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SENATE BILL NO. 151

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Finance and Appropriations
on January 23, 2024)

(Patron Prior to Substitute—Senator Suetterlein)

A *BILL to amend and reenact §§ 32.1-273 and 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 §§ 32.1-273 and 46.2-345.2 of the Code of Virginia are amended and reenacted as follows:

§ 32.1-273. Fees for certified copies, searches of files, etc.; disposition.

A. The Board shall prescribe the fee, not to exceed \$12, for a certified copy of a vital record or for a search of the files or records when no copy is made and may establish a reasonable fee schedule related to its cost for information or other data provided for research, statistical or administrative purposes. Whenever any veteran or his survivor requires a certified copy of a vital record to obtain service-connected benefits, one copy of such record shall be provided directly to the U.S. Department of Veterans Affairs upon their request and one copy shall be provided to the veteran or his surviving spouse, upon request. Upon request of the surviving spouse of a veteran, the funeral director or funeral service licensee providing funeral services for the veteran may obtain one certified copy of the death certificate for service-connected benefits. No charge shall be imposed upon a veteran or his survivor for a copy related to obtaining service-connected benefits.

B. Fees collected under this section by the State Registrar shall be transmitted to the Comptroller for deposit. Two dollars of each fee collected by the State Registrar shall be deposited by the Comptroller into the Vital Statistics Automation Fund established pursuant to § 32.1-273.1 for so long as shall be authorized. Ten dollars of each fee shall be credited to a special fund to be appropriated by the General Assembly, as it deems necessary, for the purpose of carrying out the provisions of this chapter. When the Vital Statistics Automation System is completed, no further deposits into the fund shall be made and all fees collected under this section not credited to the special fund created by this subsection shall be deposited into the general fund of the state treasury.

C. The Department of Motor Vehicles shall collect a fee of \$12 for each certified copy of a vital record that it issues and shall transmit all such fees to the State Registrar on a monthly basis to ensure that the State Registrar recovers all costs associated with the issuance of certified copies of vital records at Department of Motor Vehicles facilities. In addition, for each certified copy of a vital record that it issues, the Department of Motor Vehicles shall collect a processing fee of \$2 as provided in § 46.2-205.2. *Notwithstanding other provisions of this section, the Commissioner and the Commissioner of the Department of Motor Vehicles may enter into an agreement under which the Department of Motor Vehicles retains a portion of the \$12 fee collected pursuant to this subsection in lieu of collecting a \$2 processing fee. Any such retained portion of the \$12 fee shall be paid into the state treasury and set aside as provided in § 46.2-205.2.*

D. Fees collected under this section by county and city registrars shall be deposited in the general fund of the county or city except that counties or cities operating health departments pursuant to the provisions of § 32.1-31 shall forward all such fees to the Department for deposit in the cooperative local health services fund.

E. Fees assessed against local departments of social services for furnished copies of vital records as needed to administer public assistance and social services programs, as defined in § 63.2-100, shall be payable on a quarterly basis.

§ 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

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

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

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

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

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

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

93 G. Any person who uses a false or fictitious name or gives a false or fictitious address in any
94 application for a special identification card without a photograph or knowingly makes a false statement
95 or conceals a material fact or otherwise commits a fraud in any such application is guilty of a Class 2
96 misdemeanor. However, where the special identification card without a photograph is obtained for the
97 purpose of committing any offense punishable as a felony, a violation of this section shall constitute a
98 Class 4 felony.

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

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

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

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