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SENATE BILL NO. 151

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Transportation
on February 22, 2024)

(Patron Prior to Substitute—Senator Suetterlein)

A BILL to amend and reenact § 46.2-345.2 of the Code of Virginia, relating to the Department of Motor Vehicles; fees.

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-345.2 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-345.2. Issuance of special identification cards without photographs; fee; confidentiality; penalties.

A. On the application of any person with a sincerely held religious belief prohibiting the taking of a photograph who is a resident of the Commonwealth and who is at least 15 years of age, the Department shall issue a special identification card without a photograph to the person, provided that:

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; social security number; sex; and residence address. Applicants shall be permitted to choose between "male," "female," or "non-binary" when designating the applicant's sex on the application form;

2. The applicant presents, when required by the Department, proof of identity, legal presence, residency, and social security number or non-work authorized status;

3. The applicant presents an approved and signed U.S. Department of the Treasury Internal Revenue Service (IRS) Form 4029 or if such applicant is a minor, the applicant's parent or legal guardian presents an approved and signed IRS Form 4029; and

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

B. The fee for the issuance of an original, duplicate, ~~or~~ reissue, *or renewal* special identification card without a photograph is ~~\$10~~ \$2 per year, with a ~~\$20~~ \$10 minimum fee.

C. Every special identification card without a photograph shall expire on the applicant's birthday at the end of the period of years for which a special identification card without a photograph has been issued. At no time shall any special identification card without a photograph be issued for more than eight years. Notwithstanding these limitations, the Commissioner may extend the validity period of an expiring card if (i) the Department is unable to process an application for re-issue due to circumstances beyond its control or (ii) the extension has been authorized under a directive from the Governor. However, in no event shall the validity period be extended more than 90 days per occurrence of such conditions.

D. A special identification card without a photograph issued under this section may be similar in size, shape, and design to a driver's license and shall not include a photograph of its holder. The card shall be readily distinguishable from a driver's license and shall clearly state that federal limits apply, that the card is not valid identification to vote, and that the card does not authorize the person to whom it is issued to drive a motor vehicle. Every applicant for a special identification card without a photograph shall appear in person before the Department to apply for a duplicate or reissue unless specifically permitted by the Department to apply in another manner.

E. Unless otherwise prohibited by law, a valid Virginia driver's license or special identification card shall be surrendered for a special identification card without a photograph without the applicant's having to present proof of legal presence as required by § 46.2-328.1 if the Virginia driver's license or special identification card is unexpired and has not been revoked, suspended, or canceled. The special identification card without a photograph shall be considered a reissue, and the expiration date shall be the last day of the month of the surrendered driver's license's or special identification card's month of expiration.

F. Any personal information, as identified in § 2.2-3801, that is retained by the Department from an application for the issuance of a special identification card without a photograph is confidential and shall not be divulged to any person, association, corporation, or organization, public or private, except to the legal guardian or the attorney of the applicant or to a person, association, corporation, or organization nominated in writing by the applicant, his legal guardian, or his attorney. This subsection shall not prevent the Department from furnishing the application or any information thereon to any law-enforcement agency.

G. Any person who uses a false or fictitious name or gives a false or fictitious address in any application for a special identification card without a photograph or knowingly makes a false statement or conceals a material fact or otherwise commits a fraud in any such application is guilty of a Class 2

60 misdemeanor. However, where the special identification card without a photograph is obtained for the
61 purpose of committing any offense punishable as a felony, a violation of this section shall constitute a
62 Class 4 felony.

63 H. When requested by the applicant, the applicant's parent if the applicant is a minor, or the
64 applicant's guardian, and upon presentation of a signed statement by a licensed physician confirming the
65 applicant's condition, the Department shall indicate on the applicant's special identification card without
66 a photograph that the applicant has any condition listed in subsection K of § 46.2-342.

67 I. The Department shall establish a method by which an applicant for an original, reissued, or
68 renewed special identification card without a photograph may indicate his blood type. If the applicant
69 chooses to indicate his blood type, the Department shall make a notation of this designation on his
70 special identification card without a photograph and in his record. Such notation on the special
71 identification card without a photograph shall only be used by emergency medical services agencies in
72 providing emergency medical support. Upon written request of the license holder or his legal guardian to
73 have the designation removed, the Department shall issue the special identification card without a
74 photograph without such designation upon the payment of applicable fees.

75 Notwithstanding any other provision of law, the Department shall not disclose any data collected
76 pursuant to this subsection except to the subject of the information and by designation on the special
77 identification card without a photograph. Nothing herein shall require the Department to verify any
78 information provided for the designation. No action taken by any person, whether private citizen or
79 public officer or employee, with regard to any blood type designation displayed on a special
80 identification card without a photograph, shall create a warranty of the reliability or accuracy of the
81 document or electronic image, nor shall it create any liability on the part of the Commonwealth or of
82 any department, office, or agency or of any officer, employee, or agent thereof.

83 J. Unless the Code specifies that a photograph is required, a special identification card without a
84 photograph shall be treated as a special identification card.