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**HOUSE BILL NO. 1690**

Offered January 14, 2009

Prefiled December 31, 2008

*A BILL to amend and reenact § 46.2-345 of the Code of Virginia, relating to exchange of a Virginia driver's license for a special identification card by persons at least 70 years old.*

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 Referred to Committee on Transportation
 

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**Be it enacted by the General Assembly of Virginia:****1. That § 46.2-345 of the Code of Virginia is amended and reenacted as follows:**

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

A. On the application of any person who is a 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:

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

2. The applicant presents a birth certificate or other evidence acceptable to the Department of his name and date of birth;

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

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

Persons 70 years of age or older may exchange a valid Virginia driver's license for a special identification card at no fee, *nor shall the requirements of subdivisions 2 and 4 of this subsection apply to the exchange of a Virginia driver's license for a special identification card.* Special identification cards subsequently issued to such persons shall be subject to the regular fees for special identification cards.

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

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

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

E. Special identification cards, for persons at least 15 years old but less 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 and descriptors within the photograph area to identify persons who are at least 15 years old but less than 21 years old. These descriptors shall include the month, day, and year when the person will become 21 years old.

F. Special identification cards for persons under age 15 shall bear a full face photograph. The special identification card issued to persons under age 15 shall be readily distinguishable from a driver's license and from other special 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. A valid Virginia driver's license may be surrendered for a special identification card without the applicant's having to present proof of legal presence as required by § 46.2-328.1 if the Virginia driver's license is unexpired and it has not been revoked, suspended, or cancelled. The special identification card shall be considered a reissue and the expiration date shall be the last day of the month of the surrendered driver's license's month of expiration.

H. Any personal information, as identified in § 2.2-3801, which is retained by the Department from

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59 an application for the issuance of a special identification card is confidential and shall not be divulged to  
60 any person, association, corporation, or organization, public or private, except to the legal guardian or  
61 the attorney of the applicant or to a person, association, corporation, or organization nominated in  
62 writing by the applicant, his legal guardian, or his attorney. This subsection shall not prevent the  
63 Department from furnishing the application or any information thereon to any law-enforcement agency.

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

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

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

76 L. The Department shall electronically transmit application information to the Department of State  
77 Police, in a format approved by the State Police, for comparison with information contained in the  
78 Virginia Criminal Information Network and National Crime Information Center Convicted Sexual  
79 Offender Registry Files, at the time of issuance of a special identification card. Whenever it appears  
80 from the records of the State Police that a person has failed to comply with the duty to register or  
81 reregister pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the State Police shall promptly  
82 investigate and, if there is probable cause to believe a violation has occurred, obtain a warrant or assist  
83 in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the person  
84 made application for the special identification card.