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HOUSE BILL NO. 1454

Offered January 18, 2024

A *BILL to amend and reenact §§ 46.2-328.1 and 46.2-328.3 of the Code of Virginia, relating to limited-duration licenses and driver privilege cards and permits; expiration.*

Patrons—Lopez, Shin, Tran, Clark, Henson, McClure, Rasoul and Simonds

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-328.1 and 46.2-328.3 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-328.1. Licenses, permits, and special identification cards to be issued only to United States citizens, legal permanent resident aliens, or holders of valid unexpired nonimmigrant visas; exceptions; renewal, duplication, or reissuance.

A. Notwithstanding any other provision of this title, except as provided in subsection G of § 46.2-345, the Department shall not issue an original license, permit, or special identification card to any applicant who has not presented to the Department, with the application, valid documentary evidence that the applicant is either (i) a citizen of the United States, (ii) a legal permanent resident of the United States, (iii) a conditional resident alien of the United States, (iv) an approved applicant for asylum in the United States, (v) an entrant into the United States in refugee status, or (vi) a citizen of the Federated States of Micronesia, the Republic of Palau, or the Republic of the Marshall Islands, collectively known as the Freely Associated States.

B. Notwithstanding the provisions of subsection A and the provisions of §§ 46.2-330 and 46.2-345, an applicant who presents in person valid documentary evidence that a federal court or federal agency having jurisdiction over immigration has authorized the applicant to be in the United States or an applicant for a REAL ID credential who provides evidence of temporary lawful status in the United States as required pursuant to the REAL ID Act of 2005, as amended, and its implementing regulations may be issued a limited-duration license, permit, or special identification card. Such limited-duration license, permit, or special identification card shall be valid only during the period of time of the applicant's authorized stay in the United States or if there is no definite end to the period of authorized stay a period of one year consistent with the duration of validity of a driver's license as provided in § 46.2-330. No license, permit, or special identification card shall be issued if an applicant's authorized stay in the United States is less than 30 days from the date of application. Any limited-duration license, permit, or special identification card issued pursuant to this subsection shall clearly indicate that it is valid for a limited period and shall state the date that it expires. Such a limited-duration license, permit, or special identification card may be renewed only upon presentation of valid documentary evidence that the status by which the applicant qualified for the limited-duration license, permit, or special identification has been extended by a federal court or federal agency having jurisdiction over immigration.

C. Any license, permit, or special identification card for which an application has been made for renewal, duplication, or reissuance shall be presumed to have been issued in accordance with the provisions of subsection A, provided that, at the time the application is made, (i) the license, permit, or special identification card has not expired or been cancelled, suspended, or revoked or (ii) the license, permit, or special identification card has been canceled or suspended as a result of the applicant having been placed under medical review by the Department pursuant to § 46.2-322. The requirements of subsection A shall apply, however, to a renewal, duplication, or reissuance if the Department is notified by a local, state, or federal government agency that the individual seeking such renewal, duplication, or reissuance is neither a citizen of the United States nor legally in the United States.

D. The Department shall cancel any license, permit, or special identification card that it has issued to an individual if it is notified by a federal government agency that the individual is neither a citizen of the United States nor legally present in the United States.

E. For any applicant who presents a document pursuant to this section proving legal presence other than citizenship, the Department shall record and provide to the State Board of Elections monthly the applicant's document number, if any, issued by an agency or court of the United States government.

§ 46.2-328.3. Driver privilege cards and permits.

A. Upon application of any person who does not meet the requirements for a driver's license or permit under subsection A or B of § 46.2-328.1, the Department may issue to the applicant a driver privilege card or permit if the Department determines that the applicant (i) has reported income and

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59 deductions from Virginia sources, as defined in § 58.1-302, or been claimed as a dependent, on an
60 individual income tax return filed with the Commonwealth in the preceding 12 months and (ii) is not in
61 violation of the insurance requirements set forth in Article 8 (§ 46.2-705 et seq.) of Chapter 6.

62 B. Driver privilege cards and permits shall confer the same privileges and shall be subject to the
63 same provisions of this title as driver's licenses and permits issued under this chapter, unless otherwise
64 provided, and shall be subject to the following conditions and exceptions:

65 1. The front of a driver privilege card or permit shall be identical in appearance to a driver's license
66 or permit that is not a REAL ID credential and the back of the card or permit shall be identical in
67 appearance to the restriction on the back of a limited-duration license, permit, or special identification
68 card;

69 2. An applicant for a driver privilege card or permit shall not be eligible for a waiver of any part of
70 the driver examination provided under § 46.2-325;

71 3. An applicant for a driver privilege card or permit shall not be required to present proof of legal
72 presence in the United States;

73 4. ~~A driver privilege card or permit shall expire on the applicant's second birthday following the date~~
74 ~~of issuance be valid for a period of time consistent with the validity of driver's licenses as provided in~~
75 ~~§ 46.2-330;~~

76 ~~5.~~ The fee for an original driver privilege card or permit shall be \$50. The Department may issue,
77 upon application by the holder of a valid, unexpired card or permit issued under this section, and upon
78 payment of a fee of \$50, another driver privilege card or permit that shall be valid for a period of two
79 years from the date of issuance. The amount paid by an applicant for a driver privilege card or other
80 document issued pursuant to this chapter shall be considered privileged information for the purposes of
81 § 46.2-208. No applicant shall be required to provide proof of compliance with clauses (i) and (ii) of
82 subsection A for a reissued, renewed, or duplicate card or permit; and

83 ~~6.~~ 5. Any information collected pursuant to this section that is not otherwise collected by the
84 Department or required for the issuance of any other driving credential issued pursuant to the provisions
85 of this chapter and any information regarding restrictions in the Department's records related to the
86 issuance of a credential issued pursuant to this section shall be considered privileged. Notwithstanding
87 the provisions of § 46.2-208, such information shall not be released except upon request by the subject
88 of the information, the parent of a minor who is the subject of the information, the guardian of the
89 subject of the information, or the authorized representative of the subject of the information, or pursuant
90 to a court order.

91 C. The Department shall not release the following information relating to the issuance of a driver
92 privilege card or permit, except upon request by the subject of the information, the parent of a minor
93 who is the subject of the information, the guardian of the subject of the information, or the authorized
94 representative of the subject of the information, or pursuant to a court order, (i) proof documents
95 submitted for the purpose of obtaining a driver privilege card or permit, (ii) the information in the
96 Department's records indicating the type of proof documentation that was provided, or (iii) applications.

97 The Department shall release only to any federal, state, or local governmental entity, local
98 government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, or
99 court, or the authorized agent of any of the foregoing, information related to the issuance of a driver
100 privilege card or permit, the release of which is not otherwise prohibited by this section, that is required
101 for a requester to carry out the requester's official functions if the requester provides the individual's
102 name and other sufficient identifying information contained on the individual's record. Any such release
103 shall be in accordance with the requirements of § 46.2-208.

104 **2. That the Department of Motor Vehicles shall, upon reissuance of a limited-duration license or**
105 **driver privilege card or permit, implement the extended validity periods for such documents**
106 **pursuant to this act. Nothing in this act shall be construed to require the Department of Motor**
107 **Vehicles to replace valid, non-expired documents.**