

## VIRGINIA ACTS OF ASSEMBLY — CHAPTER

*An Act to amend and reenact §§ 32.1-272, 32.1-273, 46.2-328.3, 46.2-332, 46.2-333.1, 46.2-335, 46.2-345, 46.2-345.2, and 46.2-345.3 of the Code of Virginia, relating to homeless youth; fees; certain government documents.*

[H 1617]

Approved

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 32.1-272, 32.1-273, 46.2-328.3, 46.2-332, 46.2-333.1, 46.2-335, 46.2-345, 46.2-345.2, and 46.2-345.3 of the Code of Virginia are amended and reenacted as follows:**

**§ 32.1-272. Certified copies of vital records; other copies.**

A. In accordance with § 32.1-271 and the regulations adopted pursuant thereto, the State Registrar or a district health department shall, upon receipt of a written request, issue a certified copy of any vital record in the custody of the State Registrar or of a part thereof.

The Commissioner of the Department of Motor Vehicles shall be authorized to issue a certified copy of a birth, death, marriage, or divorce vital record, or a part thereof, in the custody of the State Registrar.

Such vital records in the State Registrar's custody may be in the form of originals, photoprocessed reproductions or data filed by electronic means.

Each copy issued shall show the date of registration. Any copy issued from a record marked "delayed" or "amended," except a record amended pursuant to subsection F of this section or subsection E of § 32.1-269, shall be similarly marked and show the effective date.

Certified copies may be issued by county and city registrars only while the original record is in their possession, except that at the option of the county or city registrar true and complete copies of death certificates may be retained and certified copies of such records may be issued by the county or city registrar.

B. A certified copy of a vital record or any part thereof issued in accordance with subsection A shall be considered for all purposes the same as the original and shall be prima facie evidence of the facts therein stated, provided that the evidentiary value of a vital record filed more than one year after the event or a vital record which has been amended shall be determined by the judicial or administrative body or official before whom the certificate is offered as evidence.

C. The federal agency responsible for national vital statistics may be furnished such copies or other data from the system of vital records as it may require for national statistics if such federal agency shares in the cost of collecting, processing and transmitting such data. Such data may be used for research and medical investigations of public health importance. No other use of such data shall be made by the federal agency unless authorized by the State Registrar.

D. Other federal, state and local, public or private agencies or persons in the conduct of their official duties may, upon request and payment of a reasonable fee, be furnished copies or other data from the system of vital records for statistical or administrative purposes upon such terms or conditions as may be prescribed by the Board. Such copies or other data shall not be used for purposes other than those for which they were requested unless so authorized by the State Registrar.

In promulgating regulations relating to the terms or conditions for public or private agencies or persons obtaining copies of death certificates in the conduct of their official duties, the Board shall include within its definition of "legal representative" (i) any attorney licensed to practice law in Virginia, upon presentation of his bar number and evidence of need to obtain such copy; and (ii) any funeral director or funeral service licensee licensed to practice by the Board of Funeral Directors and Embalmers, upon presentation of evidence to so practice and evidence of being in charge of final disposition of the registrant's dead human remains or cremains or evidence of need to obtain such copy.

E. No person shall prepare or issue any certificate which purports to be an original or certified copy of a vital record except as authorized in this chapter or regulations adopted hereunder.

F. Certified copies of birth records filed before July 1, 1960, containing statements of racial designation on the reverse thereof shall be issued without such statement as a part of the certification; nor for this purpose solely shall such certification be marked "amended."

Any American Indian or Native American whose certified copy of a birth record filed before July 1, 1960, contains a racial designation that is incorrect may obtain, without paying a fee, one certified copy of his birth record from which such incorrect racial designation has been removed. Such certification shall not be marked "amended" solely for this reason.

G. With the increased fees to be charged for vital records and the additional deposits to the Vital Statistics Automation Fund, the Board of Health shall establish, within the district health departments, a statewide

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system for decentralizing certification of vital records, when such records are prepared or issued from data in the custody of the State Registrar and the Board of Health. Such system shall include the Department of Motor Vehicles pursuant to the authorization in subsection A.

*H. Any homeless youth, as described in subdivision A 7 of § 22.1-3, may obtain, without paying a fee, a certified copy of his birth record.*

**§ 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.

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.

