Department of Planning and Budget
2020 Fiscal Impact Statement

1. **Bill Number:** SB34ER

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

2. **Patron:** Surovell

3. **Committee:** Passed Both Houses

4. **Title:** Driver privilege cards; penalty

5. **Summary:** This bill authorizes the issuance of new driver privilege cards by the Department of Motor Vehicles to an applicant or dependent who (i) has reported income from Virginia sources on an individual tax return filed with the Commonwealth in the preceding 12 months and (ii) is not in violation of the insurance requirements for the registration of an uninsured motor vehicle. The bill provides that driver privilege cards shall confer the same privileges and shall be subject to the same provisions as driver's licenses and permits; however, driver privilege cards shall not (a) confer voting privileges, (b) permit an individual to waive any part of the driver examination, or (c) have their issuance be contingent upon the applicant's ability to produce proof of legal presence in the United States. The bill limits the release of certain information stored by the Department. The bill provides for the term "driver's license" to consistently refer to all driver's licenses, permits and driver privilege cards issued by the Commonwealth or the comparable law of another jurisdiction. The bill allows the issuance of a limited-duration driver's license and special identification card to an applicant presenting valid documentary evidence that a federal court or federal agency having jurisdiction over immigration has authorized the applicant to be in the United States for a period of at least 30 days from the date of application. The bill authorizes the Tax Commissioner to provide to the Commissioner of the Department information sufficient to verify that an applicant for a driver privilege card or permit reported income from Virginia sources on an individual tax return filed with the Commonwealth in the preceding 12 months. The bill has a delayed effective date of January 1, 2021.

6. **Budget Amendment Necessary**: No. The budget approved by the General Assembly provided funding of $4.7 million in nongeneral funds each year and 42 MEL for the Department of Motor Vehicles, and $50,000 in general fund support for the Corrections Special Reserve Fund Deposit.

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

8. **Fiscal Implications:** In 2016, the Department of Motor Vehicles (DMV) conducted the Driving Credentials for Resident Immigrants Study upon request of the General Assembly. The stakeholders proposed legislation on the best implementation method should the General Assembly choose to provide driving credentials for resident immigrants. Stakeholders

included immigrant community representatives, law enforcement representatives, social and fiscal research entities, judicial representatives, and other agency representatives.

In November 2018, the Pew Research Center released updated 2016 population estimates concerning Virginia's undocumented immigrant population. Based on this information, DMV estimates approximately 272,494 undocumented immigrants in Virginia may be eligible to obtain a driver privilege card (DPC) or permit (i.e. they are at least 15 years old) if implemented in FY 2021. Based on the study, it was anticipated that DMV would require an additional 85 full-time employees in the first year of implementation.

The bill includes a $50 fee for both an original issue and a reissued DPC. At this time, total revenue is indeterminate since it is dependent on the number of individuals who ultimately apply for DPCs.

DMV will work with the Virginia Department of Taxation to develop a verification system to report on the tax return status of applicants. The necessary sophistication of this system and cost for development is yet to be determined.

To complete changes to DMV's information systems to implement the bill will cost $121,482 and require 2,040 staff hours. Another $50,000-$60,000 would be required for DMV's vendor to modify the existing non-REAL ID driver's license in order to issue the new credential. The bill has a delayed effective date of January 1, 2021 to give DMV and its vendor sufficient time to make the system changes.

Modifying the types of documents that may be accepted for obtaining licenses, permits or identifications through the Department of Motor Vehicles may increase the opportunity for individuals to commit a fraud or false statement. As a result, the proposal may increase the number of felony convictions under § 46.2-105. However, existing data do not provide sufficient detail to estimate the number of new felony convictions that could result from enactment of the proposal. Therefore, the impact on prison bed space needs cannot be determined and Chapter 854 of the 2019 Acts of Assembly requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of $50,000.

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

10. **Technical Amendment Necessary:** No.

11. **Other Comments:** None.