an indictment charging a violation of
63 § 18.2-472.1 in the jurisdiction in which the person made application of licensure.