*F. No fees shall be assessed against homeless youth, as described in subdivision A 7 of § 22.1-3, for a furnished copy of a vital record.*

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

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

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

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

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

4. A driver privilege card or permit shall expire on the applicant's second birthday following the date of issuance;

5. The fee for an original driver privilege card or permit shall be \$50, *except no such fee shall be assessed against homeless youth, as described in subdivision A 7 of § 22.1-3.* The Department may issue, upon application by the holder of a valid, unexpired card or permit issued under this section, and upon payment of a fee of \$50, another driver privilege card or permit that shall be valid for a period of two years from the date of issuance. The amount paid by an applicant for a driver privilege card or other document issued pursuant to this chapter shall be considered privileged information for the purposes of § 46.2-208. No applicant shall be required to provide proof of compliance with clauses (i) and (ii) of subsection A for a reissued, renewed, or

duplicate card or permit; and

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

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

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

#### § 46.2-332. Fees.

A. The fee for each driver's license other than a commercial driver's license shall be \$2.40 per year, *except no such fee shall be assessed against homeless youth, as described in subdivision A 7 of § 22.1-3*. This fee shall not apply to driver privilege cards or permits issued under § 46.2-328.3. If the license is a commercial driver's license or seasonal restricted commercial driver's license, the fee shall be \$6 per year. For any one or more driver's license endorsements or classifications, except a motorcycle classification, there shall be an additional fee of \$1 per year; for a motorcycle classification, there shall be an additional fee of \$2 per year. For any and all driver's license classifications, there shall be an additional fee of \$1 per year. For any revalidation of a seasonal restricted commercial driver's license, the fee shall be \$5. A fee of \$10 shall be charged to extend the validity period of a driver's license pursuant to subsection B of § 46.2-221.2.

B. An applicant who is younger than 18 years of age who does not successfully complete the knowledge portion of the driver's license examination shall not be permitted to take the knowledge portion more than once in 15 days.

C. A fee of \$50 shall be charged each time an applicant for a commercial driver's license fails to keep a scheduled skills test appointment, unless such applicant cancels his appointment with the assigned driver's license examiner at least 24 hours in advance of the scheduled appointment. The Commissioner may, on a case-by-case basis, waive such fee for good cause shown. All such fees shall be paid by the Commissioner into the state treasury and set aside as a special fund to be used to meet the necessary expenses incurred by the Department.

D. If the applicant for a driver's license is an employee of the Commonwealth, or of any county, city, or town who drives a motorcycle or a commercial motor vehicle solely in the line of his duty, he shall be exempt from the additional fee otherwise assessable for a motorcycle classification or a commercial motor vehicle endorsement. The Commissioner may prescribe the forms as may be requisite for completion by persons claiming exemption from additional fees imposed by this section.

E. No additional fee above \$2.40 per year shall be assessed for the driver's license or commercial driver's license required for the operation of a school bus.

F. One dollar and 50 cents of all fees collected for each original or renewal driver's license, other than a driver privilege card issued under § 46.2-328.3, shall be paid into the driver education fund of the state treasury and expended as provided by law. Unexpended funds from the driver education fund shall be retained in the fund and be available for expenditure in ensuing years as provided therein.

G. All fees for motorcycle classifications shall be distributed as provided in § 46.2-1191.

H. This section shall supersede conflicting provisions of this chapter.

#### § 46.2-333.1. Surcharges on certain fees of Department; disposition of proceeds.

Notwithstanding any contrary provision of this chapter, there are hereby imposed, in addition to other fees imposed by this chapter, the following surcharges in the following amounts:

1. For the issuance of any driver's license other than a commercial driver's license, or a driver privilege card issued under § 46.2-328.3, \$1.60 per year of validity of the license, *except no such fee shall be imposed on homeless youth, as described in subdivision A 7 of § 22.1-3*;

2. For the issuance of any commercial driver's license, \$1 per year of validity of the license;

3. For the reissuance or replacement of any driver's license, \$5; and

4. For the reinstatement of any driver's license, \$15.

All surcharges collected by the Department under this section shall be paid into the state treasury and shall be set aside as a special fund to be used to support the operation and activities of the Department's customer service centers.

**§ 46.2-335. Learner's permits; fees; certification required.**

A. The Department, on receiving from any Virginia resident over the age of 15 years and six months an application for a learner's permit or motorcycle learner's permit, may, subject to the applicant's satisfactory documentation of meeting the requirements of this chapter and successful completion of the written or automated knowledge and vision examinations and, in the case of a motorcycle learner's permit applicant, the automated motorcycle test, issue a permit entitling the applicant, while having the permit in his immediate possession, to drive a motor vehicle or, if the application is made for a motorcycle learner's permit, a motorcycle, on the highways, when accompanied by any licensed driver 21 years of age or older or by his parent or legal guardian, or by a brother, sister, half-brother, half-sister, step-brother, or step-sister 18 years of age or older. The accompanying person shall be (i) alert, able to assist the driver, and actually occupying a seat beside the driver or, for motorcycle instruction, providing immediate supervision from a separate accompanying motor vehicle and (ii) lawfully permitted to operate the motor vehicle or accompanying motorcycle at that time.

The Department shall not, however, issue a learner's permit or motorcycle learner's permit to any minor applicant required to provide evidence of compliance with the compulsory school attendance law set forth in Article 1 (§ 22.1-254 et seq.) of Chapter 14 of Title 22.1, unless such applicant is in good academic standing or, if not in such standing or submitting evidence thereof, whose parent or guardian, having custody of such minor, provides written authorization for the minor to obtain a learner's permit or motorcycle learner's permit, which written authorization shall be obtained on forms provided by the Department and indicating the Commonwealth's interest in the good academic standing and regular school attendance of such minors. Any minor providing proper evidence of the solemnization of his marriage or a certified copy of a court order of emancipation shall not be required to provide the certification of good academic standing or any written authorization from his parent or guardian to obtain a learner's permit or motorcycle learner's permit.

Such permit, except a motorcycle learner's permit, shall be valid until the holder thereof either is issued a driver's license as provided for in this chapter or no longer meets the qualifications for issuance of a learner's permit as provided in this section. Motorcycle learner's permits shall be valid for 12 months. When a motorcycle learner's permit expires, the permittee may, upon submission of an application, payment of the application fee, and successful completion of the examinations, be issued another motorcycle learner's permit valid for 12 months.

Any person 25 years of age or older who is eligible to receive an operator's license in Virginia, but who is required, pursuant to § 46.2-324.1, to be issued a learner's permit for 60 days prior to his first behind-the-wheel exam, may be issued such learner's permit even though restrictions on his driving privilege have been ordered by a court. Any such learner's permit shall be subject to the restrictions ordered by the court.

B. No driver's license shall be issued to any such person who is less than 18 years old unless, while holding a learner's permit, he has driven a motor vehicle for at least 45 hours, at least 15 of which were after sunset, as certified by his parent, foster parent, or legal guardian unless the person is married or otherwise emancipated. Such certification shall be on a form provided by the Commissioner and shall contain the following statement:

"It is illegal for anyone to give false information in connection with obtaining a driver's license. This certification is considered part of the driver's license application, and anyone who certifies to a false statement may be prosecuted. I certify that the statements made and the information submitted by me regarding this certification are true and correct."

Such form shall also include the driver's license or Department of Motor Vehicles-issued identification card number of the person making the certification.

C. No learner's permit shall authorize its holder to operate a motor vehicle with more than one passenger who is less than 21 years old, except when participating in a driver education program approved by the Department of Education or a course offered by a driver training school licensed by the Department. This passenger limitation, however, shall not apply to the members of the driver's family or household as defined in subsection B of § 46.2-334.01.

D. No learner's permit shall authorize its holder to operate a motor vehicle between midnight and four o'clock a.m.

E. A violation of subsection C or D shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a motor vehicle, nor shall anything in this subsection change any existing law, rule, or procedure pertaining to any such civil action.

F. The provisions of §§ 46.2-323 and 46.2-334 relating to evidence and certification of Virginia residence and, in the case of persons of school age, compliance with the compulsory school attendance law shall apply,

mutatis mutandis, to applications for learner's permits and motorcycle learner's permits issued under this section.

G. For persons qualifying for a driver's license through driver education courses approved by the Department of Education or courses offered by driver training schools licensed by the Department, the application for the learner's permit shall be used as the application for the driver's license.

H. The Department shall charge a fee of \$3 for each learner's permit and motorcycle learner's permit issued under this section, *except no such fee shall be charged for homeless youth, as described in subdivision A 7 of § 22.1-3*. Fees for issuance of learner's permits shall be paid into the driver education fund of the state treasury; fees for issuance of motorcycle learner's permits, other than permits issued under § 46.2-328.3, shall be paid into the state treasury and credited to the Motorcycle Rider Safety Training Program Fund created pursuant to § 46.2-1191. It is unlawful for any person, after having received a learner's permit, to drive a motor vehicle without being accompanied by a licensed driver as provided in the foregoing provisions of this section; however, a learner's permit other than a motorcycle learner's permit, accompanied by documentation verifying that the driver is at least 16 years and three months old and has successfully completed an approved driver's education course, signed by the minor's parent, guardian, legal custodian or other person standing in loco parentis, shall constitute a temporary driver's license for the purpose of driving unaccompanied by a licensed driver 18 years of age or older, if all other requirements of this chapter have been met. Such temporary driver's license shall only be valid until the driver has received his permanent license pursuant to § 46.2-336.

I. Nothing in this section shall be construed to permit the issuance of a learner's permit entitling a person to drive a commercial motor vehicle, except as provided by the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

J. The following limitations shall apply to operation of motorcycles by all persons holding motorcycle learner's permits:

1. The operator shall wear an approved safety helmet as provided in § 46.2-910.
2. Operation shall be under the immediate supervision of a person licensed to operate a motorcycle who is 21 years of age or older.

3. No person other than the operator shall occupy the motorcycle.

K. Any violation of this section is punishable as a Class 2 misdemeanor.

**§ 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, the parent of any such person who is under the age of 18, or the legal guardian of any such person, the Department shall issue a special identification card 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 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, motorcycle learner's permit, or special identification card without a photograph.

Persons 70 years of age or older may exchange a valid Virginia driver's license for a special identification card at no fee. 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, duplicate, reissue, or renewal special identification card is \$2 per year, with a \$10 minimum fee, *except no such fee shall be assessed against homeless youth, as described in subdivision A 7 of § 22.1-3*. 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 applicant's birthday at the end of the period of years for which a special identification card has been issued. At no time shall any special identification card be issued for less than three nor more than eight 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. 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 renewal due to circumstances beyond its control, (ii) the extension has been authorized under a directive from the Governor, and (iii) the card was not issued as a temporary special identification card under the provisions of subsection B of § 46.2-328.1. However, in no event shall the validity period be extended more than 90 days per occurrence of such conditions. Any special identification card issued to a person required to register pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 shall expire on the applicant's birthday in years which the applicant attains an age equally divisible by five. For each person required to register pursuant to Chapter 9 of Title 9.1, the

Department may not waive the requirement that each such person shall appear for each renewal or the requirement to obtain a photograph in accordance with subsection C of § 46.2-323.

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 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. Every applicant for a special identification card shall appear in person before the Department to apply for a renewal, duplicate or reissue unless specifically permitted by the Department to apply in another manner.

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. Unless otherwise prohibited by law, a valid Virginia driver's license shall be surrendered upon application 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 an application for the issuance of a special identification card 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.

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

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

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

L. When requested by the applicant, the applicant's parent if the applicant is a minor, or the applicant's guardian, and upon presentation of a signed statement by a licensed physician confirming the applicant's condition, the Department shall indicate on the applicant's special identification card that the applicant has any condition listed in subsection K of § 46.2-342 or that the applicant is blind or vision impaired.

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

Notwithstanding any other provision of law, the Department shall not disclose any data collected pursuant to this subsection except to the subject of the information and by designation on the special identification card. Nothing herein shall require the Department to verify any information provided for the designation. No action taken by any person, whether private citizen or public officer or employee, with regard to any blood type designation displayed on a special identification card, shall create a warranty of the reliability or

accuracy of the document or electronic image, nor shall it create any liability on the part of the Commonwealth or of any department, office, or agency or of any officer, employee, or agent thereof.

**§ 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, reissue, or renewal special identification card without a photograph is \$2 per year, with a \$10 minimum fee, *except no such fee shall be assessed against homeless youth, as described in subdivision A 7 of § 22.1-3.*

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

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

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

Department shall issue the special identification card without a photograph without such designation upon the payment of applicable fees.

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

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

**§ 46.2-345.3. Issuance of identification privilege cards; fee; confidentiality; penalties.**

A. Upon application of any person who does not hold a status that is eligible for a special identification card under subsections A and B of § 46.2-328.1, the parent of any such person who is under the age of 18, or the legal guardian of any such person, the Department may issue an identification privilege card to any resident of the Commonwealth, provided that:

1. Application is made on a form prescribed by the Department;

2. The applicant presents, when required by the Department, proof of identity, residency, and social security number or individual taxpayer identification number;

3. The Department determines that the applicant has reported income and deductions from Virginia sources, as defined in § 58.1-302, or has been claimed as a dependent, on an individual income tax return filed with the Commonwealth in the preceding 12 months; and

4. The applicant does not hold a credential issued under this chapter.

Persons 70 years of age or older may exchange a valid Virginia driver privilege card for an identification privilege card at no fee. Identification privilege cards subsequently issued to such persons shall be subject to the regular fees for identification privilege cards.

B. The fee for the issuance of an original, duplicate, reissue, or renewal identification privilege card is \$25, *except no such fee shall be assessed against homeless youth, as described in subdivision A 7 of § 22.1-3*. The amount paid by an applicant for an identification privilege card shall be considered privileged information for the purposes of § 46.2-208.

C. An original identification privilege card shall expire on the applicant's fourth birthday following the date of issuance. Duplicate, reissue, or renewal identification privilege cards shall be valid for a period of four years from the date of issuance. No applicant shall be required to provide proof of compliance with subdivision A 3 for a duplicate, reissue, or renewal identification privilege card. Those cards issued to children under the age of 15 shall expire on the child's sixteenth birthday.

Notwithstanding the provisions of this subsection, the Commissioner may extend the validity period of an expiring card if (i) the Department is unable to process an application for renewal due to circumstances beyond its control and (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. An identification privilege card issued under this section may be similar in size, shape, and design to a driving credential and include a photograph of its holder, but the card shall be readily distinguishable from a driving credential and shall clearly state that it does not authorize the person to whom it is issued to drive a motor vehicle. Every applicant for an identification privilege card shall appear in person before the Department to apply for a renewal, duplicate, or reissue unless specifically permitted by the Department to apply in another manner. The front of an identification privilege card shall be identical in appearance to a special identification card issued under § 46.2-345, and the back of the card shall be identical in appearance to the restriction on the back of a limited-duration special identification card.

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

F. Identification privilege cards for persons under age 15 shall bear a full-face photograph. The identification card issued to persons under age 15 shall be readily distinguishable from a driving credential and from other 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. Any information collected pursuant to this section that is not otherwise collected by the Department or required for the issuance of any other special identification card issued pursuant to the provisions of this chapter and any information regarding restrictions in the Department's records related to the issuance of a credential issued pursuant to this section shall be considered privileged. Notwithstanding the provisions of § 46.2-208, such information shall not be released except upon request by the subject of the information, the



parent of a minor who is the subject of the information, the guardian of the subject of the information, or the authorized representative of the subject of the information or pursuant to a court order.

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

H. Any person who uses a false or fictitious name or gives a false or fictitious address in any application for an identification privilege card 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 misdemeanor. However, where the name or address is given, or false statement is made, or fact is concealed, or fraud committed, for the purpose of committing any offense punishable as a felony, a violation of this section shall constitute a Class 4 felony.

I. When requested by the applicant, the applicant's parent if the applicant is a minor, or the applicant's guardian, and upon presentation of a signed statement by a licensed physician confirming the applicant's condition, the Department shall indicate on the applicant's identification privilege card that the applicant has any condition listed in subsection K of § 46.2-342 or that the applicant is blind or vision impaired.

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

Notwithstanding any other provision of law, the Department shall not disclose any data collected pursuant to this subsection except to the subject of the information and by designation on the identification privilege card. Nothing herein shall require the Department to verify any information provided for the designation. No action taken by any person, whether private citizen or public officer or employee, with regard to any blood type designation displayed on an identification privilege card, shall create a warranty of the reliability or accuracy of the document or electronic image, nor shall it create any liability on the part of the Commonwealth or of any department, office, or agency or of any officer, employee, or agent thereof.

K. Unless the context of the Code provides otherwise, an identification privilege card shall be treated as a special identification card.